

Strasbourg, 24 October 2017

DH-SYSC(2016)012REV

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

COMMITTEE OF EXPERTS ON THE SYSTEM OF THE
EUROPEAN CONVENTION ON HUMAN RIGHTS
(DH-SYSC)

**Information on the implementation of Recommendation Rec(2004)4
of the Committee of Ministers on the European Convention on
Human Rights in university education and professional training /**

**Informations sur la mise en œuvre de la Recommandation Rec(2004)4
du Comité des Ministres sur la Convention européenne des droits
de l'homme dans l'enseignement universitaire
et la formation professionnelle**

Introduction

1. According to specific task v) of its terms of reference, the Committee of experts on the system of the European Convention on Human Rights is invited to “submit, if appropriate, proposals to the Committee of Ministers regarding the following recommendation[...] (deadline: 31 December 2017):

- Recommendation Rec(2004)4 on the Convention in university education and professional training, along with the development of guidelines on good practice in respect of human rights training for legal professionals; [...].”

2. At its 9th meeting, the Committee of experts on the reform of the Court (DH-GDR) agreed that preparatory work would mainly be carried out by the Secretariat, based on various sources of information, notably national reports on the implementation of the Brighton Declaration, the Court’s case-law, and information from the HELP network (see appendix III of the report of the 9th meeting of the DH-GDR, doc. DH-GDR(2015)R9). In the framework of a questionnaire that the HELP Secretariat was going to address to the HELP network, specific questions were prepared with regard to the implementation of Recommendation Rec(2004)4 (see the questionnaire as appended to the present compilation).

3. In accordance with the decisions taken at the 2nd DH-SYSC meeting (see Item 7, § 27-31 of the meeting report of the DH-SYSC, doc. DH-SYSC (2016)R2), the Secretariat prepared the present compilation, containing information provided by member States in the framework of their national reports concerning the implementation of the Brighton and Brussels Declaration, regarding in particular its paragraphs 9 c (iv) – (vi)¹, as well as information received from members of the HELP network.²

* * *

1. Selon la tâche spécifique v) de son mandat, le Comité d’experts sur le système de la Convention européenne des droits de l’homme est invité à « soumettre, le cas

¹ “9. The Conference therefore: [...]

c) In particular, expresses the determination of the States Parties to ensure effective implementation of the Convention at national level by taking the following specific measures, so far as relevant: [...]

iv) Enabling and encouraging national courts and tribunals to take into account the relevant principles of the Convention, having regard to the case law of the Court, in conducting proceedings and formulating judgments; and in particular enabling litigants, within the appropriate parameters of national judicial procedure but without unnecessary impediments, to draw to the attention of national courts and tribunals any relevant provisions of the Convention and jurisprudence of the Court;

v) Providing public officials with relevant information about the obligations under the Convention; and in particular training officials working in the justice system, responsible for law enforcement, or responsible for the deprivation of a person’s liberty in how to fulfill obligations under the Convention;

vi) Providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors; and [...].”

² The HELP Network consists of HELP Focal points and Info points. HELP Focal points liaise between the HELP Secretariat and the national training institutions. They act as a contact person for judges and prosecutors regarding Human Rights training. HELP Info points liaise between the HELP Secretariat and the national bar associations.

échéant, des propositions au Comité des Ministres concernant [...] (échéance 31 décembre 2017).

- La Recommandation Rec(2004)4 sur la Convention dans l'enseignement universitaire et la formation professionnelle, ainsi que le développement de lignes directrices sur les bonnes pratiques en matière de formation aux droits de l'homme des professionnels du droit; [...] ».

2. Lors de sa 9^{ème} réunion, le Comité d'experts sur la réforme de la Cour (DH-GDR) est convenu que les travaux préparatoires seront effectués essentiellement par le Secrétariat sur la base de diverses sources d'information, notamment les rapports nationaux sur la mise en œuvre de la Déclaration de Brighton, la jurisprudence de la Cour, ainsi que des informations provenant du réseau HELP (voir annexe III du rapport de la 9^{ème} réunion du DH-GDR, doc. DH-GDR(2015)R9). Dans le cadre d'un questionnaire que le Secrétariat HELP allait adresser au réseau HELP, des questions spécifiques ont été préparées en ce qui concerne la mise en œuvre de la Recommandation Rec(2004)4 (voir le questionnaire, annexé à la présente compilation).

3. Conformément aux décisions prises lors de la 2^{ème} réunion du DH-SYSC (voir Point 7, § 27-31 du rapport de réunion du DH-SYSC, doc. DH-SYSC (2016)R2), le Secrétariat a préparé la présente compilation contenant des informations fournies par les Etats membres dans le cadre de leurs rapports nationaux sur la mise en œuvre des Déclarations de Brighton et Bruxelles, en ce qui concerne en particulier ses paragraphes 9 c (iv) – (vi)³, ainsi que des informations reçues par les membres du réseau HELP.⁴

* * *

³ « 9. En conséquence, la Conférence : [...] »

c) exprime en particulier la détermination des Etats parties à veiller à la mise en œuvre effective de la Convention au niveau national, en prenant les mesures spécifiques suivantes, s'il y a lieu :

iv) encourager les juridictions et instances nationales à tenir compte des principes pertinents de la Convention, eu égard à la jurisprudence de la Cour, lorsqu'elles conduisent leurs procédures et élaborent leurs décisions, et leur en donner les moyens ; et en particulier, permettre aux parties au litige - dans les limites appropriées de la procédure judiciaire nationale, mais sans obstacles inutiles - d'attirer l'attention des juridictions et instances nationales sur toutes dispositions pertinentes de la Convention et la jurisprudence de la Cour ;

v) donner aux agents publics les informations nécessaires sur les obligations imposées par la Convention ; et en particulier dispenser aux agents travaillant dans le système judiciaire, responsables de l'application des lois ou des mesures privatives de liberté, une formation sur la manière de remplir les obligations imposées par la Convention ;

vi) veiller à ce que des informations et une formation appropriées sur la Convention soient intégrées dans la formation théorique et pratique et dans le développement professionnel des juges, des avocats et des procureurs ; et [...] »

⁴ Le réseau HELP consiste en des points de contact HELP et des points info HELP. Les points de contact assurent la liaison entre le Secrétariat HELP et les institutions de formation nationales. Ils agissent comme personnes de contact pour les juges et procureur concernant les formations en matière de droits de l'homme. Les points info HELP assurent la liaison entre le Secrétariat HELP et les conseils nationaux des barreaux.

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ALBANIA/ALBANIE

Excerpt from the national report on the implementation of the Brussels Declaration
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Some of the steps undertaken by the State Advocate Office, before and during the proceedings before the European Court are:

- Cooperating with local offices of the Council of Europe through HELP programme for study visits in the Court and the Council, to educate further Albanian judges and jurists professionally;
- Cooperating with the School of Magistrates for the involvement of judgements of the European Court of Human Rights in the curricula of this school for initial and continuous training of prospect magistrates and current magistrates on the findings of the Court and latest developments in the framework of the Convention;

Once the judgement of the European Court is issued:

- Forwarding the judgements of the Court to the School of Magistrates in order to include them in the curricula of this institution for the initial and continuous professional training of magistrates and prosecutors of the Republic of Albania;

**TRAINING ACTIVITIES ON HUMAN RIGHTS FOR JUDGES AND
PROSECUTORS IN SERVICE
PERIOD: APRIL 2015-DECEMBER 2016**

21-22 July 2015	Assistance on better protection regarding Article 10 (Freedom of Expression) of ECHR, through implementation of the standards of European Court of Human Rights.	21 participants
<u>20-21 Oct 2015</u>	Assistance on better protection regarding Article 10 (Freedom of Expression) of ECHR, through implementation of the standards of European Court of Human Rights.	14 participants
16-17 Mar 2016	<u>Human Rights.</u>	14 participants
29-30 Mar 2016	<u>Understanding and correct application of article 3 of ECHR and domestic legislation on this field.</u>	10 participants
27 May 2016	Asylum law. (with administrative law judges)	18 participants
15-16 June 2016	<u>Applicability of the constitutional principle of ne bis in idem in the viewpoint of the ECHR (article 4 of Protocol no.7).</u>	25 participants
<u>24 tetor 2016</u>	Direct application of the convention on elimination of all forms of discrimination against women (CEDAW). Role of the court and the justice system.	10 participants
<u>25 Oct 2016</u>	Direct application of the convention on elimination of all forms of discrimination against women (CEDAW). Role of the court and the justice system.	22 participants
<u>26 Oct</u>	ECtHR case law regarding the rights of disabled persons. UN	23

<u>2016</u>	convention and the Albanian legislation regarding disabled persons and the role of the justice system.	participants
<u>27 Oct 2016</u>	ECtHR case law regarding the rights of disabled persons. UN convention and the Albanian legislation regarding disabled persons and the role of the justice system.	30 participants
<u>31 Oct 2016</u>	ECtHR case law regarding the rights of disabled persons. UN convention and the Albanian legislation regarding disabled persons and the role of the justice system.	25 participants
<u>31 Oct 2016</u>	Legal framework of the marginalized group's rights, focusing on the women and girls. Istanbul convention on the domestic violence and the role of the justice system.	21 participants
<u>1 Nov 2016</u>	Legal framework of the marginalized group's rights, focusing on the women and girls. Istanbul convention on the domestic violence and the role of the justice system.	15 participants
<u>1 Nov 2016</u>	ECtHR case law regarding the rights of disabled persons. UN convention and the Albanian legislation regarding disabled persons and the role of the justice system.	13 participants
<u>3 Nov 2016</u>	ECtHR case law regarding the rights of disabled persons. UN convention and the Albanian legislation regarding disabled persons and the role of the justice system.	26 participants
<u>9-10 Nov 2016</u>	I. Practical cases regarding the application of ECHR. 1. ECtHR case law and the Albanian legislation on property rights in framework of legal changes; 2. ECtHR case law and the Albanian legislation on article 5 and 14 of the ECHR; 3. ECtHR case law and the Albanian legislation on articles 6 and 13 of the ECHR.	15 participants

ANDORRA/ANDORRE

Excerpt from the national report on the implementation of the Brussels Declaration
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The Andorran Bar association organizes regularly training courses addressed to law professionals on how to prepare an application before the ECtHR with the objective to explain the scope and limits of the Convention's protection together with admissibility criteria. The last one took place on 03/12/2015 with the participation of 60 law professionals.

b) 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 Human Rights Education for Legal Professionals (HELP) programme of the Council of Europe, as well as to the training programmes of the Court and to its publications;

Members of the Andorran Parliament who are members of the Andorran delegation to the Parliamentary Assembly of the Council of Europe (PACE) have already been active in their role of monitoring the Government's action with regard to the execution of some ECtHR judgements. Only recently, in relation to the only case pending of execution, parliamentarians questioned in several occasion the Government's plan of action. Such a monitoring function help to pressure the Government to find a solution for the case. Furthermore, it is important to note that most of the Andorran judges and prosecutors come regularly to the Council of Europe as expert members of a variety of committees, like the DB-BIO, CCPE, CCJE, CDPC, PC-OC, CDCJ, CEPEJ. All these experts from the judiciary (judges and prosecutors) are very familiar with the Convention system and, more especially, with the work of the ECtHR. Finally, Andorra has already initiated some contacts with the HELP programme to explore the possibility to participate in the organized courses offered to Spanish and French professionals.

c) promote, in this regard, study visits and traineeships at the Court for judges, lawyers and national officials in order to increase their knowledge of the Convention system;

The possibility to organize study visits and traineeships at the Court is currently being assessed. No results have yet been reported.

ARMENIA/ARMENIA

Excerpt from the national report on the implementation of the Brighton Declaration
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Enabling and encouraging national courts and the litigants to take into account the relevant principles of the Convention and the jurisprudence of the Court

The curriculum of newly founded Justice Academy, that among the others, trains candidates for judges, acting judges, prosecutors and investigators has a special course designed for studying the Convention and the Court's jurisprudence. In addition, the RA Ministry of Justice **coordinates the process of publication and dissemination of the Information Notes regarding the Case-law of the Court (the Information Notes). This monthly publications contain summaries of cases pertaining particular interest both for general public an professionals of the field. To make the Information Notes as widely accessible as possible, translated** versions of them are published on the official website of the RA Ministry of Justice of the.⁵ Furthermore, since 2002 the Armenian Judges Association has published rune volumes of the Court's judgments concerning different articles of the Convention.⁶ Finally, during the recent years, there is a widely spread tendency in the domestic judicial practice to make reference to the Court's jurisprudence.

In addition, a special project "Strengthening the application of the European Convention on Human Rights and the case law of the European Court of Human Rights in Armenia" funded by Denmark Ministry of Foreign Affairs has been launched in cooperation with the Council of Europe.⁷ One of the components of this project is to strengthen the capacity of the Cassation Court to ensure a uniform application of European human rights standards at national level. For these purposes the judges of Cassation Court and their assistants will be provided with training seminars, as well as workshops on European human rights standards that will enable and encourage them to apply relevant principles of the Convention and the Court's jurisprudence.

Publication and dissemination of the Court's judgments in respect of Armenia

All the final judgments brought in respect of Armenia are translated and published on the RA Ministry of Justice official website.⁸ Relevant authorities involved are provided with respective information about the obligations assumed by the Republic of Armenia under the Convention (in particular, judges, prosecutors, civil servants, police officers, bailiffs, etc.). In each case a judgment is delivered in respect of Armenia by the Court, relevant law enforcement agencies and officials in the justice system are provided with trainings on how to fulfil the requirements under the Convention and other related issues. In particular, a study of the Court's case-law was included in the training curricula of the Judicial School, as well as in the Prosecutor's School and the Public Service Training Courses. Currently, the respective training curricula of the newly established Justice Academy, the Police Academy, as well as the Law Institute of Ministry of Justice have special training courses on the Convention and the Court's case-law. Particularly, the Justice Academy provides trainings for acting judges and

⁵ <http://moj.am/page/informationnotes>

⁶ www.datavor.am

⁷ http://www.coe.int/t/dgi/hr-natimplement/projects/armenia_stenghtening_application_ECHRandCaseLaw_en.asp

⁸ http://moj.am/legal/browse/p/judgements_of_european_court/

candidates for judges, prosecutors and candidates for prosecutors, investigators, as well as other public officials. The Law Institute provides trainings for penitentiary officials and civil servants. As regards the Police Academy, these courses are provided for police officers and students who study at the Academy. Furthermore, the Police Academy has a separate training course on the CPT standards. Finally, relevant courses on the Convention and the Court's jurisprudence are included in the academic programs of higher education institutions of Armenia.

Excerpt from the national report on the implementation of the Brussels Declaration
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With reference to point 1(b) and (c) of Chapter B of the Brussels Declaration

Giving a greater emphasis to increasing the knowledge of respective professionals of the field on the Convention system, continues efforts are made to raise awareness of public officials, lawyers, etc., in particular, through organizing periodic professional trainings and seminars, as well as by promoting study visits and traineeships at the Court.

In this regard, the respective training curricula of the Justice Academy, the Police Academy, the Law Institute of Ministry of Justice, as well as academic programs developed for lawyers have special training courses on the Convention and the Court's case-law. In particular, the Justice Academy provides trainings for judges and candidates for judges, prosecutors and candidates for prosecutors, investigators and candidates for investigators, as well as other public officials. The Law Institute provides trainings for penitentiary officials and civil servants. As regards the Police Academy, these courses are provided for police officers and students who study at the Academy. Finally, relevant courses on the Convention and the Court's jurisprudence are included in the academic programs of higher education institutions of Armenia.

Justice Academy: The relevant courses on the Convention and the Court's case-law are an integral part of the vocational and in-service trainings of judges and candidates for judges, prosecutors and candidates for prosecutors, investigators and candidates for investigators. The common core curriculum of the Academy for 2015-2016 included the following courses on the Convention and the Court's case-law: "The Fundamentals of the ECtHR Jurisprudence and Contemporary Trends"; "Contemporary Issues of the ECtHR in Civil Cases"; "Contemporary Issues of the ECtHR in Administrative Cases"; "ECtHR Case-law in the Framework of Protection of the Property"; "The ECtHR Case-law in Civil Procedure"; "Contemporary Issues of the ECtHR in Criminal Cases". It is to be noted that issues in respect of the Convention and the Court's case-law have been subject for discussion during other courses as well.

Police Academy: Based on the proposals made by the Office of the Government Agent before the European Court of Human Rights, as well as by the Ministry of Justice, separate mandatory subjects ("The CPT and the UNCAT Standards", "The European Court of Human Rights Judgments Finding Violation of Article 3 of the Convention delivered in respect of Armenia") have been included in the academic curriculum of the Police Academy. Specific topics such as safeguards against ill-treatment of persons detained by the Police, specificities on holding detained persons at the Police, the standards of record keeping, standards of investigation of alleged ill-treatment cases at

the Police, the standards on material conditions of places of holding arrestees and/or detainees, etc., will be taught in the framework of these subjects with the purpose of increasing both the academic knowledge and the professionalism of the Police staff in the respective field. Furthermore, the issues in respect of the Convention and the Court's case-law are studied and discussed during different courses taught at the Police Academy, such as "European Law"; "Human Rights and the Police"; "Fundamentals of Human Rights"; "Ensuring Fundamental Rights and Freedoms of Human and Citizen during Police Activities", etc.

Chamber of Advocates and School of Advocates: For each academic semester, the curriculum of trainings for advocates includes mandatory courses on the Convention and the Court's case-law. In this framework, targeted courses have been organized in respect of different rights enshrined under the Convention (e.g. Freedom of expression, Right to a fair trial, Prohibition of discrimination, Right to liberty and security). Giving particular importance to the role of advocates for lodging applications before the Court, specific courses on the admissibility criteria, engagement of the advocate in the Court's proceedings, practical skills for lodging applications before the Court, the capacity building of advocates and human rights defenders for applying Convention standards at national level, etc. have been organized as well. Furthermore, a video conference, with the participation of Council of Europe experts, was held during which the recent judgments of the Court in respect of Armenia have been discussed.

Recourse to the HELP program and the Court's publications: As it is mentioned in the 2015-2018 Action Plan of the Council of Europe for Armenia, the co-operation initiated with the national training institutions for legal professionals - the Justice Academy, the School of Advocates and the Chamber of Advocates - under the auspices of HELP enables the judges, prosecutors, lawyers, investigators, and judicial assistants to have better access to human rights training. Selected training courses and materials on the Convention and Court's case-law were already prepared and disseminated, a pool of trainers was established and seminars were organized. In this context, in June 2016 a pilot distance-learning course, relevant to the introduction on the Convention and the Court's case-law, was launched for a group of 11 participants in the Justice Academy. Furthermore, the experts and professors of the Justice Academy take part in developing of courses, manuals and guidelines in the framework of the HELP program.

According to the information provided by the Chamber of Advocates, the latter and the School of Advocates use the practical and theoretical materials published on the HELP platform in the course of the trainings for advocates. It is to be noted as well that 2015-2018 Action Plan of the Council of Europe for Armenia specifies that the cooperation in this regard, will be continued, with a particular focus on the development and adaptation of HELP distance-learning courses, to increase the training possibilities on human rights.

Apart from the information mentioned hereinabove, it should be emphasized as well that Armenian authorities are closely cooperating with the European and international organizations in the framework of specific projects. In this context, professional trainings, seminars, round-table discussions have been organized for targeted groups, as well as training manuals have been published under auspices of different projects. For example:

- In the framework of the Council of Europe project on “Strengthening the Application of the European Convention on Human Rights and the Case-law of the European Court of Human Rights in Armenia” training manuals, related to the Court’s case-law, have been developed regarding 4 courses and published. Furthermore, a series of trainings, seminars and discussions have been organized which touched upon different articles of the Convention and the Court’s case-law in that respect.
- In the context of another multi-year Council of Europe and European Union joint project “Supporting the Criminal Justice Reform and Combating Ill-treatment and Impunity in Armenia” training materials have been elaborated by national and international experts on 4 courses. In this framework 4 sets of training-of-trainers were organized in June 2016. During the trainings both the national and international experts introduced to the participants the study materials regarding these 4 courses, as well as the specific teaching methodology thereof. In the framework of the same project, another training manual on “Admissibility of Evidence in the Course of Criminal Proceedings in the Light of the European Court of Human Rights Case-law” has been developed as well.
- Another Council of Europe and European Union project “Penitentiary Reform – Strengthening Healthcare and Human Rights Protection in Prisons in Armenia” (2015-2017) aimed at, inter alia; improving the capacity of the penitentiary staff of applying the relevant European prison standards is being implemented. In this framework, training courses on “Human Rights and Medical Ethics” and “Health Promotion and Prevention Measures” have already been developed based on which the training courses for about 800 employees of Penitentiary Service will be implemented.

Study visits and traineeships: Turning to the issue of promoting study visits and traineeships at the Court, as well as fostering the exchange of information and best practices with other State Parties the following is worth emphasizing. Within the framework of the Council of Europe project "Strengthening the Application of the European Convention on Human Rights and the Case-law of the European Court of Human Rights in Armenia" a visit to Brussels and Strasbourg was organized in July 2015. The representatives from Executive and Judiciary met the Representative of the Belgian Government at the European Court of Human Rights and the Staff thereof. Issues relating to organization of the activities with the Court, preparation and submission of the government positions as well as execution of judgments were discussed. The delegation members also met with the representatives of the Constitutional Court of the Kingdom of Belgium. In Strasbourg the delegation members participated in the Grand Chamber hearings. Meetings were held with the Council of Europe Commissioner for Human Rights, representatives of the Council of Europe anti-torture Committee, European Commission against Racism and Intolerance and Department for the Execution of the European Court of Human Rights Judgments. During the meetings the legal position of the mentioned organizations on the legal system of the Republic of Armenia and the peculiarities of effective fulfillment thereof, as well as issues relating to the process of execution the Court’s judgments were discussed. The Council of Europe institutions highly appreciated the co-operation with

the Republic of Armenia and expressed confidence that such practice will result in considerable achievements in the human rights sector.

In the framework of the project “Penitentiary Reform - Strengthening Healthcare and Human Rights Protection in Prisons in Armenia” (2015-2017) health-care service specialists of the Penitentiary Service of the Republic of Armenia participated in a seminar concerning prison health-care services which was held in Madrid, Spain in October 2015. In addition, representatives of the Penitentiary Service took part in training courses for exchange of experience, on the development of the system of health-care services of penitentiary institutions, professional training courses for medical and non-medical staff of penitentiary institutions, as well as in training courses on material equipment of prisons, held in Stockholm, Kingdom of Sweden, in June 2016.

In November 2015 the “Euro Conseils” and “European Arbitration Chamber” organized a study visit to Paris and Strasbourg for judges, lawyers of Chamber of Advocates and the staff of the Ministry of Justice on the Human Rights and Alternative Dispute Resolution Matters. Program included very useful practical studies in respect of Human Rights and Alternative Dispute Resolution. During the trip to Strasbourg the participants examined the activity of the Court, participated in the hearings, as well as increased their knowledge of the Convention system.

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

- Only general issues are studied in the framework of university education
- Professional training is the platform where the goals of concrete right, freedom or article enshrined in ECHR or interpreted in judgments of ECtHR can be achieved.
- For example, at the School of Advocates future advocates are taught how to write an application to ECtHR, how to use the HUDOC database and other relevant documents, including HELP platform.
- Different topics of articles are taught for advocates and future advocates.
- The main difficulty is the lack of documents in Armenian.

2. Are they offered as **optional disciplines** to those who wish to specialize?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

- Optional disciplines are offered.
- For example, before starting monthly training the Chamber of Advocates put on its website the schedule of monthly training for advocates, which includes a minimum of 10 topics.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

- Yes, at the School of Advocates.
- If the person wants to study at the School of Advocates, he or she has to take a test, which consists of questions of different sphere of law, including ECHR articles and ECtHR decisions.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

- Yes, but they mainly focus on articles, like Article 5, 6, 13.

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

-Yes.

- For example, human rights basic education are offered by institutions, like Yerevan State University, Russian-Armenian (Slavonic) University, American University of Armenia, French University.
 - Additional education or training for advocates, judges, prosecutors is offered by the School of Advocates, The Justice Academy.
- Training institutions for advocates are different: The School of Advocates, The Chamber of Advocates, ABA, OSCE, COE Armenian representation etc.

6. Is training delivered **by persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

- We do not face with lack of adequate trainer.
- They are mainly persons who have a case at ECtHR.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

- With the COE assistance many classes have been organized for trainers, people who are willing to know, use the core knowledge of ECHR, ECtHR.
- For example at the School of advocates, the course “Prohibition of discrimination” is taught by two specialists who, at the same time, are COE experts in related fields.

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

- Yes, many think-tanks encourage broad use of Conventional articles.
9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?
No information available.
10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?
- Yes.
 - For example, The School of Advocates and French University in Armenia have organized discussion, conference on topic “Surrogacy law, problems”.

Many university students from time to time have a visit to the School of Advocates where they are introduced any relevant question to become an advocate.

AUSTRIA/AUTRICHE

Excerpt from the national report on the implementation of the Brighton Declaration
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9c(v) “Providing public officials with relevant information about the obligations under the Convention; and in particular training officials working in the justice system, responsible for law enforcement, or responsible for the deprivation of a person’s liberty in how to fulfil obligations under the Convention”

9c(vi) “Providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors”

As the Convention has been given the status of a constitutional law in Austria, it is a mandatory component of all Austrian law schools’ curricula. Thus, the Convention and the judgments based thereon are part of the basic and further training of all Austrian jurists.

Human rights related courses are offered for the Federal Ministries’ staff as part of basic and further training courses. The Federal Ministry of the Interior e.g. offers a wide range of basic and further training programmes related directly or indirectly to human rights. Human rights are as well on the agenda of all training programmes within the judiciary. The Austrian Association of Judges and notably the specialised Human Rights Section (*Fachgruppe Menschenrechte*) is actively taking part in the training of judges by organising seminars, workshops, round tables and conferences. Law enforcement officers likewise undergo a mandatory human rights training in the framework of their education and training.

Regarding prison administration, the Prison Administration Academy has included human rights in its curriculum as from 2010. A representative pool of coaches and experts has been set up which is composed of renowned personalities from the prosecutor’s office, the police, the probation system, the media and NGOs. Compulsory human rights training for educational staff and the leadership of the Austrian correctional system was commenced in 2012.

Human rights education is also part of the training of civil servants in the provinces (*Laender*) as part of the basic civil service training. For example, the municipality of Vienna offers comprehensive training courses; human rights are part of the curriculum specifically designed for the individual departments and services and are also part of general training modules.

In addition, the ECtHR’s Factsheets are disseminated to all federal ministries via the human rights coordinators.

Information received from the HELP Network

Within the mandatory four year initial training period every future judge and future public prosecutor goes through special seminars also targeting on guardianship, on treatment of victims in court, on anti-racism and on anti-discrimination training. Fundamental and human rights as well as equal treatment and anti-discrimination rights are contents of the judicial examination, too (Art. 16 para. 4 point 6 RStDG).

Since 2008 future judges and public prosecutors have to pass a special curriculum within their initial training. This “Curriculum of Fundamental Rights” was developed by the Association of Judges (by a special unit for Fundamental Rights) in cooperation with the Ludwig Boltzmann Institute for Human Rights/Vienna, the European Training- and Research Centre for Human Rights and Democracy Graz (ETC) and the Austrian Institute for Human Rights Salzburg (ÖIM). It is organised as a three day seminar; in addition to that apprentice judges and public prosecutors have the possibility to participate in a study visit to the ECHR. To ensure the support of victims future judges and prosecutors are obliged to pass a two weeks internship at a victim protection facility.

Since 2008 there is a general legal obligation for Austrian judges and prosecutors to undertake continuous training (Art. 57 RStDG).

Austrian judges and prosecutors have the possibility to visit a range of seminars on this topic.

On European level the European Judicial Training Network (EJTN) is providing a wide range of seminars on the topic of fundamental rights for the target group judges and prosecutors.

1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a component of the common core curriculum of law and, as appropriate, political and administrative science degrees?

Please indicate the modalities as well as examples of good practice or possible difficulties encountered.

At the University of Vienna eg. The European and international law in general is taught in the extent of 36 Ects. At the Donau University Human Rights (90 Ects) are taught as a postgraduate study. (LLM)

Knowledge about appearing in international courts is part of the Austrian Bar Exam: § 20 Z 7 RAPG (Bar Examination Act).

2. Are they offered as optional disciplines to those who wish to specialize?

Please indicate the modalities as well as examples of good practice or possible difficulties encountered.

There are various national and international institutions in Austria that offer training concerning the European Convention on Human Rights and the case law of the Court for those who wish to specialize but we have no detailed data.

3. Are they a component of the preparation programmes of national or local examinations for access to the various legal professions and of the initial and continuous training provided to judges, prosecutors and lawyers?

Please indicate the modalities as well as examples of good practice or possible difficulties encountered.

Knowledge about appearing in international courts is part of the Austrian Bar Exam: § 20 Z 7 RAPG (Bar Examination Act) – special training on European Convention on Human Rights and the case law of the Court is not required.

AZERBAIJAN/AZERBAÏDJAN

Excerpt from the national report on the implementation of the Brussels Declaration

In the country, a special importance is given to learning the case law of European Convention on Human Rights and ECHR. The relevant courts are advised to organize learning the case law of the ECHR and to take it into consideration in court practice by the Decree of President of the Republic of Azerbaijan regarding the modernizing of the court system in the Republic of Azerbaijan dated 19 January 2017. The "National Action Program on Increasing Efficiency of Protection of Human Rights and Freedoms in the Republic of Azerbaijan" dated 2012, sets the essence of learning the case law of European Convention on Human Rights and ECHR further and in relation to that specific provisions are stipulated there and relevant measures have been implemented successfully.

In order to increase the potential of the Academy of Justice regarding holding of relevant trainings (the integration of European Convention on Human Rights component and methodology and means of Human Rights Education for Legal Professionals (HELP) to the curriculum), the Project named "Application of case law of European Convention on Human Rights and ECHR" is being implemented which is the part of 2014-2016 Action Plan of the Council of Europe for Azerbaijan.

In general, within the framework of the Project, 38 instructors are trained those consisting of 7 judges (1 from Court of First Instance, 2 from Court of Appeal and 4 from Supreme Court), 20 lawyers, 6 practitioner lawyers and 5 employee of Academy of Justice.

Various seminars were organized for selected instructors and they deepened their knowledge in the field of European Convention on Human Rights as well as their pedagogical practice.

17 Trainings (13 in Baku and 4 in regions) have been organized by the trained local instructors and foreign specialists during the years of 2015-2016 for 448 lawyers and 7 trainings were organized in 2016 for 150 judges with the topics of application of case law of European Convention on Human Rights and ECHR.

One of the objectives of the "Application of case law of European Convention on Human Rights and ECHR" Program was to apply the Human Rights Education for Legal Professionals (HELP).

Within the framework of the Co-operation Programme (PCF 2015-2017) for countries of Eastern Partnership, "Guide on the Article 5 of the Convention" was prepared and published in accordance with implementation of "Application of case law of European Convention on Human Rights and ECHR" Project which is the joint Programme of European Union and Council of Europe (The Guide was prepared by the Research Division of the ECHR). The tutorial was printed in 2500 copies considering to be used by judges, prosecutors, lawyers, and other lawyers who deal with legal issues in practice.

Relevant working group consisting of two international and three local experts was established in order to prepare the new HELP course in Azerbaijani language and renew the materials and means of the European Convention on Human Rights and HELP in Azerbaijani language. The instructor staff of the Justice Academy was also drew in for providing proposals and recommendations to materials that intend to be prepared. The Working Group considered the instruction materials regarding Article 5 of the European Convention on Human Rights as conclusion and the placement of it was decided to the HELP platform.

Contact persons were appointed for judges and lawyers on the HELP Programme of the Council of Europe. The main activities of those persons consist of promoting HELP Programme in Azerbaijan, making judges and lawyers to be familiar with opportunities of using the HELP Platform and operating national website of HELP Programme.

As well as, "Case law of the ECHR" section was created in the website of the Justice Academy. In this section, opportunities of viewing (in electronic form) the case law of the ECHR, judgements of the ECHR against Azerbaijan and literature on European Human Rights were created and put in use.

Specific provision was stipulated in the Joint Action Plan with Council of Europe regarding application of European Convention on Human Rights and case law of the ECHR which presented on May, 2014.

Within the Framework of this Plan, a two year project was successfully implemented regarding implementation of that provision. During the Project, as being the main counterpart, trainings were held for instructors, judges , prosecutors and lawyers in the Justice Academy, acquaintance visits were organised to the ECHR for judges and lawyers (40 judges paid a visit to the ECHR in the years of 2015-2016).

According to the agreement with the Council of Europe acquaintance visit are planned to the ECHR for candidate judges for this year.

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Although there is a module on Human Rights for all law students in Azerbaijan, the specific practice of the Court and its cases examined in the courses. The local tutors are not well specialized on this topic.

2. Are they offered as **optional disciplines** to those who wish to specialize? – No.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

No information concerning this.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?

No information regarding this.

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?

To the due date, the only organization which provides stable/permanent trainings is Council of Europe. Almost every month, the local representative office organizes trainings for lawyers (attorneys, judges, prosecutors etc.) with the help of local and foreign experts. The recent program, namely Human Rights Education for Legal Professionals (HELP), if well promoted, may become a cornerstone in the development of this field.

6. Is training delivered by **persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

Yes, the training is delivered by local and foreign professionals.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

One of the examples is the training for HELP tutors. The CoE conducted several times training for local professionals, gave final task and those who passed, received a certificate of HELP trainer.

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

Some student organizations, for instance ELSA, as well as NGOs, local branches of foreign organizations (GIZ) have had some initiatives in this field. Finally, the role of HELP must be emphasized as well.

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

No sufficient information available as to the way this is assessed. It appears that the assessment is made by state authorities and some international organizations (CoE, Transparency International).

10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

Nowadays, due to the high interest of International Organizations in Human Rights education, some of them conduct trainings in universities. In addition, , local NGOs which receive grants from abroad publish presentations and books on Human Rights education..

BELGIUM/BELGIQUE

Extrait du rapport national sur la mise en œuvre de la Déclaration de Bruxelles

Les actions de sensibilisation et de formation aux droits de l'homme sont investies de manière différenciée par les différentes autorités publiques. Certains professionnels jouissent à la fois d'une formation initiale et d'une formation continuée systématisée, très développée où les compétences relatives aux droits de l'homme sont attendues et évaluées. C'est le cas par exemple des enseignants ou des avocats spécialisés en droit de la jeunesse de certains niveaux de pouvoir ou des animateurs des écoles de devoirs et centres de vacances à d'autres niveaux.

Un travail est accompli pour amplifier, systématiser ou renforcer ces actions vis-à-vis des corps de métiers appropriés. La boîte à outils du Conseil de l'Europe pour informer les agents publics des obligations de l'Etat au regard de la Convention a été largement diffusée en 2014.

Point 1 : L'enseignement au sein de la formation professionnelle

(a) La police fédérale belge

S'agissant de la formation générale des policiers, le respect des droits de l'homme est « le fil conducteur » de leur formation, étalée sur toute leur carrière. L'interdiction de la torture et des traitements cruels, inhumains et dégradants ainsi que, d'une manière générale, les enseignements tirés de la jurisprudence nationale, européenne et internationale - comme ceux issus des arrêts de la Cour notamment -, sont intégrés dans plusieurs modules de la formation de base et continuée des services de police.

Plus globalement, les policiers sont formés concernant le cadre normatif national (droit pénal, statut de la police, Code de déontologie) et international (notamment, la CEDH et les normes du CPT) balisant toute leur action. Les articles 417^{ter} et *quater* du Code pénal se réfèrent aux actes perpétrés par « *un officier ou un fonctionnaire public, un dépositaire ou un agent de la force publique agissant à l'occasion de l'exercice de ses fonctions* », étant une circonstance aggravante des infractions de torture et de traitement inhumain. Quant au Code de déontologie distribué à tous les policiers, il leur rappelle leur obligation de respect et protection des droits de l'homme et interdit explicitement les traitements inhumains et dégradants (voyez ses points 13, 51 et 62 – ce dernier interdit d'obtenir des aveux ou des informations en ayant recours à la violence, aux mauvais traitements ou manœuvres immorales).

La formation policière demeure une priorité. Ainsi, la Police poursuit ses efforts dans ce domaine et continue à renforcer – à tous les niveaux – les formations de son personnel et les actions de sensibilisation en matière de droits fondamentaux, en mettant un accent particulier sur le volet pratique.

Les membres du personnel des services de police concernés sont également formés, tant dans le cadre de leur formation de base que de leur formation continuée, à adopter dans l'exercice de leurs missions d'accueil, d'assistance et d'intervention sur le terrain une attitude adaptée à l'égard du public spécifique que constituent les enfants et les mineurs d'âge.

Enfin, il est enseigné aux policiers, durant leur formation de base, comment intervenir et effectuer les constatations lors d'infractions aux lois contre la discrimination et le racisme. Des formations continuées sont organisées sur le cadre légal et l'application de ces lois⁹.

Les policiers suivent aussi des formations sur la gestion de la diversité et le dialogue interculturel. Une Convention existe entre le Centre interfédéral pour l'égalité des chances et la Police fédérale, sur base de laquelle le Centre dispense de nombreuses formations à la police et des activités conjointes sont menées.

L'arrêté ministériel du 10/12/2002 intitulé « Règlement général des études » prévoit que l'enseignement des principes de la Convention européenne des droits de l'homme est inclus dans la formation des policiers belges.

On y explique, notamment, les droits et les libertés des citoyens en fonction de la Constitution et du droit international ainsi que le rôle et la place de la police dans une société multiculturelle. A cet égard, on décrit aux policiers ce qu'il faut entendre par « éthique policière ». On met également l'accent sur les influences culturelles dans la communication avec les personnes d'autres cultures et d'autres groupes ethniques.

Est enseignée aux policiers la manière d'effectuer un contrôle, une fouille, une privation de liberté, de manière modérée en respectant les prescriptions légales et réglementaires à cet égard.

Par ailleurs, les policiers doivent pouvoir prêter assistance aux victimes. Ils doivent aussi connaître la loi contre le racisme et la xénophobie et pouvoir intervenir et effectuer les constatations en cas de discrimination et/ou de racisme à l'égard des minorités.

Il est intéressant de noter qu'il existe au sein de la police fédérale une formation spécifique intitulée « maîtrise de la violence », qui a pour but d'inculquer une philosophie de nature à éviter au maximum le recours à la violence ou à la contrainte.

(b) Les établissements pénitentiaires

En Belgique, il existe deux centres de formation de base pour les agents pénitentiaires entrant en fonction. A la prison de Lantin, les agents francophones suivent une formation d'une durée de quatre semaines, qui ne dispense aucun cours ayant trait

⁹ Les formations des policiers et des magistrats ont été renforcées depuis l'entrée en vigueur de la circulaire COL 13/2013 des Ministres de la Justice et de l'Intérieur et du Collège des Procureurs généraux relative à la politique de recherche et poursuite en matière de négationnisme, discriminations et délits de haine – notamment fondés sur la nationalité, une prétendue race, la couleur de la peau, l'ascendance ou l'origine nationale ou ethnique.

directement aux droits de l'homme. Néanmoins, les principes essentiels touchant aux droits de l'homme des personnes incarcérées sont abordés de manière indirecte, notamment au travers d'un cours de base de droit ainsi que d'un cours intitulé « Règles pénitentiaires européennes ».

La prison de Bruges, quant à elle, est responsable de la formation des agents pénitentiaires flamands. La formation dispensée est très similaire à celle existante à la prison de Lantin.

Dans l'ordre chronologique de la matrice de cours formation initiale :

- 1) Dans le cadre du cours « Se situer dans l'organisation », il est fait référence à la Convention de même qu'aux règles européennes, en lien avec la « Mission et de la Vision des Etablissements pénitentiaires.
- 2) Dans le cadre du cours « Evolution du sens la peine et du système pénitentiaire belge», il est longuement expliqué que celle-ci correspond à l'évolution de l'octroi des droits aux citoyens en général et de la réaction sociale face aux actes délictueux et criminels. Dans ce contexte, la Convention et ses répercussions sur la conception et la gestion de la peine de prison sont bien sûr évoqués.
- 3) Dans le cadre du cours « Statut interne (Loi de Principes) », il est explicitement fait référence à la Convention, de même qu'au cadre législatif général d'un Etat de droit, dans la toute la 1^{ère} partie du cours qui resitue la genèse de la loi, son fondement, son intérêt et sa finalité; la hiérarchie des normes y est bien entendu présentée et expliquée.
- 4) Dans le cadre du cours « Discipline du personnel », un chapitre est consacré à la Convention européenne pour la prévention de la torture et des peines ou traitements inhumains ou dégradants.

(c) L'ordre francophone et germanophone des Barreaux

L'Institut des droits de l'homme à Bruxelles est actif en matière d'enseignement de la Convention européenne de sauvegarde des droits de l'homme et des libertés fondamentales.

Depuis plus d'une vingtaine d'années, il publie chaque trimestre une revue intitulée « Revue trimestrielle des droits de l'homme », destinée principalement aux avocats et aux magistrats. Cette revue comprend notamment de nombreux commentaires relatifs aux arrêts rendus par la Cour européenne.

Par ailleurs, l'Institut organise périodiquement à l'attention des avocats et des magistrats des séminaires et des colloques, ayant trait à la Convention tel le « Statut des étrangers au regard de la Convention européenne des droits de l'homme ». Il arrive que ces séminaires et colloques soient organisés conjointement avec l'Institut des droits de l'homme à Paris. Par ailleurs, les actes de ces rencontres sont généralement publiés.

(d) L'ordre des Barreaux flamands

Tout comme leurs collègues francophones et germanophones, les avocats

néerlandophones doivent suivre chaque année un certain nombre d'heures de formation permanente.

L'ordre des Barreaux flamands n'organise pas ses propres formations. Néanmoins, il procède à la reconnaissance des cours, séminaires et colloques qui lui sont proposés. Parmi ceux-ci, des formations relatives aux droits de l'homme peuvent bien évidemment être suggérées. L'offre de formation est ensuite publiée à l'attention de tous les avocats.

(e) L'ordre judiciaire national

Les magistrats et stagiaires judiciaires belges ont la possibilité de suivre une formation approfondie en droit communautaire. En matière des droits de l'homme, des colloques se déroulent, comme le colloque ayant pour thème « La commission de crimes et les droits de l'homme », organisé par l'Universitair Centrum Mensenrechten.

En ce qui concerne les colloques externes, les magistrats et stagiaires judiciaires ont eu le loisir de s'inscrire à quatre formations : 1) Les enjeux de la typologie des droits de l'homme, organisée par le centre de philosophie du droit de l'U.L.B., 2) Internet et les droits de l'homme, organisée par Monsieur Village, 3) Le sens des droits de l'homme pour le droit des personnes et de la famille, organisée par la Katholieke Universiteit Leuven et finalement, 4) Est-ce que l'Europe « espace de liberté, de sécurité et de justice » devient un Etat policier ? », organisée par La Ligue flamande des droits de l'homme.

Plusieurs formations sont également organisées au niveau européen par **European Judicial Training Network** et HELP, qui sont ouverts aux magistrats belges. Des visites d'étude sont par ailleurs organisés à la Cour tant par European Judicial Training Network que par l'Institut de formation judiciaire.

Point 2 : L'enseignement au sein de l'éducation universitaire nationale

(a) L'Université Libre de Bruxelles

En dernière année universitaire, les étudiants peuvent choisir un cours à option intitulé « Protection européenne et internationale des droits de l'homme ».

Par ailleurs, l'Université Libre de Bruxelles participe à un Master européen en droits de l'homme et démocratisation. Il s'agit d'un programme intensif d'une année académique à contenu pluridisciplinaire qui reflète les liens indivisibles entre les droits de l'homme, la démocratie, la paix et le développement.

Le premier semestre de ce programme se déroule à Venise et le second dans une des Universités participantes. Plus de vingt-six Universités d'Etats membres de l'Union européenne participent à ce programme.

Enfin, dès 1994, un groupe pluridisciplinaire en matière de droits de l'homme a été créé au sein de l'Université Libre de Bruxelles. La finalité de ce groupe a une triple dimension : académique, scientifique et sociale, à savoir le développement de l'enseignement, de la recherche et des services à la collectivité dans le domaine des droits de l'homme. Il travaille également avec des acteurs extérieurs, notamment avec d'autres institutions universitaires.

(b) Les Facultés Universitaires de Saint-Louis à Bruxelles

L'Université de Saint-Louis dispense des cours uniquement pour les deux premières années de candidature en droit, durant lesquelles aucun cours spécifique ayant trait à la Convention européenne des droits de l'homme n'est organisé.

Néanmoins, conjointement avec l'Université Catholique de Louvain et l'Université Notre-Dame de la Paix, l'Université de Saint-Louis organise sur une année académique un diplôme d'études spécialisées en droits de l'homme.

A vocation principalement juridique, ce DES a cependant un contenu interdisciplinaire. Il vise à munir les étudiants d'une compétence spécialisée dans le domaine des droits de l'homme, aussi bien sur le plan interne que sur le plan international. Les horaires du programme sont conçus de manière à permettre la participation de personnes ayant une vie professionnelle active.

(c) Les Facultés Universitaires Notre-Dame de la Paix à Namur

Au sein de cette université, il n'existe aussi que des cours pour les deux premières années de candidature en droit. Il n'y a dès lors pas de cours spécifique relatif aux droits de l'homme.

Comme mentionné ci-dessus, l'Université Notre-Dame de la Paix participe également de manière active au diplôme d'études spécialisées en droits de l'homme.

Enfin, au niveau de la recherche, il existe au sein de l'Université Notre-Dame de la Paix un centre interdisciplinaire appelé « Droits fondamentaux et lien social ». Il est principalement actif dans trois domaines : 1) Aides à l'emploi et à la formation, 2) Crimes contre l'humanité et génocide et 3) Minimum de moyens d'existence et aide sociale.

(d) L'Université de Liège

En dernière année, les étudiants en droit peuvent notamment choisir les matières suivantes: 1) Compléments et exercices d'application de droit pénal et de procédure pénale (avec une visite à la Cour européenne des droits de l'homme à Strasbourg), 2) Libertés et société de l'information et enfin, 3) Protection européenne et internationale des droits de l'homme.

(e) L'Université Catholique de Louvain

En avant-dernière année en droit, les étudiants ont l'obligation de choisir entre un cours soit de néerlandais, soit d'anglais. Ce dernier est intitulé « Leading Cases of the European Court of Human Rights ». Les étudiants en droit doivent également choisir pour leur deuxième et troisième licences un cours de pédagogie active. Parmi les possibilités offertes, il existe un cours intitulé « Protection internationale des droits de l'homme ».

Comme déjà mentionné, conjointement avec les Facultés Universitaires de Saint-Louis et de Notre-Dame de la Paix, l'Université Catholique de Louvain participe activement au DES en droits de l'homme.

Enfin, au sein de l'Université Catholique de Louvain, un Centre des droits de l'homme a été créé en 1968. Il est ainsi le centre le plus ancien, dans sa catégorie, du continent européen qui en compte actuellement une trentaine. Le Centre est essentiellement une entité de recherches visant à dégager toutes les virtualités du concept des droits de l'homme.

A ce titre, le Centre possède une vaste documentation et il répond à des consultations, surtout d'organes publics (parmi lesquels le Gouvernement belge et l'Assemblée parlementaire du Conseil de l'Europe). Il organise aussi des colloques et procède à certaines publications.

Par ailleurs, le Centre est le correspondant du Conseil de l'Europe en Belgique : il établit le répertoire annuel de tout ce qui se réalise dans notre pays sur le plan des droits de l'homme (législations, jurisprudence et bibliographie) et l'adresse ensuite au Conseil de l'Europe.

(f) Katholieke Universiteit van Leuven

En avant-dernière et dernière années, les étudiants en droit de Leuven ont la possibilité de choisir un cours à option intitulé « Problèmes des droits de l'homme ».

En ce qui concerne les études spécialisées, tout comme l'Université Libre de Bruxelles, l'Université Catholique de Leuven participe activement au Master européen en droits de l'homme et démocratisation, dont il a été question ci-dessus.

Enfin, l'Université Catholique de Leuven conduit un très grand nombre de recherches notamment dans le domaine des droits de l'homme. A titre d'exemples: 1) The application of the equality principle, 2) Commentary on the charter of fundamental rights, 3) Basic principles of a European code of family law: a human rights approach, 4) The right to reparation for victims of human rights violations. A legal analysis from the perspective of international human rights law et enfin 5) Human rights and social security.

(g) Universiteit van Gent

En dernière année, les étudiants en droit, ayant choisi l'orientation de droit public national et international, ont la possibilité de suivre en option le cours intitulé « Droits de l'homme ».

Par ailleurs, il existe à Gand un diplôme d'études spécialisées en droit européen et droit comparé. Ce Master comprend notamment une étude approfondie de la Convention européenne de sauvegarde des droits de l'homme et des libertés fondamentales.

(h) Vrije Universiteit van Brussel

A l'Université Libre de Bruxelles, section flamande, il existe un cours intitulé « Protection internationale des droits de l'homme ». Ce cours est accessible aux étudiants de dernière année en droit ayant choisi l'orientation droit public ainsi qu'aux étudiants participant au Master en droit international et droit comparé ou suivant le diplôme d'études spécialisées en droit international et droit européen.

(i) Universiteit van Antwerpen

Enfin, l'Université d'Anvers n'offre aucun cours ayant trait spécifiquement aux droits de l'homme. Néanmoins, cette matière est abordée de manière indirecte au travers d'autres cours tels que, par exemple, celui intitulé « Formation au droit et jurisprudence en lien avec l'Europe », dispensé en deuxième année de droit.

BOSNIA AND HERZEGOVINA/BOSNIE-HERZÉGOVINE

Excerpt from the national report on the implementation of the Brighton Declaration
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09c(iv) (States) enabling and encouraging national courts and tribunals to take into account the relevant principles of the Convention, having regard to the case law of the Court, in conducting proceedings and formulating judgments; and in particular enabling litigants, within the appropriate parameters of national judicial procedure but without unnecessary impediments, to draw to the attention of national courts and tribunals any relevant provisions of the Convention and jurisprudence of the Court;

There is an undoubted need for continuous training in human rights through raising awareness of the importance of the European Court of Human Rights in Strasbourg, as well as the availability of information and comments on cases before the Court. Given the above, the High Judicial and Prosecutorial Council (hereinafter: HJPC) regularly follows the work of the European Court of Human Rights and publishes information on cases against BiH through the website of the Judicial Documentation Centre (<http://www.pra.vosud.jc.ba/CSDI>). This website contains translated guidelines for the application of individual articles of the ECHR with references to judgments and relevant links (the Ministry of Human Rights, Offices of the Agent before the European Court of neighbouring countries, English Database of the European Court of Human Rights (hereinafter: HUDOC), Advise on Individual Rights in Europe (hereinafter: AIRE Centre) etc.). Employees of the Judicial Documentation Centre hold presentations of the website content for judiciary in BiH, for case of use.

The implementation of ECHR at the national level is difficult because case law of the European Court of Human Rights is extensive and complex and because the language barrier largely reduces the ability to search the European Court (HUDOC) and thereby the implementation of ECHR by judiciary in BiH. Therefore, it is necessary to acquaint the judges with the case Law in the official Languages of Bosnia and Herzegovina in a simpler way, starting from the basic principles of ECHR through their further elaboration using selected judgments of the European Court, with emphasis on the judgments relating to the countries of the region.

In this regard, at its meeting held on 16 December 2013, HJPC was presented with the European Human Rights Database for South East Europe Project, implemented by the AIRE Centre in cooperation with the Agents of countries in the region before the European Court of Human Rights and Judicial Training Centres in South East Europe. The project aims to improve the application of case law of the European Court of Human Rights by national courts in the region and represents a significant step forward compared to the existing resources in this area. A number of judicial officials in BiH was informed about the project at the presentation held on 2 July 2014 in Sarajevo, but the Database needs to be promoted better in the coming period. In this regard, HJPC endorsed the cooperation of AIRE Centre with the Entity Judicial and Prosecutorial Training Centres. Further promotion of the principles set forth in ECHR and case law of the European Court of Human Rights builds judicial capacities for adequate implementation of ECHR, which ultimately

contributes to a higher level of protection of human rights at the domestic level.

Under the auspices of the Council of Europe, the Office of the Agent co-organized courses of training in questions being reviewed by the European Court or in the execution of final judgments of the European Court. These courses were attended by representatives of governmental institutions of BiH that directly cooperate with the Office of the Agent in specific cases before the Court or in the execution of final judgments.

09c(v) (States) providing public officials with relevant information about the obligations under the Convention; and in particular training officials working in the justice system, responsible for law enforcement, or responsible for the deprivation of a person's liberty in how to fulfil obligations under the Convention;

The Civil Service Agencies at the level of BiH and at the entity level pay special attention to the role and importance of ECHR and its implementation in order to raise awareness of civil servants about it.

The Office of the Council of Europe in Sarajevo is aware of the necessity of organizing training in and awareness raising of civil servants on the standards of ECHR and offered to assist BiH in achieving the task set, which BiH will gladly accept.

The protection of human rights has been included in the training programmes of the Judicial and Prosecutorial Training Centres for many years now. As an institution which manages the judicial reforms in BiH, within its competence, HJPC plays an advisory role during the programming of induction training and professional development for judges and prosecutors in BiH and supervises the timing. In addition, HJPC approves the induction training programme for newly appointed judges and prosecutors. Each year the Judicial and Prosecutorial Training Centres design programmes of professional development and induction training for RS and FBiH newly employed judges, prosecutors, investigators, expert associates / advisors in courts and prosecutor's offices. This training is mandatory. The 2013 induction training was a two-day course for expert associates / advisors in courts in the Federation, which was attended by approximately 168 expert associates / advisors. The training consisted of several topics regarding the rights guaranteed by Article 5 and the rights guaranteed by Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. In addition, the training covered the basics of the concept of gender mainstreaming and included an exercise carried out with a focus on international documents on gender equality and a case study of the European Court of Human Rights (Opuz protiv Turske). After completion of the induction training all judges and prosecutors undergo regular training in accordance with the Professional Development Training Programmes for Judges and Prosecutors.

09c(vi) (States) Providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors.

Courses of training carried out in accordance with the Professional Development Training Programmes for Judges and Prosecutors by the Judicial and Prosecutorial Training Centre of RS and Judicial and Prosecutorial Training Centre of the Federation provide continuous training and the professional development and

the induction training programmes are designed each year.

In the RS in 2013, there were a total of 105 courses of training of which 10 courses were in the European Convention of Human Rights.

In the RS, the 2014 Professional Development and Induction Training Programme, which was designed and is implemented by the Judicial and Prosecutorial Training Centre of RS, has included the following:

- Case-law of the European Court of Human Rights with a special focus on Articles 5 and 7 of ECHR, 11 February - Banja Luka,
- Anti-discrimination Law and anti-discrimination international standards, 25 March - Banja Luka, 17 June - Istočno Sarajevo, 10 November - Doboje,
- Anti-discrimination Law and anti-discrimination international standards, 17 June 2014 - Sarajevo,
- BiH Constitution and the European Convention on Human Rights, 23-24 June, Jahorina,
- Special topic: Case-law of the European Court of Human Rights (the most recent judgments relating to Bosnia and Herzegovina and its impact on the duration of court proceedings in BiH, 12 May 2014 - Banja Luka,

Courses of training in cooperation with the Office of the Council of Europe in BiH:

- Case-law of the European Court of Human Rights with a special focus on Articles 5 and 7 of ECHR, 10-11 February 2014 - Banja Luka,
- BiH Constitution and the European Convention on Human Rights, 23- 24 June 2014 - Banja Luka.

In the FBiH in 2014, the 2014 Professional Development and Induction Training Programme, which was prepared and is implemented by the Judicial and Prosecutorial Training Centre of FBiH includes the following:

- The European Convention and gender equality, Sarajevo, 2 days, 20 and 21 February 2014, (Training topic: the European Convention in the context of the rights guaranteed by Articles 5, 6 and 14, gender equality).
- “The European Convention on Human Rights with a special focus on Articles 5, 6 and 7 of ECHR”, Sarajevo, 2 days, 13 and 14 February 2014. Training topic: the right to property as a human right – “test of proportionality” in accordance with Article 1 of Protocol no. 1 to the European Convention on Human Rights (justifying a violation of property rights - deprivation of possessions, compensation, the rule of control of the use of property, the application of property rights standards in the constitutional courts in the region).
- “The protection of the right to property under Article 1 of Protocol no. 1 of the European Convention on Human Rights in case law of the Constitutional Court”, Sarajevo. 2 days, 15 and 16 May 2014. Training topic: the right to property as a human right - the right to property as a human right – “test of proportionality” in accordance with Article 1 of Protocol no. 1 to the European Convention on Human Rights (justifying a violation of property rights - deprivation of possessions, compensation, the rule of control of the use of property, the application of property rights standards in the constitutional courts in the region).

- “Basic introduction to European anti-discrimination law”, Sarajevo, the first half of 2014. Training topic: - protection from human rights violations and discrimination, separation of the ECHR anti-discrimination provisions from other mechanisms of protection, protection of human rights under the ECHR, selected examples of protected grounds.
- E-LEARNING: “The prohibition of discrimination”, duration: 10 weeks. Course objective; Improving standards for the interpretation and application of the European Convention on Human Rights and Fundamental Freedoms in BiH in the context of non-discrimination. Methods: A one-day preparatory meeting and 10-week e-learning.
- “The protection of human rights and freedoms of LGBT people”, Jahorina, 2 days, 11 and 12 September 2014.
- E-LEARNING: “HATE SPEECH”, duration: 10 weeks, Sarajevo, 5 September 2014 - Improving standards for the interpretation and application of the European Convention on Human Rights and Fundamental Freedoms in BiH in the context of hate speech. (A one-day preparatory meeting and 10-week e-learning).
- E-LEARNING: “HATE SPEECH”, duration: 10 weeks, Sarajevo, 5 September 2014 - Improving standards for the interpretation and application of the European Convention on Human Rights and Fundamental Freedoms in BiH in the context of hate speech. (A one-day preparatory meeting and 10-week e-learning).
- “The relationship between the Constitutional Court and ordinary courts in the context of Article VI/3.c (the relationship between the Constitution and the European Convention on Human Rights).
- -E-LEARNING: “ALTERNATIVES TO CUSTODY”, duration: 10 weeks, a preparatory meeting in Sarajevo, 28 March 2014. (The aim of the course is to improve the standard of interpretation and application of the European Convention on Human Rights and Fundamental Freedoms in BiH in the context of the application of alternatives to custody).
- -E-LEARNING: “FAMILY LAW”, duration: 10 weeks, a preparatory meeting on 15 April 2014 and 10-week e-teaming. (The aim of the course is to improve the standard of interpretation and application of the European Convention on Human Rights and Fundamental freedoms in BiH in the context of family relationships.)
- “APPLICATION OF ADMINISTRATIVE RULES”, Sarajevo, 2 days: 17 and 18 September 2014. (Topics: Enforcement of judgments in an administrative dispute, case law of the courts in the Federation of BiH, case law of the Constitutional Courts of BiH and BiH, the European Court of Human Rights -an outline of the newly rendered decision by the European Court of Human Rights involving case Jaw of courts in FBiH involving the reinstatement of military apartments).

In order to encourage domestic courts to use case law and positions of the European Court when rendering decisions, HJPC suggested that the Judicial and Prosecutorial Training Centres should design the 2015 training programmes to incorporate certain cases of the European Court with reviews, recommendations and possibilities of their application in the court proceedings in BiH, with the aim of improving the efficiency of judicial proceedings.

Other forms of cooperation with domestic and international partners-international cooperation

A study visit of representatives of the national judiciary to the Council of Europe and the European Court of Human Rights of Strasbourg, France, was carried out from 2-4 April 2013, entitled “Strengthening the capacity of the judiciary as regards the implementation of the European Convention on Human Rights”. The programme covered the following topics: Execution of Judgments of the European Court of Human Rights: the main problems, role and mandate of the European Commission against Racism and Intolerance (ECRI), the European Programme for Human Rights Education for Legal Professionals (HELP Programme), reform of the European Court of Human Rights, challenges before the European Court of Human Rights, consideration of cases in the European Court of Human Rights, the European Commission for Democracy through Law (“Venice Commission”) - the mandate and working methods, the Framework Convention for the Protection of National Minorities and monitoring mechanisms (FCNM).

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Excerpt from the national report on the implementation of the Brighton Declaration
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Providing information and training about the Convention to public officials, judges, lawyers and prosecutors¹⁰

The professional training of judiciary professionals is widely organized over the last 10 years by the National Institute of Justice (NIJ).¹¹ The NIJ promotes yearly training on different topics, generally on the theoretical significance and the practical application in jurisprudence of certain articles of the Convention. In view of a larger implication of different level of judges and human rights professionals the NIJ seconded by the Ministry of Justices systematically organizes study seminars on specific judgments of the Court raising certain issues in the course of their implementation (i.e. freedom of association and its implication in the jurisprudence; freedom of religion and its implication in the jurisprudence; the prohibition of inhuman treatment and its implication in the jurisprudence, etc). Those trainings have a recognized positive effect on the implication of the Convention by the national courts and contribute to raising awareness of the jurisprudence of the ECtHR. All trainings are focused, among other topics, on the primary responsibility of the States to implement the Convention on national level and to choose the most appropriate means to do so on the basis of the margin of appreciation while remaining vigilant to the jurisprudence of the Court.

Nevertheless a more complex approach is to be established with the academic education on human rights. The national university program for legal studies provides for the education in human rights only as optional topic and clearly lacks sufficient legal literature, habilitated professors and more practical approach as to the Court's jurisprudence.

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights (ECHR) and the case law of the Court (ECtHR) a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Human Rights Training as a part of the University Education in Bulgaria (*For further details, please, consult the Final report, prepared by the BLHR Foundation*)

The issue of teaching Human Rights at the universities is relevant in the context of the studies and discussions conducted in the recent years on the Bulgarian legal education in general, which led to the findings of existing obstacles.. The University of Sofia "St Kliment Ohridski" also conducted such a study. Some of their results support the need for rethinking also of the teaching of Human Rights.

¹⁰ Brighton Declaration, §9 (c) v) and vi)

¹¹ Its activity is largely described in Bulgaria's report on Interlaken declaration pt. 1.3).

The curricula of the universities with a law faculty show that everywhere within the course Law ***Human Rights are taught in individual courses.***

In most of the law faculties the International Legal Protection of Human Rights is more or less represented when teaching Constitutional and International Public Law. Perhaps, because of the approach adopted by all Bulgarian law faculties of teaching Human Rights *in an individual discipline*, from the time spent on it in the curricula or, where it is not indicated, from their relative importance it does not seem that a detailed study of the contents of the rights guaranteed by the international treaties, and in particular the Convention, is carried out.

It was examined to what extent the Convention and the case-law of its application are studied within the discipline Law of the European Union, which according to Art. 7, para 2 of the Regulation is among the mandatory disciplines in Law. The Charter of Fundamental Rights of the European Union is part of the taught matter in this discipline and most of the rights and freedoms, which it guarantees are in line with those in the Convention and their meaning and scope are the same as those laid down in the Convention (Art. 52, § 3 of the Charter), i.e. they should be interpreted and applied in light of the case-law of the Court. The curriculum of this course in the law faculties shows, however, that that seldom the case-law of the Court is being taught.

As regards the other mandatory core disciplines, the curricula of Criminal Law and Procedure, Administrative Law and Procedure, Civil Procedure, Family Law were studied, insofar as they are available on websites of the respective law faculties or were provided to us. These are not the only courses, in which issues relevant to Human Rights are studied, of course, but they include issues closely related to the rights and freedoms guaranteed by both the fundamental universal international treaties and by the Convention, and there is a lot of case-law of the Court on these matters and therefore these courses cannot be understood by the future practicing lawyers without taking into consideration the said case law.

Only in some of the curricula of Criminal Procedure it is expressly provided that the teaching of the material is to be carried out in the light of the standards in the Convention. Thus, according to the curriculum of the Sofia University issues regarding the evidence gathering and the guarantees for a fair trial are taught in the light of the case-law of the Court, but there are no express questions in the syllabus in that light.

Human Rights Training as a part of the Professional Training of Magistrates

Within the last decade the National Institute of Justice of Bulgaria (NIJ) has paid a special attention to the training of Bulgarian magistrates on the European Convention on Human Rights (ECHR) and on the ECtHR's case-law on its interpretation and application at the national level.

The earlier training courses for magistrates, organized in this area were more *general* and *introductory* and focused on the general presentation of the ECHR as well as on the competence and the rules of procedure of the Court in Strasbourg. These were mainly *separate courses* that were offered as a part of the Continuing professional training of Bulgarian magistrates and were aimed at filling-in the existing gaps in the university education in this field. As a type of professional training, the training on the Convention, offered by NIJ, is very practical and as a rule the presented theoretical theses (formulations) are being illustrated through plenty of examples from the relevant case-law.

After Bulgaria's accession to the European Union these introductory courses were gradually substituted by *specialized training courses* which brought an in-depth knowledge on the application of the ECHR by exploring its different aspects (civil,

administrative and criminal) as well as the standard-setting case-law of the Court for the protection of the rights and freedoms set forth in the Convention.

In the last several years a new “horizontal approach” is being applied by NIJ in the Continuing training of magistrates on the ECHR, meaning that issues related to the application of the Convention (the relevant ECtHR’s case-law included) are being incorporated and taught as an integral part of the standard courses, organized by NIJ in the different branches of national law. Though this novel approach has proved to be quite useful in the training of magistrates in the area of Protection of Human Rights, the truth is that so far it could be qualified more as a good practice, rather than as a standard and uniform approach of the Institute, because its application depends on the good knowledge on the ECHR law on behalf of the trainers who develop NIJ training courses.

2. Are they offered as **optional disciplines** to those who wish to specialize? Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Human Rights Training as a part of the University Education in Bulgaria (For further details, please, consult the Final report, prepared by the BLHR Foundation)

Pursuant to the Regulation on the unified state requirements for Acquiring University Education in Law and Professional Qualification “Lawyer” (State Gazette, issue no. 69/2005) (“The Regulation”) the programmes of relevant disciplines include teaching of Law of the European Union, which is also an obligatory discipline. There are no similar provisions for Human Rights and in particular for the Convention, respectively for the case-law of the Court on its interpretation and its application.

In the majority of Bulgarian universities **Human Rights are taught in separate courses – mandatory or optional.**

The only Bulgarian university with a law faculty, in which the discipline “Human Rights” is mandatory, is the University of Plovdiv. The other universities have not exercised their right under Art. 7, para. 4 of the Regulation to make this discipline obligatory and **at seven of them it is optional;** at the Veliko Tarnovo University it is *facultative*. At the Academy to the Ministry of Interior Human Rights are studied as *an obligatory discipline*.

The review of their teaching in the Bulgarian law faculties reveals that in the framework of the separate courses on Human Rights students receive only general theoretical knowledge on the matter. In the curricula of the different Bulgarian law faculties the Convention and the Court’s case-law on its interpretation and application are covered to various extents, but overall students get a general idea, without going into more in-depth analysis of the content of the individual rights and freedoms as outlined in the standard-setting case-law of the Court. Ensuring the necessary basis and a general overview are undoubtedly a positive trend, but this should not in any case overlap or replace the teaching of the matter in the Constitutional Law and Public International Law disciplines, neither it could be regarded as sufficient if not complemented by horizontal study of the Convention in the mandatory core subjects and by the possibility to acquire further in-depth specialized knowledge and skills to implement the Convention provisions. In Bulgaria, there is a need to further explore tutorials in most of the Human Rights courses and extracurricular activities, which in view of the existing legal framework remain the only appropriate form for attracting in the teaching process practicing lawyers specialized in the matter. The comparative review shows the relatively small place given to the Convention in Public International Law and EU law.

Human Rights Training as a part of the Professional Training of Magistrates

In principle under the Judiciary System Act (JSA) the Continuing training of magistrates in Bulgaria *is not compulsory*. Only the candidates for junior magistrates and the newly-appointed judges and prosecutors *are obliged to take part* in Initial training courses.

The Initial Training of the candidates for junior judges and the junior prosecutors lasts for nine months and a component of it is also *a general introductory course* on the protection of fundamental rights and freedoms set forth in the ECHR, which the candidates for junior magistrates are obliged to attend. This introductory course consists of three training modules, which cover the basic principles of the protection of Human Rights under the Convention as well as a general introduction to the rights and freedoms, guaranteed under the ECHR and its protocols (including the legal borders for the protection of fundamental rights and their acceptable limitations).

The newly-appointed judges and prosecutors are also obliged under the law to attend Initial qualification courses that last for one or two weeks and also cover common aspects of the protection of fundamental rights.

Within the framework of the Continuing training as a rule Bulgarian magistrates (both judges and prosecutors) *are granted the opportunity* to take part in attendance or e-learning courses, aimed at enhancing their professional competence in different branches of law according to their personal will and self-identified training needs.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

The syllabuses for the state exams in public, criminal and civil law, the exam for acquiring of legal capacity, the competitive exams for initial appointment of judges and prosecutors in civil, administrative and criminal law as well as the exam for access to the profession of lawyers and junior lawyers do not include the Convention or its application in practice.

As mentioned above (*in the replies to questions 1 and 2*) the training on Human Rights is a part of both the Initial training (in the form of introductory courses providing a general overview of the Convention and its Protocols) and the Continuing training of Bulgarian magistrates (as specialized courses or as an integral component of the common courses in the different branches of law, offering a thorough knowledge on the ECHR and the relevant ECtHR's case-law).

NIJ Continuing training programme in Human Rights has been developed within a long period of time on a "fragmentary basis", often under different project activities, implemented jointly with the CoE or with other partner institutions. It appears that there is a need for Bulgarian magistrates to acquire further in-depth specialized knowledge on the Convention and on the standard-setting case-law of the ECtHR as well as practical analytical skills that will support them in their daily work of applying the ECHR's provisions at the national level.

For more information on the NIJ Initial Training in Human Rights (its organization and content), please, consult the answer to question 2.

In respect of the attorneys the nature of the free profession does not allow a training course to be compulsory and despite the existing indicative lists of topics in relation to Human Rights issues, it is upon the respective bar association to choose such topics for a subject of a seminar. Even if the Training Centre for Attorneys decides to offer such course, the minimum number of participants for conducting the training might not be reached.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

There is a need to explore the avenues for training on the Convention of investigating police officers .

The survey has shown the need for further efforts to raise the level of awareness among police officers and penitentiary personnel. The results have revealed that the relevant institutions, when willing to do so, are apparently able to provide on their own motion information about the case-law of the Court. There is a need to look further at the those options as well as at their implementation in various regions. The established serious potential that police officers and penitentiary personnel could be trained on the Convention in the course of their professional activity should be fully revealed by considering deploying further efforts for more comprehensive training and full integration of the training within their professional work. Administrative managers could take timely measures to organize their adequate training at work. In addition, the practical orientation of the training during the enjoyment of professional duties of the target group could be strengthened by looking for possibilities to actually encourage them to apply the established Human Rights standards in their daily work.

At the same time it would be appropriate to offer more forms of distance training in this regard in order to facilitate the participation of professionals and their better involvement in the trainings without losing sight of their work.

A good practice of NIJ that should be mentioned here is the fact that in some cases the Institute offers certain of its trainings (HR trainings included) to mixed groups of trainees, such as magistrates, police officers, administrative clerks, etc. This approach is being applied more often in the e-learning courses, organized by NIJ on topics (issues) of common interest. (For example a course on Infringements in Criminal Proceedings is being offered not only to magistrates working in the field of criminal law but also to investigating police officers. The same refers to some officials, working at the State Agency for Refugees, who are able to attend the adapted HELP e-learning course on Asylum.)

Indeed NIJ training courses, offered to officials from the different branches of administration are not “tailored to their specific needs” but the undisputable added value of this training practice is that it provides for the establishment of a uniform national practice on the application of the ECHR.

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

The professional training in Human Rights of the Bulgarian magistrates and of all other members of the Judiciary is being carried out by the National Institute of Justice of Republic of Bulgaria (NIJ).

NIJ is a public institution, which is responsible for the implementation of the Initial and Continuing professional training of the judges, prosecutors and investigating magistrates, of public enforcement agents, recording magistrates, judicial assistants, prosecutorial assistants, judicial officers, court assessors, of the inspectors at the Inspectorate with the Minister of Justice and of other employees of the Ministry of Justice in Bulgaria.

The Institute started its activities on January 1, 2004. It was built upon the achievements of the Magistrates' Training Center, a non-governmental organization established in 1999. *Chapter 11* of the Judiciary System Act (promulgated, SG № 64 / 07.08.2007) and the Regulation on the Organization and the Activities of the National Institute of Justice and of Its Administration, adopted by the Supreme Judicial Council (promulgated, SG № 76 / 21.09.2007, effective since September 21, 2007), provide the legal basis for the functioning of NIJ.

NIJ's main goal is to improve the efficiency of jurisdiction through quality professional training and enhancement of the qualification of Bulgarian magistrates and court clerks. NIJ is an independent legal entity but there is a functional relationship between the Institute, on one hand, and the Supreme Judicial Council and the Ministry of Justice, on the other. The Institute obtains its funding from the budget of the Judiciary as well as from various programmes and projects.

NIJ is governed by a Managing Board. The members of the Managing Board are elected by the Supreme Judicial Council (five members) and by the Ministry of Justice (two members) and they have a five years seat. The chairperson of the Supreme Court of Cassation is an *ex lege* Managing Board's Chair.

NIJ is managed by a Director. The Director is appointed by the NIJ Managing Board for a term of five years with the right to reappointment after evaluation of his operations by the Managing Board.

NIJ has delivered professional training on Human Rights for the Judiciary since its establishment in 2004 but within the recent years the training in this area became a key priority for the Institute.

Within the period 2013 – 2015 the National Institute of Justice implemented its latest but also its biggest project in the area of Protection of Human Rights so far, namely "*Increasing the capacity of the judiciary and training on the European Convention for the Protection of Human Rights and Fundamental Freedoms at the NIJ*". It was a project funded under the Norwegian Financial Mechanism 2009-2014, which was carried out in collaboration with the Ministry of Justice of Republic of Bulgaria and the Council of Europe and lasted for 24 months.

The Project was expected to establish a sustainable information exchange platform on Human Rights' issues, consolidating the practice on application of the ECHR. It also provided a systematic specialized training on the Convention by means of a monitoring mechanism on the implementation of the ECHR provisions and principles in the domestic legal practice.

It was targeted at magistrates, court clerks and other legal professionals and had the objectives to provide for the achievement of a common understanding within the Judiciary on the application of the provisions of the Convention and for the strengthening of its members' competence and capacity to apply the ECHR at the national level.

A series of centralized and regional trainings on specialized topics in the field of Protection of Human Rights were offered to Bulgarian magistrates and judicial and prosecutorial assistants within the framework of the project.

A distinctive result of the implementation of this project has been the establishment of a Forum on Justice and Human Rights to be held at NIJ on an annual basis as a sustainable platform for exchange of information between the relevant stakeholders in the area of protection of Human Rights and fundamental freedoms.

In parallel to that, selected case-law of the Court in Strasbourg on cases against other CoE member states has been translated in Bulgarian, summarized, published as a Handbook and disseminated among national magistrates thus facilitating their access to the ECtHR's practice and raising their awareness on the standard-setting case-law of the Court.

The Practical Guide on the Judicial Protection of Fundamental Rights in Bulgaria, developed by NIJ in 2007, has also been updated and complemented under the project.

A key achievement of the NFM funded project has been the update and consolidation of the training materials, developed by NIJ in the field of Human Rights (the translated ECtHR's case-law included) by uploading them in the Human Rights Portal (a freely accessible online platform developed under the same project and administered by the Ministry of Justice). Thus legal professionals have been provided with an easily accessible and practically oriented online database, which they could consult in their work.

The above-mentioned NFM funded project has provided a valuable support for the further development of professional Continuing training, offered by NIJ in the field of Human Rights. To this result have contributed also the adaptations of three HELP e-learning courses (the first of them – on Family law – was adapted and conducted within the same project) by enriching the training methodology and introducing of the common European standards in the professional Human Rights training.

Regardless of the undisputable achievements made so far, further efforts and support are needed for improvement of the consistency and comprehensiveness of the Institute's Human Rights' training programme.

6. Is training delivered by persons with a good knowledge of the Convention concepts and the case law of the Court as well as with an adequate knowledge of new professional training techniques?

Please provide examples of good practice in this field and indicate any difficulty encountered.

Measures are needed to ensure the necessary Human Rights training of professors teaching core legal disciplines, increasing the qualification of the professors teaching Human Rights and their Continuous training on the evolving case-law on the application of the Convention.

Assessment and accreditation criteria in respect of higher education need to be reconsidered and applied in such a way as to ensure that objective quantity indicators

are put in place to ensure the quality of the education. The quality should be measured, including and most importantly, by creating awareness among students as to the role of the law and the lawyers' duty to contribute in every professional sphere to the establishment of the rule of law and to the effective protection of Human Rights. Institutional and programme requirements and their implementation should drive the law faculties to ensure minimum necessary knowledge and skills as well as awareness and motivation in this regard.

As it refers to the professional training of magistrates and other legal professionals in the field of Human Rights – it is being carried out by qualified specialists (magistrates and lawyers) who possess a good knowledge and understanding of the Convention concepts and the ECtHR's case-law and have attended a ToT.

NIJ trainers on Human Rights are mostly magistrates who have completed a general ToT course, whereas the percentage of those who have attended a specialized ToT in this field is very low. Although that specialized ToTs on the ECHR and the practice of the Court in Strasbourg are a very useful tool that provides for acquiring of specific professional training techniques but also for the delivery of a summarized information on the new developments in the ECtHR's case-law, NIJ organizes such trainings quite rarely due to lack of sufficient funding. For this reason CoE support in this aspect would be highly appreciated.

As an example of a good training practice it could be pointed out the tradition established by NIJ to invite *Mrs. Zdravka Kalaidjieva, in her quality as a former Bulgarian judge to the ECtHR*, to deliver public lectures at the Institute or to take part as a trainer in some of the seminars on Human Rights' issues, organized for Bulgarian magistrates.

A good idea would be also the establishment at the regional level (covering the five appellate regions) of *specialized consulting teams* composed of magistrates and lawyers who have followed a longer training (especially the seconded judges assisting the work of the Bulgarian section in the Court in Strasbourg) and who could be involved both as trainers but also as advisers of their colleagues (from the respective appellate region) on complex issues concerning violation of the fundamental rights safeguarded by the Convention. A similar network (of judges formerly seconded to the ECtHR Registry) has already been set up for Bulgarian judges by the Supreme Judicial Council but the existence of such *mixed consulting teams* would contribute to the establishment of a uniform practice on the application of the Convention at the national level.

7. Please provide examples of **initiatives** aimed at the **training of specialized teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

As it refers to the field of professional judicial training NIJ doesn't organize specialized ToTs, focused on Human Rights' issues on a regular basis. Due to insufficient budgetary funding such trainings are being conducted in principle under projects, implemented by the Institute and oriented in this specific field – for example a series of specialized ToTs on Human Rights were carried out within the framework of the above-mentioned NFM funded project: "*Increasing the capacity of the judiciary and training on the European Convention for the Protection of Human Rights and Fundamental Freedoms at the NIJ*".

A good initiative along these lines are the specialized ToTs on the Convention and the ECtHR's case-law, organized by CoE under "HELP in the 28" (in particular the

decentralized ones organized at the national level), because they deliver a uniform knowledge on the specific training methodology and techniques, applicable in this field. (As an expected difficulty related to this approach here should be mentioned the existing language barrier.)

In the system of Border police last year was conducted a training for trainers on Human Rights, which was developed in cooperation with the **Frontex** agency and is planned to be carried out systematically.

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

Bulgarian Lawyers for Human Rights (BLHR) Foundation is a non-profit organization that seeks to promote the establishment and effective implementation of the international standards of legal protection of Human Rights in Bulgaria. Established in 1993 by five lawyers practicing in different branches of law, the BLHR is the first organization of its kind in Bulgaria and in Central and Eastern Europe. Currently BLHR Foundation covers issues concerning protection of Human Rights in virtually all major sectors of the Bulgarian legislation.

It carries out activities in two main directions:

- Legal assistance and strategic litigation related to specific, repeated violations of Human Rights at Bulgarian and international courts and revealing inconsistency of Bulgarian legislation and case-law with international standards.
- Publications and other informational and educational activities targeting the legal community on international instruments and standards and their application in the field of legal protection of Human Rights.

In addition to the activities mentioned above, the BLHR Foundation carries out diverse initiatives in the field of training on Human Rights (practical aspects) which are funded under different projects and aimed at making the legal community familiar with the current case-law of the ECtHR.

Thus, for example within the framework of activity No 4 under *the project “Strengthening the Human Rights’ Protection in Bulgaria”*, implemented by the BLHR Foundation within the period 2014-2015, a survey on the sources from which judges (at all levels), prosecutors, lawyers, investigating magistrates, police officers as well as officers at the penitentiary institutions have acquired their knowledge on Human Rights, in particular on the ECHR and on the ECtHR’s case-law on its application, has been carried out. For the sake of that two different questionnaires have been developed – the first one for police and penitentiary officers and the second one for magistrates and lawyers, which were disseminated among their specific target groups in cooperation with the Ministry of Interior, Ministry of Justice, National Investigation Service, Supreme Bar Council, National Institute of Justice and the Professional Unions of the Judges and the Prosecutors in Bulgaria both on paper and electronically. A total number of 533 questionnaires of the first type were filled-in whereas only 242 questionnaires were filled-in and sent back by both magistrates and lawyers.

The project “Discussion Club on Human Rights”, funded by “America for Bulgaria” Foundation, within the framework of which young legal professionals (including

judges, prosecutors and lawyers) have been trained, was implemented twice within the recent years.

As a result of their professional expertise in the field of Human Rights' Protection the members of the BLHR Foundation are being preferred as lecturers in the trainings, organized by the Training Center of Lawyers in this area.

The "Procedural representation of Republic of Bulgaria to the European Court of Human Rights" Directorate at the Ministry of Justice works in close collaboration with the BLHR Foundation. In 2015 a Public Procurement procedure on "*Analysis of the functioning of the administrative compensatory mechanism, envisaged under Chapter III "a" of the Judiciary System Act (JSA)*" (bearing in view the established national mechanism for compensation, applied in cases of slow justice) has been awarded to and successfully implemented by the Foundation.

Encouraged by the results of the "*European Human Rights Moot Court Competition*" in 2015 where the Bulgarian team came out on the second place, the BLHR Foundation has announced a competition for recruitment of candidates who to take part in the forthcoming edition of this competition.

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

The report prepared by BLHR Foundation in English provided a thorough analysis in the recent years on the university education in Human Rights as well as on its impact on the work of legal professionals in this field..

As it refers to the professional judicial training, an established practice at NIJ is the assessment of the trainings at the "reactionary level" (according to Kirkpatrick's Training Evaluation Model) through questionnaires filled-in by the participants immediately after completion of the trainings.

Complete or long-term impact assessments of the effectiveness of professional Human Rights training on the activities of the Judiciary have been conducted incidentally so far, within the course of implementation of certain project activities.

10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

The close natural connection that exists between academic and professional legal training in Human Rights has found its explicit expression at the institutional level within NIJ. Members of the Institute's Programme Council, which is responsible for the approval of NIJ training programmes (the programmes on Human Rights included) are both practicing magistrates and university professors, teaching the main legal disciplines.

Eminent university lecturers are also invited to take part as trainers in the judicial trainings, organized by NIJ in the field of Human Rights or to join the mixed teams of academics and magistrates engaged in the development of handbooks or manuals in this field, for example in the elaboration of the Handbook on the Judicial Protection of Fundamental Rights in Bulgaria.

At the Academy to the Ministry of Interior during the last years within the Master's program "Public Administration" a new discipline has been launched – "Protection

against Discrimination”. Within 30 hours the latter presents the international standards on protection of Human Rights, including the European system and the national Anti-discrimination Law with an emphasis on the Commission for Protection against Discrimination, as well a special module “Hate Crimes”. It was observed that the students in the Master’s programme have interest in it and that it is carried out together with the Commission for Protection against Discrimination – in particular its members are invited to present the practical aspect of its work. The Academy also offers a special module on “Police Protection of Human Rights”, but it is taught in the initial professional training of officials from the Ministry of Interior, who have graduated from other universities.

Additional information from the expert member of Committee of Experts on the system of the European Convention on Human Rights (DH-SYSC)

In addition to the prepared information on the application of the European Convention on Human Rights in the university education and professional training it should be noticed that the term of the project *Increasing the capacity of the judiciary and training on the European Convention for the Protection of Human Rights and Fundamental Freedoms at the National Institute of Justice*, financed by NFM 2009-2014, was prolonged till April 2016. The achieved results at the end of the projects are 35 events (trainings, two Forums for human rights and justice, work meetings), attended by 1188 participants (949 magistrates).

The issues on application of European Convention on Human Rights and protection of human rights have been discussed during the 4 visits to the ECtHR in the framework of the project. 38 Bulgarian magistrates and experts from NIJ took a part of those visits. During the visits the Bulgarian participants have the opportunity to meet their foreign colleagues and to discuss current issues on the application of the Convention and protection of human rights as well as current case-law of the ECtHR. As a part of the programme of the visits was also a hearing before the Grand Chamber of the Court in Strasbourg.

The successful results of aims, which have been set to be financed by NFM 2009-2014, found its continuation in execution of little project initiatives, financed by Fund for Bilateral Relations of Programme BG 14 of the NFM 2009-2014. In the framework of the project *Piloting Council of Europe Programme (HELP) “Human Rights Training for Jurists” anti-discrimination distance learning course* 207 magistrates and judicial clerks will visit ECtHR in the framework of project *Partnership for trainings in the area of protection of human rights by organization of study visit at the European Court of Human Rights*. In the framework of the visit it is planned a hearing at the Grand Chamber of the Court and meeting with experts from the ECtHR and the Council of Europe.

The issues on the protection of human rights and the application of the convention are subject of discussion also in the framework of the project *Support for the implementation of ECtHR judgments and CPT standards and recommendations (Prison Reform)*. The project is realized in co-operation with the Council of Europe, the Ministry of Justice and General Directorate Execution of Sentences and it is financed by the Human Rights Trust Fund. During the project it is foreseen to be organized trainings for magistrates with participation of foreign and Bulgarian experts on the new remedies,

the application of article 3 of the Convention and the electronic monitoring as well as trainings for the prison staff, probation officers and medical staff. The project foreseen also to be developed rehabilitation programmes of prisoners. The length of the project is 12 months and it started in November 2016.

At the Calendar of NIJ for 2017 the following trainings on protection of human rights and application of the Convention will be organized:

- Article 11 from the ECHR (freedom of assembly and association) Juridical Persons with Non-Profit Purposes Act and transition of registration procedure to the Registry Agency, 13-14.03 2017 – a pilot training for judges and experts from the Registry Agency;
- Application of the principle of proportionality under article 6 from Administrative Procedure Code in the light of case-law of ECtHR, 5-7.04 2017 – a training for administrative judges;
- Application of the principle “non bis in idem” in criminal responsibility and administrative criminal responsibility for one person for the same crime. Review of case-law of the European Court of Justice and ECtHR;
- ECHR in relation to preliminary value of correspondence of the project of regulatory act of the Council of Ministers with ECHR and the case-law of ECtHR under article 28, paragraph 3 from the Statutory Instruments Act, 14-15.11 2017 – a pilot training for experts from the Ministry of Justice

The education and training in fundamental rights and freedoms are of paramount importance for promoting a viable democratic culture in the Bulgarian society, in which the legal profession has a special responsibility. In this connection, in early April 2015, the Minister of Justice issued an order to set up a working group which was assigned to assess the current state of education in law and to propose possible amendments to the Regulation on the Uniform State Requirements to the University Degree in Law and the Professional Qualifications of Lawyers. The working group organized the collection and review of a wide range of opinions from the professional community, employers of members of the legal profession, recent law graduates and academia in law for the purpose of identifying the existing weaknesses in the model of education in law and outlining the necessary and possible changes in this sphere.

On the basis of the study and the consultations and after a series of discussions, the working group came to the conclusion that one of the shortcomings of the existing model of legal education in this country was the lack of in-depth and practice-oriented training in the protection of human rights and fundamental freedoms. Confining it in to a limited number of topics within the constitutional law syllabus and possibly including some optional courses relating to the protection of fundamental rights and freedoms does not produce satisfactory results. Law graduates tend to greatly lack proper knowledge of the substantive human rights law and the possible remedies. More specifically, there is lack of knowledge on the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the case-law of the European Court of Human Rights and the effect of the Court’s judgments on the protection of fundamental rights at national level.

In this context, the Ministry of Justice has drafted a new Regulation on the Uniform State

Requirements to the University Degree in Law and the Professional Qualifications of Lawyers, setting out the general requirements to the education in law. The proposed main measures to overcome the shortcomings of the education in law in its current condition include the introduction of a new core course in fundamental rights and freedoms, covering the domestic, European and international legal framework of human rights and the various protection mechanisms. This course should provide for the development of in-depth and practice-oriented knowledge of human rights as a major element of the rule of law and the democratic administration of justice.

The public discussion and interdepartmental coordination of the new draft Regulation have been completed.

CROATIA/CROATIE

Excerpt from the national report on the implementation of the Brighton Declaration
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Providing public officials with relevant information about the obligations under the Convention; and in particular training officials working in the justice system, responsible for Law enforcement, or responsible for the deprivation of a person's liberty in how to fulfil obligations under the Convention;

Every year, the Office of the Agent submits to Judicial Academy¹² the proposal of subjects which it deems valuable to be included in the annual training programme for officials in judiciary.

Furthermore, in 2011 the Working group for implementation of the Interlaken Declaration Action plan at national level was established (hereinafter: Working group).

Members of the Working group are primarily representatives of the bodies/institutions responsible for vocational training within the judiciary and within the executive branch, as well as bodies/institutions responsible for promotion of human rights and minority rights.

The Working group has been established as a domestic structure to implement and overview the implementation of the Interlaken Declaration at national level.

The Working group has identified key problems and issues in the implementation of the Convention and Court's case law in the light of the new pending cases and established violations of the Convention in Court's judgments against Croatia.

In its work to this point, the Working group has estimated that in order to improve the implementation of the Convention at the national level, it would be necessary to propose measures to the Government which would, in its major part, relate to strengthening of the continuous and systematic education and professional training on Convention system for the officials in judiciary and civil servants.

The Working group is currently working on the proposal of measures for raising awareness within the public authorities of the need for application of the Conventional legal standards, that is, the awareness of the need for application of case-law of the Court. After defining these measures, appointing the authorities competent for their implementation and deadlines, the proposal will be submitted to the Government of the Republic of Croatia.

Providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors

During their studies at the law faculties in Republic of Croatia, future lawyers have the opportunities to learn about the application of the Convention and Court's case law. The education on the Convention is integrated into the curricula of the particular subjects that are closely related to the protection of human rights, on all levels of university

¹² For more details about Judicial Academy see the answer to the following question.

studies: undergraduate, graduate and postgraduate.

The most important institution for professional training of judges and public prosecutors is Judicial Academy. Judicial Academy is a public institution whose objectives include efforts to create conditions for the implementation of initial training programmes for trainees in judicial bodies and candidates for judges and deputy prosecutors (the State School for Judicial Officials programme) and to ensure on-going professional training for judges and deputy prosecutors.

Programme of State School for Judicial Officials (candidates for judges and deputy prosecutors) includes lectures relating to civil and criminal aspects of the Convention.

Similarly, the Judicial Academy organizes lectures and workshops for professional training of judges and public prosecutors on various subjects relating to the application of the Convention (such as detention and right to home).

In the framework of the HELP II programme of the Council of Europe, the Judicial Academy has begun with the e-learning programme “General Introduction to the European Convention on Human Rights (ECHR) and the European Court of Human Rights (ECtHR)” for Croatian judicial officials, as part of their continuous training to enhance and improve the knowledge of legal professionals on the ECHR and the ECtHR. The aim of the course is to ensure the effective implementation of the Convention at the national level. E-learning course is intended for judges of municipal court, magistrate courts, administrative courts and county courts, as well as for deputy prosecutors.

The above mentioned Working group has recognized the need to organize more programmes within Judicial Academy which would offer to officials in the judiciary, as well as to the future judges and public prosecutors in the State School for Judicial Officials, systematic and continuous professional training on Convention law.

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Regarding the competence of the Judicial Academy (hereinafter referred to as JA), training on human rights and the case law of the Court is an integral part of the curriculum for the continuous professional training of judges and prosecutors. When drafting the JA’s annual programme, the basic and specialized themes on protection of human rights are taken into consideration depending on the judiciary’s need for training. Possible difficulties would be the lack of financial resources for a more systematic and thorough training and insufficient number of national training experts on this subject.

2. Are they offered as **optional disciplines** to those who wish to specialize?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Training on human rights is not offered as optional as there is no system of specialization on this subject in relation to the JA's target groups at the moment.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Training on human rights is a component of the initial (in the scope of JA's training programme for future judges and prosecutors) and continuous professional training of judges and prosecutors. JA conducts workshops and seminars on the subject of the Convention and the case law of the Court in cooperation with national and international training experts in the scope of national or international training activities. Apart from live seminars, JA is also implementing blending learning as a combination of live seminars and e-learning. For example, in 2015 and 2016 JA launched e-learning courses on the Convention for judges and prosecutors in the framework of "HELP in the 28". Other examples of good practice in training are a method of workshops with practical examples/exercises and also participation of international experts in drafting the training materials and conducting the trainings. Possible difficulties would be the lack of financial resources for implementing a systematic and thorough training on the subject matter as well as engaging international experts and insufficient pool of national experts.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?
Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

JA has been functioning since 2003 - 2010 under the Ministry of Justice of the Republic of Croatia and from 2010 as an independent public institution. Human rights education and training for the respective JA's target groups has been incorporated in the training curriculum since 2007.

6. Is training delivered by **persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?
Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

The training is conducted by judges, prosecutors and professors of law who have a good knowledge of the Convention and the case law of the Court and who have been trained for this purpose on a national and international training of trainers (TOT). The training is also implemented in cooperation with international experts. Regarding the knowledge of new methods of training JA continuously conducts workshops on modern teaching techniques intended for trainers of training activities in the frame of regular activities at JA. JA also provides workshops for mentors in e-learning courses.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

JA, when possible, sends trainers to attend specialized courses for ECHR trainers i.e. training of trainers (TOT), which are the result of a bilateral or multilateral cooperation. Also, when possible, a component of ECHR TOT is included in the projects financed by the European Union.

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

Within the competence of JA and the information available, the effectiveness of Human Rights training is to a degree assessed by the Ombudsman who has the authority to recommend to JA additional training on the subject of human rights or highlight areas that need extra attention concerning training. Furthermore, JA is obligated to implement training activities in the framework of national strategies adopted by various institutions in charge of protection of human rights. These national strategies are drafted after meticulous analysis of the target area and therefore can indicate which areas concerning ECHR need further training. The aforementioned examples serve, to a degree, as an indicator if the already implemented training has been effective or not.

10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

JA regularly and when possible cooperates with law faculties when organizing workshops and seminars on the subject of human rights, whether by engaging law professors in implementing the training or drafting the training materials. For example, in 2012 JA, in cooperation with the Faculty of Law in Zagreb, implemented a series of seven workshops in the framework of the project “The European Court of Human Rights judgments against the Republic of Croatia in criminal matters”.

Additional information from the expert member of Committee of Experts on the system of the European Convention on Human Rights (DH-SYSC)
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In accordance with the Point 3 of the document DH-SYSC(2016)012PROV, the Government of the Republic of Croatia would like to submit additional information relating to the education on the Convention at Croatian universities.

As it is stated in the said document, during their studies at the law faculties in the Republic of Croatia, future lawyers have the opportunities to learn about the application of the Convention and Court's case law. The education on the Convention is integrated into the curricula of the particular subjects that are closely related to the protection of human rights, on all levels of university studies: undergraduate, graduate and postgraduate.

Please find below an overview of such opportunities, based on information procured from the University of Zagreb, Faculty of Law.

The knowledge of the Convention and the Court's case law is disbursed throughout ten departments of the University of Zagreb, Faculty of Law offering integrated BA-MA programme students, advanced master's programme students and doctoral programme students appropriate education regarding the Convention system either through obligatory or optional courses.

Bearing in mind that the Convention is the essential reference point for the protection of human rights in Europe, the practical education on the Convention is primarily incorporated in obligatory courses of the integrated 5-year BA-MA programme. Accordingly, the Department of the General History of Law and State gives 1st year students an overview of the reasons which led to the adoption of the Convention, the importance of the Convention for the development of the democratic society as well as its historical change.

2nd, 3rd, 4th and 5th year students acquire a more practical knowledge of the convention system depending on the field of law which they study. Respectively, the Department of Criminal Law provides 2nd year students knowledge of the Convention regarding its criminal law aspect, whereas the Department of Legal Informatics provides a course *Legal Informatics* that teaches them essential conventional principles stemming from the right to privacy and the right to protection of personal data.

Furthermore, the civil-law aspect of the Convention (right to property, right of inheritance, etc.) is a part of the syllabus of the Department of Civil Law intended for 3rd year students while the importance of the Convention as a significant instrument for protection of human rights is transmitted to them by the Department of International Law. In addition, the practical implementation of the criminal-law aspect of the Convention, especially of the right to a fair trial is a part of the programme prepared by the Department of Criminal Procedural Law for 3rd year students.

Moreover, the curriculum for 4th year students prepared by Department of Civil Procedural Law and Department of Labour and Social Security Law encompasses topics related to practical implementation of the Convention. Accordingly, within the Civil Procedural Law course, students analyse principles set out in Article 6 of the

Convention, in particular the application of the principle of equality of arms, the principle of adversarial hearing, the right to a hearing, etc.) in leading judgements/decisions of the Court. An important emphasis is placed on judgements/decisions in which the Court found violation of the right to a fair trial in respect of Croatia. Moreover, the Labour Law course gives an overview of fundamental principles found by the Court in leading judgements/decisions relating to antidiscrimination law in work-related rights as well as health insurance and pension insurance system, especially those rendered against Croatia. On the other hand, the Department of Commercial Law and Company also educates 4th year students on cases brought by legal entities.

Apart from obligatory courses, the integrated 5-year BA-MA programme envisages optional courses conducted on the 5th year, that entirely or in part relate to protection of human rights according to the Convention. These are:

- Juvenile Criminal Law Course
- International Criminal Law Course
- EU Substantive Criminal Law and Protection of Victims Course
- Bioethics and Human Rights Course
- Children's Procedural Rights and Civil Justice Course
- Efficient Enforcement Proceedings in the context of procedural warrants of Article 6 of the Convention
- The Effect of the Court's Practice on the Harmonisation of the Civil Procedural Law in Europe
- Human Rights optional course within the Department of Labour and Social Security Law
- Antidiscrimination Law in Work-Related Rights and Social Rights Course
- International Labour and Social Law
- International Protection of Human Rights
- The Protection of Human Rights in the Criminal Proceedings
- An Introduction in Penitentiary Law
- The Position of Persons with Mental Disabilities in the Criminal Proceedings
- Human Rights and Criminal Justice

Furthermore, the advanced master's programme and doctoral programme entail courses whose aim is to provide specialized knowledge on the Convention system depending on which field of law practitioners wish to specialise in. For instance, the advanced and doctoral programme in Criminal Law includes courses relating to procedural standards put forth by the Convention in criminal matters (e.g. the protection of Human Rights in Europe – the Criminal Aspect).

The University of Zagreb, Faculty of Law also takes part in three Moot Court competitions – *European Human Rights Moot Court Competition*, *Regional Moot Court Competition before ECHR* and *Price Media Law Moot Court*,

CYPRUS/CHYPRE

Access to information on the Convention and the Court by potential applicants (para. 1a)

1. In Cyprus ' case it is in practice unusual for applicants to apply to the Court in person without representation by counsel. Therefore, efforts are directed at the legal profession of Cyprus, through the publication and dissemination of the Court's judgments and decisions. The Court's Guide on Admissibility Criteria has been inserted on the website of the Office of the Attorney General, Human Rights Sector, and has been published in the Cyprus Bar Association's journal (Cyprus Law Journal). Moreover, the Sector communicated to the Cyprus Bar Association the new requirements for introducing an application with the European Court of Human Rights for the purposes of forwarding the information to its members . The communication letter gave a short account of what an individual application to the Court should contain and enclosed the notes for filing in the application form in the Greek language and the new rule 47 also in the Greek language.

2. The Human Rights Committee of the Cyprus Bar Association frequently organizes free seminars and lectures on the protection of human rights under the Convention system. The latest seminar is addressed to Young and Trainee Counsels and focuses on the admissibility criteria.

I. Raise awareness among members of parliament and improve 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 (para. 1b)

3. Although the Convention and its implementation does not constitute an integral part of the judges', prosecutors', lawyers and national officials' vocational and in service training, nonetheless they frequently attend seminars and conferences on these issues.

CZECH REPUBLIC/REPUBLIQUE TCHEQUE

Excerpt from the national report on the implementation of the Brighton Declaration
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Para 9c(v) [States] providing public officials with relevant information about the obligations under the Convention; and in particular training officials working in the justice system, responsible for law enforcement, or responsible for the deprivation of a person's liberty in how to fulfil obligations under the Convention

A Czech version of the Council of Europe's Toolkit to inform public officials about the State's obligations under the European Convention on Human Rights is currently under preparation.

The Newsletter published by the Office of the Government Agent is distributed to the executive and law enforcement bodies.

The police force training has, in the past years, undergone significant developments to include a greater focus on human rights, while better IT equipment has rendered accessible more relevant materials and information to the corps and affiliated civilian staff. The aforesaid goes hand in hand with more attention being paid to internal control mechanisms in respect of the police work. Thus, the likelihood of repetition of a case like the one the Court has dealt with in *Kummer v. the Czech Republic* (no. 32133/1 1, judgment of 27 March 2014), which of itself can be considered an excess, has, in the Government's view, already substantially decreased.

Para 9c(vi) [States) providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors

The Office of the Government Agent regularly consults with the analytical departments of the highest courts and the Ombudsperson's office, distributes information on the judgments delivered in respect of the Czech Republic to courts, and provides lectures at the Judicial Academy within the framework of professional life-long education of judges, public prosecutors and other staff of the justice system.

The Newsletter of the Office of the Government Agent is distributed to all courts, public prosecutor offices, as well as the Czech Bar Association and law schools.

The police force training has, in the past years, undergone significant developments to include a greater focus on human rights, while better IT equipment has rendered accessible more relevant materials and information to the corps and affiliated civilian staff. The aforesaid goes hand in hand with more attention being paid to internal control mechanisms in respect of the police work. Thus, the likelihood of repetition of a case like the one the Court has dealt with in *Kummer v. the Czech Republic* (no. 32133/1 1, judgment of 27 March 2014), which of itself can be considered an excess, has, in the Government's view, already substantially de- creased.

Excerpt from the national report on the implementation of the Brussels Declaration
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The Law of the Convention forms an integral part of the annual syllabus of the Judicial Academy. Various experienced lecturers, including staff members of the Office of the Government Agent, provide trainings, lectures and seminars at the Judicial Academy within the framework of professional education for judges, prosecutors, and other staff of the judicial system. The Deputy Government Agent is a certified trainer of the HELP programme and some staff members of the Office of the Government Agent are permanent registered lecturers of the Judicial Academy.

Members of Parliament are informed about the relevant Court's jurisprudence during the legislative process, since the Legislative Rules of the Government as well as the Rules of Procedure of the Chamber of Deputies require the explanatory report to a draft law to include an evaluation of conformity of the proposed legislation with international human rights obligations and, explicitly, with the European Convention on Human Rights and the Court's case law. The Office of the Government Agent has increased efforts to raise awareness among members of Parliament through various other supplementary means. For example, after the Government take note of the annual report of the Government Agent, the report is presented to Parliament and its subsidiary bodies. Furthermore, both chambers of Parliament have their representatives sitting on the Committee of Experts on the Execution of Judgments of the European Court of Human Rights. In addition, interested members of Parliament receive the Government Agent's Newsletter on the recent case law of the Court.

For the first time, in 2016, the Ministry of Justice seconded a judge of a national court to the European Court of Human Rights. He should serve at the Registry for the period of one year.

The Czech Bar Association organizes regular study visits at the Court for advocates and trainee lawyers.

Information received from the HELP Network
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The Judicial Academy of the Czech Republic (JA) was established in 2002 as the central institution of the justice sector for the training of judges, state prosecutors and other target groups. Since it took over the Judicial school in 2005, the Judicial Academy is a unique state body in the Czech Republic responsible for training all target groups in the Czech judiciary.

The seat of the Czech Judicial Academy is in Kroměříž. JA has got training and accommodation facilities in Kroměříž and training facilities in Prague and 7 other cities. Among the main activities of the Judicial Academy are:

- Initial training of trainees
- Continuous training of judges and prosecutors
- Continuous training of middle professional staff at courts and prosecution offices
- Continuous training of senior staff at courts and prosecution offices

- Training in cooperation with partner institutions (e.g. Czech Bar Association)
- Association of Judges, Association of Prosecutors, Chamber of Court Appointed Interpreters and Translators
- Training in cooperation with European training institutions; etc.

The education is provided pursuant to the regular annual training program, created on the basis of the analysis of educational needs in cooperation with the Ministry of Justice, courts and the state prosecution offices. The training is focused on domestic law, EU law, legal skills and social sciences. It is provided in form of lectures, seminars, workshops, short-term courses, moots, mock trials, etc.

1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Yes, the European Convention on Human Rights and the case law of the Court are part of the common core curriculum of the initial training of trainees as well as the continuous training of judges and state prosecutors. Every year the JA offers seminars on separate topics such as right to a fair trial, anti-discrimination or protection of detained persons. Lectures on the Convention and the ECHR case-law are also incorporated into the training for high judicial clerks.

Each university (faculty of law) has its own curriculum where training concerning the European Convention on Human Rights and European Court of Human Rights is involved. Professional training is usually conducted by the professional associations.

2. Are they offered as **optional disciplines** to those who wish to specialize?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

The JA does not offer any specialized courses for judges or state prosecutors. Anybody may attend any seminar.

It depends on each university (faculty of law) but it is quite usual that further optional education concerning Human Rights is available.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Yes, see answer no. 1.

Within the initial training of trainee lawyers as well as within continuous training provided to lawyers, seminars of Human Rights are involved.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Training activities prepared by the JA are offered to judges, state prosecutors, as well as for the middle and senior staff of the courts and prosecution offices according to the Act No. 6/2002 Coll., on courts and judges.

There is no special training in question provided on a regular basis; it can be organized if there is a need for such training. The Czech Bar Association organized training for lawyers handling with legal matters of immigration services due to the ongoing immigration crisis.

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

6. Is training delivered **by persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

Yes, the training activities are led by judges of higher courts (Supreme Court, Supreme Administrative Court, Constitutional Court), by academic. Topics related to the Convention and ECHR case-law are often presented by former employees of the ECHR (assistant lawyers, members of the Registry).

In relation to lawyers, it is delivered by experienced professionals. The Czech Bar Association has been cooperating with a representative of the European Court of Human Rights who, on a regular basis, informs lawyers about current judgments of ECHR via monthly published journal. Also a guide for lawyers before ECHR is available to all lawyers in Czech language. Seminars of Human Rights are also conducted by the Czech Bar Association as well as yearly study visits for Czech lawyers to the European Court on Human Rights.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

The Judicial academy does not organize special professional trainings to the trainers or lecturers. However we do nominate them to international seminars and training organized by other institutions such as EJTN, ERA or the HELP Network.

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

The Judicial Academy is part of the state administration and therefore it does not organize any non-state initiatives.

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

The Judicial Academy evaluates the quality of every training or seminar, participants are provided with an evaluation form and they are asked to fill their comments about the quality of the lectures, presentations and materials. The results of the evaluation are discussed by the academic staff of the Judicial academy.

10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

The Judicial academy invites academics to have lectures and to organize trainings.

DENMARK/DANEMARK

Excerpt from the national report on the implementation of the Brighton Declaration

9c(v). [States] providing public officials with relevant information about the obligations under the Convention; and in training officials working in the justice system, responsible for law enforcement, or responsible for the deprivation of a persons liberty in how to fulfil obligations under the Convention.

The Danish courts arrange their own courses with subjects relevant to the judges. Human rights are promoted at several courses.

The Director of Public Prosecutions has the main responsibility for the training and education of the entire Danish prosecution service. Most of the training is done in intense 1-5 days courses with teachers recruited from the prosecution service itself and external teachers recruited from the courts and private law firms. Some of these main courses mainly focus on human rights issues and other international legislative obligations which Denmark is committed to. These courses are executed in cooperation with the courts and the Association of Danish Lawyers and are offered to prosecutors, judges and attorneys on all levels. Other courses – both the mandatory and optional ones – often involve human rights as an important part. In addition to this the Director of Public Prosecutions office also offers to host theme days or lectures on demand on any topic – including human rights – which a local part of the prosecution service might find to be of relevance.

The Association of Danish Lawyers frequently provides courses for lawyers, judges and other legal professionals, including courses involving aspects of human rights.

9c(vi). [States] providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors.

See above 9c(v).

Excerpt from the national report on the implementation of the Brussels Declaration

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The Director of Public Prosecutions has the main responsibility for the training and education of the entire Danish prosecution service. Most of the training is done in intense 1-5 days courses with teachers recruited from the prosecution service itself and external teachers recruited from the courts and private law firms. Some of these main courses may focus on human rights issues and other international legislative obligations which Denmark is committed to. These courses are executed in cooperation with the courts and The Association of Danish Lawyers and are offered to prosecutors, judges and attorneys on all levels. Other courses – both the mandatory and optional ones – often involve human rights as an important part. In addition to this, The Director of Public Prosecutions office also offers to host theme days or lectures on demand on any

topic – including human rights – which a local part of the prosecution service might find to be of relevance.

The Association of Danish Lawyers frequently provides courses for lawyers, judges and other legal professionals, including courses involving aspects of human rights.

The Danish Bar and Law Society is aware of the opportunity of study visits and traineeships for lawyers at the Court.

ESTONIA/ESTONIE

Excerpt from the national report on the implementation of the Brighton Declaration
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Providing public officials with relevant information about the obligations under the Convention; and in particular training officials working in the justice system, responsible for law enforcement, or responsible for the deprivation of a person's liberty in how to fulfil obligations under the Convention (para. 9 c (v)).

In 2013, the Council of Europe Committee of Ministers adopted the „Guide to good practise in respect of domestic remedies“ and „Toolkit to inform public officials about the State's obligations under the ECHR“ prepared by the Steering Committee for Human Rights (CDDH). These information materials have been submitted to the Ministry of Justice and the Ministry of the Interior. The latter organised translation of the Toolkit into Estonian and distributed it to various agencies within its area of government, including police and border guard officers as well as migration officials.

In addition, human rights are covered in various *Ministry of the Interior* sectorial handbooks, guidance materials and procedural guides, helping to ensure best compliance with human rights by making it is easier for public officials to relate particular human rights to the specific aspects in their respective areas of competence. Information materials intended for migration officials and border guard officers include treatment of human rights, for example, in the following handbooks: “Methodology for investigating cases of human trafficking”, “Asylum seekers with special needs: optional guidance material for officials dealing with requests for international protection”, and procedural guidelines “Procedural guide to expulsion” and “Guide to short-term detention”.

In the Police and Border Guard Board, which is a subordinate agency of the Ministry of the Interior, training on issues of human rights and fundamental freedoms is incorporated in the basic training of officers as well as regular in-service training. Inter alia, the training includes the key case-law of the European Court of Human Rights and the European Court of Justice in the relevant sectors. The training is carried out by the specialists of respective fields from the Police and Border Guard Board, the Estonian Academy of Security Sciences, the Office of the Chancellor of Justice and other institutions.

Every year the Police and Border Guard Board organises training courses for the staff of police detention centres, emphasising, inter alia, the need for respect for human rights in performing official duties; in addition, case-law of the ECtHR and summary reports of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) are covered. In 2014, various training courses were carried out in the field of law enforcement and criminal law, focusing on the treatment of minors and the protection of their rights and freedoms, including topics such as “Minors in offence proceedings”, “Interviewing of minors”, “Child welfare”. In addition, the Office of the Chancellor of Justice carried out a training course for the staff of police detention centres on the topic of “Legislation concerning the work of police detention centres”, dealing, inter alia, with issues of the protection of human rights and fundamental freedoms.

In the area of migration and border guard, a training course on administrative procedure

was organised for officials of the detention centre for foreigners in 2013 in order to ensure better compliance with the requirements for the use of direct coercion. The training dealt with issues of better reasoning of administrative decisions and the principles of discretion. In 2014, officials of the detention centre for foreigners and Police and Border Guard Board officials dealing with expulsion attended the training course “Analysis and assessment of the trends of return of individuals – practice of other countries” where the main focus was on the protection of vulnerable persons in expulsion proceedings.

In addition to the training courses organised by the Police and Border Guard Board and the Estonian Academy of Security Sciences, migration supervision and border guard officials have received human rights related training within the project for implementing the voluntary return and reintegration programme organised by the Estonian representation of the International Organization for Migration. The training has included, for example, the following topics: “Human rights and return” (2010), “Migration and the rights of migrants upon return” (2011), “Migration, return and the legal framework” (2011), “Migration and counselling of migrants in the process of return” (2012), “Unaccompanied minors in the process of return: international legislation” (2013).

In 2014, *the Ministry of Foreign Affairs* translated into Estonian the ECtHR “Guide on Article 5: Right to liberty and security. Article 5 of the Convention”. It has been published in Estonian on the homepage of the Ministry of Foreign Affairs and sent for use and distribution to the Ministries of Justice, Internal Affairs, and Social Affairs, as well as the Supreme Court and the Office of the Chancellor of Justice.

In 2016, the Government Agent before the ECtHR and the lawyer of the International law office of the Ministry of Foreign Affairs conducted a training course to the Ministry of the Interior and its subordinate agencies’ lawyers and specialists, concentrating on the key case law of the ECtHR in the relevant subject matter areas.

Providing appropriate information and training about the Convention in the study, incl. training and professional development of judges, lawyers and prosecutors (para. 9 c (vi)).

In Estonia, the *training department of the Supreme Court* deals with the training of judges. Topics relating to the Convention on Human Rights have constantly been part of the training programme of Estonian judges. The training has included, for example, the following:

- In 2012, on two occasions the ECtHR case-law in criminal cases (lecturer Elina Elkind who was on a one-year secondment to the Registry of the ECtHR in 2010-2011)
- In 2013, on two occasions the ECtHR case-law (lecturers Saale Laos and Elina Elkind)
- In 2014, the ECtHR case-law (lecturer the Estonian judge in the ECtHR, Julia Laffranque) and on two occasions the ECtHR case-law in criminal cases (lecturers Saale Laos and Elina Elkind).

In addition, the Legal information department of the Supreme Court has published over the years several overviews and analysis on different topics of the Convention rights most relevant or problematic to Estonia in order to support judicial training as well as to foster uniform application of the law in light of the Court's case law. The most recent analysis pertains to the Court's case law in respect of the conditions of prison chambers. The respective analyses are publicly available on the website of the Supreme Court.

The Supreme Court has also been involved in the activities of the Council of Europe HELP project which helps member states to introduce the topic of human rights. The Court also participates in its follow-up project.

The *Ministry of Foreign Affairs* always sends the ECtHR judgments in respect of Estonia together with a short summary explaining the judgment to the Ministry of Justice and other relevant ministries, the Chancellor of Justice and the Supreme Court. The *Ministry of Justice*, in turn, forwards the relevant information to the e-mail list of the Estonian judges, so that the materials reach all the judges.

The Supreme Court judges carry out separate training courses for the *prosecutor's office* every year, dealing with topical domestic case-law in the context of the ECtHR. Separate training courses focusing specifically on the ECtHR case-law are also organised; for example on 27 February 2014 the judge of the European Court of Justice, Uno Lõhmus (also a former judge in the ECtHR), carried out a training course on fundamental rights for prosecutors and members of the Estonian Bar Association. Prosecutors can also regularly participate in the training courses for judges organised by the Supreme Court. ECtHR case-law and the ECtHR admissibility guide in Estonian have been made available for all prosecutors via a direct link on the intranet of the prosecutor's office, and the key judgments are also sent directly by e-mail to all the prosecutors.

Advisers from the *Office of the Chancellor of Justice*, in the framework of the Chancellor's role as the preventive mechanism for cruel, inhuman or degrading treatment, continue to carry out training courses dealing, inter alia, with the issues relating to the ECtHR case-law. In addition, in 2015 and 2016, the Office of the Chancellor of Justice has organised training courses to Estonian lawyers on topics of law enforcement, state liability and in the interpretation of the Estonian Constitution, covering the subject matters also in relation to the ECtHR case law. The Chancellor of Justice in his annual reports, which are also published in the Riigi Teataja (State Gazette)¹³, also continues to draw attention to the key judgments of the ECtHR delivered during the reporting year. The same is done by the *Government Agent before the ECtHR* in the annual overviews submitted to the Government.

Excerpt from the national report on the implementation of the Brussels Declaration
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b) *Increase efforts at national level to raise awareness among members of*

¹³ Riigi Teataja is a gazette of official online publications of the Estonian legislation and all other legal instruments, domestic court decisions, legal news, etc.

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 Human Rights Education for Legal Professionals (HELP) programme of the Council of Europe, as well as to the training programmes of the Court and to its publications;

In Estonia, the training department of the Supreme Court deals with the training of judges. Topics relating to the Convention and case law of the Court continue to be a constant part of the training programme of Estonian judges. Public prosecutors can also regularly participate in the training courses for judges organised by the Supreme Court. In addition, the Legal information department of the Supreme Court has published over the years several overviews and analysis on different topics of the Convention rights most relevant or problematic to Estonia in order to support judicial training as well as to foster uniform application of the law in light of the Court's case law. The most recent analysis pertains to the Court's case law in respect of the conditions of prison chambers. The respective analyses are publicly available on the website of the Supreme Court.

Advisers from the Office of the Chancellor of Justice, have organised training courses to Estonian lawyers on topics of law enforcement (May and November 2015, and October 2016), state liability (spring 2016) and the interpretation of the Estonian Constitution (September and November 2016), covering the subject matters also in relation to the ECtHR case-law. The Chancellor of Justice in her annual reports, which are published in the *Riigi Teataja*, also continues to draw attention to the key judgments of the ECtHR delivered during the reporting year.

In May 2015, the Government Agent before the ECtHR and an Estonian lawyer working at the Registry of the Court carried out a training course for the members of the Estonian Bar Association on bringing a case to the Court. The course dealt with the questions of admissibility criteria and the completing of the application form.

In May 2016, the Government Agent before the ECtHR and the lawyer of the International Law office of the Ministry of Foreign Affairs conducted a training course to the Ministry of the Interior and its subordinate agencies' lawyers and specialists, concentrating on the key case law of the Court in the relevant subject matter areas.

At the end of each calendar year the Government Agent before the ECtHR submits a report on her activities to the Government and to the Constitutional Committee and Legal Affairs Committee of the Parliament. The report, that is also made public, includes a complete overview of the cases pending before the Court that are launched against Estonia; an overview of the decisions and judgments made by the Court in respect of Estonia; an overview of the key decisions and judgments in respect of other Member States but with relevance to laws or administrative practice of Estonia.

Further, the Government Agent always sends the ECtHR judgments in respect of Estonia together with a short summary explaining the judgment to the Ministry of Justice and other relevant ministries, the Chancellor of Justice and the Supreme Court. The Ministry of Justice, in turn, forwards the relevant information to the e-mail list of the Estonian judges, so that the materials reach all the judges.

In addition, the 2016 Estonian Lawyers' Days programme was dedicated to international and human rights law. One of the aims of the conference was to celebrate the 20-year anniversary of Estonia joining the Convention system and its keynote speech was delivered by the President of the Court, Mr Guido Raimondi. The topics discussed during the conference as well as Mr Raimondi's visit contributed greatly to raise awareness on the Convention and its implementation among Estonian lawyers as well as among members of wider public. Additionally, as a follow-up to the conference, an article by the Government Agent before the ECtHR was published in Estonian legal journal *Juridica* that gave a thorough overview of the Court's case law adopted in the course of 20 years in respect of Estonia.

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Yes, the European Convention on Human Rights and the case law of the ECtHR are a part of the professional training programme. For example, we take part in Council of Europe's HELP e-learning programme. Furthermore, there are lectures and seminars focusing on the case law of ECtHR. The lectures and courses are given by professionals dealing with human rights.

2. Are they offered as **optional disciplines** to those who wish to specialize?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Courses that are offered to judges and other judicial advisers are not obligatory. That means people can choose freely between different courses depending on their own interests and specialization.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Judicial training is voluntary, but according to the Estonian Courts Act a judge is required to develop knowledge and skills of his or her speciality on a regular basis and to participate in training. Therefore many people from the courts or other institutions take part in lectures organized by the Supreme Court's Judicial Training Department. The professional training includes many courses dedicated to human rights and those courses are organized continuously every year.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to

personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

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5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

Lectures in human rights matters are a regular part of the training programme, in public and in private structures.

6. Is training delivered **by persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

Yes, training is delivered by persons with a good knowledge of concepts of the European Human Rights Convention and the case law of the ECtHR - our lecturers are mainly justices of the Supreme Court. Some of them have taken part in several programmes that are launched for training judicial trainers. The best example of a lecturer with good knowledge of the Convention is Julia Laffranque, a judge at the ECtHR.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

Our trainers participate in several international training programmes, for example in HELP, Actiones and EJTN.

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

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9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

After every course the participants fill a feedback sheet assessing the subject in matter and also the lecturer. In addition, the training department assesses the need for training, which means listing the actual and relevant issues and reacting quickly to new arising problems.

10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

Some lecturers are the same for legal professionals and at the university.

FINLAND/FINLANDE

Excerpt from the national report on the implementation of the Brighton Declaration
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9c(v) (States] providing public officials with relevant information about the obligations under the Convention; and in particular training officials working in the justice system, responsible for law enforcement, or responsible for the deprivation of a person's liberty in how to fulfil obligations under the Convention

The ministries are responsible for providing training on fundamental and human rights for the authorities in their respective administrative branches.

As regards the training of judges and court officials, this activity is in the first instance the responsibility of the courts of law, which themselves produce their own training, and, as to centralised training, the responsibility of the Training Unit of the Department of Judicial Administration at the Ministry of Justice. The Ministry of Justice has provided training for judges since the 1970s, and the total annual number of courses has grown with the years. Currently, the Training Unit arranges approximately 200-250 days of training every year. Of this time some 120-130 days are devoted to judges and court officials in both general and administrative courts. Finland also actively participates in several Europe-wide judicial training schemes.

Training related to the European Convention on Human Rights started in 1997. Even before, the Ministry of Justice had provided courses on this subject, and in the 1990s it trained judges and court officials responsible for related issues. These courses continue and were attended by approximately 510 judges in 2014 alone. According to the training plan of the Ministry of Justice, the objective of the courses is to support judges in their basic work by clarifying the status of human rights treaties and fundamental rights in the administration of law and by discussing the contents of the treaties and the related principles of interpretation. Moreover, the courses deal with the principles of a fair trial. The expert lecturers for the courses include the Judge of the European Court of Human Rights elected in respect of Finland, as well as national judges experienced in applying human rights law and specialists from universities.

The Finnish Prosecution Service in turn undertakes the vast majority of its human rights related training in house. This includes several different modules of study, all of which touch on questions related to the European Convention on Human Rights and the case-law of the European Court of Human Rights in one way or the other. Through these modules, which concentrate both on the general functioning of the Finnish Prosecution Service as well as particular areas of law, prosecutors gain a thorough understanding of the human rights control mechanism of the Council of Europe as far as it is applicable to their work both from a theoretical and a practical point of view.

A focus on the legal basis of the work of the police is a foundational starting point in the training of the police. For this reason police officer candidates are, already from the start of their studies, introduced to the central fundamental and human rights provisions found in domestic law, including the European Convention on Human Rights and the concomitant case-law of the European Court of Human Rights. Later on, as the training proceeds to the operative aspects of police work, a fundamental and human rights based

approach functions as a basis of all training. Throughout all of this training the material introduced to police officer candidates includes, *inter alia*, relevant domestic fundamental and human rights legislation, the European Convention on Human Rights, Recommendation Rec(2001)10 of the Committee of Ministers to Members States on the European Code of Police Ethics, as well as a wide range of relevant domestic and international case-law that are taught in a comprehensive manner.

Similarly, the authorities who work in the penal system undergo a systematic training period leading to a degree. As a part of that degree these authorities are also introduced to the legal basis of their profession, in which the central principles concerning the rights and freedoms of persons in the penal system are highlighted. Particular reference in this training is made to the Constitution of Finland as well as relevant international human rights treaties. The aim of this aspect of the degree is to secure the respect for and inviolability of the rights of individuals.

In the beginning of 2014 the Human Rights Centre published a study on human rights education and training in Finland (*Ihmisoikeuskasvatus ja -koulutus Suomessa; Manniskorattsfostran och -utbildning i Finland*; Parliament, 2014), where it pays particular attention to the question of training public officials.

As to relevant information about the obligations under the Convention, it is worthy of note that once the Agent of the Government receives judgments or decisions concerning Finland from the European Court of Human Rights, he promptly informs all domestic authorities which have been involved in each case concerned and always the Parliamentary Ombudsman, the Chancellor of Justice, the Supreme Court, the Supreme Administrative Court, the Constitutional Law Committee of Parliament and the Ministry of Justice of any such rulings.

9c(vi): [States] providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors

See above 9c(v).

FRANCE

Extrait du rapport national sur la mise en œuvre de la Déclaration de Brighton
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Rec(2004)4F/12 mai 2004 Recommandation du Comité des Ministres aux Etats membres sur la Convention européenne des droits de l'homme dans l'enseignement universitaire et la formation professionnelle (adoptée par le Comité des Ministres le 12 mai 2004, lors de sa 114^e Session)

Le Gouvernement entend renvoyer à la présentation générale des formations universitaires et de la formation dispensée aux magistrats qui avait été faite dans le questionnaire remis en décembre 2011. Le Gouvernement français souhaite cependant apporter des précisions sur les modules de formation effectivement proposés aux magistrats, aux fonctionnaires de police et aux agents de l'administration pénitentiaire au cours des trois dernières années.

Les modules de formation proposés aux magistrats en matière de droits de l'homme

En ce qui concerne la formation des magistrats administratifs, plusieurs modules ont été proposés pour améliorer ou parfaire leur connaissance de la Convention et de la jurisprudence de la Cour EDH.

Ainsi, ont été proposés aux magistrats administratifs sur la période comprise entre 2011 et 2014

- un module faisant le point sur la jurisprudence de la Cour EDH (module M061)
- un module permettant la découverte des juridictions européennes (module M100)
- un module relatif à la Cour EDH (module M104).

En ce qui concerne la formation des magistrats judiciaires, ceux-ci bénéficient également d'une offre variée de stages en matière de droits de l'homme.

L'Ecole nationale de la magistrature dispose d'un département intitulé « Humanités judiciaires » présidé par M^{me} Nicole Maestracci, également membre du Conseil constitutionnel.

Dans le cadre de leur formation continue, les magistrats judiciaires se sont vus proposer des modules en lien avec la Cour EDH. Entre 2011 et 2014, les magistrats ont pu participer à un stage de quatre jours sur le mode d'emploi de la Convention européenne des droits de l'homme, un stage de quatre jours sur le rôle des magistrats dans la protection des droits fondamentaux en prison et en détention.

Par ailleurs, des stages collectifs sont proposés par l'Ecole nationale de la magistrature sur le Conseil de l'Europe (4 jours) et sur la Cour européenne des droits de l'homme (4 jours). En 2014, une formation spécifique a été dispensée par un magistrat du bureau du droit européen sur le thème de « *la Convention européenne des droits de l'homme et la chambre criminelle* ». En juin 2011, mars 2012 et février 2014, la sous-direction des affaires juridiques générales et du contentieux a assuré dans le cadre de la formation des magistrats judiciaires trois cycles de formation sur la « *mise en œuvre*

de la responsabilité de l'Etat devant les juridictions européennes à travers l'étude de procédures » et sur le « traitement du fonctionnement défectueux du service de la justice ».

Par ailleurs, en 2013 et 2014, le bureau du droit européen de la Cour de cassation a assuré, pour les Premiers avocats généraux, Conseillers, Avocats généraux, Conseillers référendaires et Avocats généraux référendaires nouvellement installés, une formation aux sites européens intégrant une présentation des sites du Conseil de l'Europe, de la Cour européenne des droits de l'homme et de son moteur de recherche HUDOC.

Enfin, le service de documentation des études et du rapport de la Cour de cassation a pour projet de diffuser, sur le bureau virtuel de la Cour de cassation accessible à tous les magistrats de la Cour, les études du bureau du droit européen concernant notamment la jurisprudence de la Cour EDH. Le nombre d'études qui seraient ainsi mises en ligne s'élève à plus de 35 sur des thèmes aussi variés que la liberté d'expression, les déplacements illicites d'enfants ou encore les visites domiciliaires.

Les formations proposées au personnel des tribunaux de grande instance et de cour d'appel

Conformément aux orientations fixées dans les circulaires de cadrage depuis 2012, dix fonctionnaires des greffes ont pu bénéficier de l'ouverture de places et participer à la session organisée par l'Ecole nationale des greffes sur la Convention européenne des droits de l'homme. L'une des thématiques portait sur le «juge judiciaire et la Convention européenne des droits de l'homme : étude de la jurisprudence de la Cour de Strasbourg et de son application en droit interne ».

En régions et dans les services administratifs régionaux (SAR) d'Aix en Provence, de Bordeaux, de Douai, de Lyon, de Nancy, de Paris, de Rennes, de Versailles et de Saint-Denis-de-la-Réunion, les responsables de formation organisent depuis 2012 des actions de formation qui traitent des modalités de traitement du contentieux Cour EDH axées sur les thèmes suivants :

- institutions communautaires et européennes ;
- reconnaissance et exécution des décisions civiles ou pénales en Europe (SAR de Versailles) ;
- convocations, notification et exécution des décisions civiles à l'étranger (SAR de Paris);
- impact de décisions européennes sur le droit français (SAR de Toulouse).

Pour 2015, le SAR de Douai prévoit une formation spécifique sur la Cour européenne des droits de l'homme.

Les formations proposées à certaines catégories de fonctionnaires

a) Les formations dispensées aux forces de police et gendarmes

En ce qui concerne les fonctionnaires de police, le plan national de formation (PNF) a établi cinq priorités pour 2013 :

1. La déontologie

2. Les relations police/population
3. La sécurisation des interventions dans les quartiers difficiles
4. Le management des services
5. La communication.

Les formations initiales sont obligatoires à l'entrée dans la Carrière pour les lauréats du concours.

Durant la première séquence en école (d'une durée de 5 mois jusqu'en 2013, puis étendue à 29 semaines à partir de 2014), la formation des gardiens de paix comprend notamment un apprentissage des fondamentaux relatifs à la déontologie policière.

Les adjoints de sécurité, agents contractuels de droit public chargés d'assister les gardiens de la paix dans l'exécution de leurs missions, bénéficient également dans leur scolarité d'une durée de 14 semaines, d'une formation de 3 heures consacrée à la déontologie.

La formation initiale des officiers de police, d'une durée de 18 mois, a pour principal objectif de positionner l'officier comme cadre de la police nationale. Elle consacre près de 6 mois aux périodes de stages dans les services de la police nationale. Un module éthique et déontologie/libertés publiques est dispensé au cours de la scolarité.

La déontologie est enseignée tout au long de la scolarité au cours de chaque module de formation et les grilles d'observation et de notation utilisées dans le cadre des épreuves en simulation y font référence.

Le contenu de la formation de 2 ans des commissaires de police et le référentiel de compétences socialement attendues d'un commissaire intègrent, de façon transversale, les exigences déontologiques et l'obligation d'entretenir la vigilance des fonctionnaires de police à ce sujet.

Les militaires de la gendarmerie sont également sensibilisés aux instruments des droits de l'homme au cours de leur formation initiale, quel que soit leur grade.

Pour les officiers, des cours spécifiques relatifs à l'éthique et à la déontologie (64 heures au total) abordent les grands principes déontologiques, les instruments juridiques internationaux de protection des droits de l'homme ainsi que les pratiques policières par rapport aux exigences des droits de l'homme. Un séminaire relatif à l'éthique (12 heures) est également organisé en fin de deuxième année qui comprend notamment les interventions de la LICRA (2 heures), du Défenseur des droits (2 heures), ainsi que des modules relatifs à l'identification et la gestion du comportement déviant (2 heures) et la gestion des stéréotypes (2 heures). Par ailleurs, à l'occasion de chaque mise en situation, la déontologie professionnelle et l'éthique de l'officier sont abordées.

Pour les sous-officiers, plusieurs heures sont consacrées à l'éthique et à la déontologie (31 heures). Les textes fondamentaux, comme le code européen d'éthique des forces de police sont analysés. Par ailleurs, des cas pratiques et des mises en situation font partie de ce module au cours duquel les règles de déontologie et d'éthique, notamment lors de l'accueil du public ou de la prise en compte de victimes ou d'auteurs présumés et de l'intervention professionnelle, sont rappelés.

Pour les gendarmes adjoints volontaires, cette thématique est abordée dans les cours relatifs à l'éthique et à la déontologie (4 heures).

De même, un module consacré à l'éthique et à la déontologie au sein des stages de préparation à l'emploi (2 heures) est proposé dans le cadre de la formation continue des officiers.

b) Les formations à destination des agents de l'administration pénitentiaire

Dans le cadre de la formation initiale de l'Ecole nationale de l'administration pénitentiaire, l'ensemble des agents de l'administration pénitentiaire bénéficie d'un module d'enseignement ayant pour thème les droits de l'homme. Le volume horaire varie de 2 heures à 12 heures, selon le public (2 heures pour les surveillants, 6 heures pour les directeurs, 12 heures pour les conseillers pénitentiaires d'insertion et de probation).

Dans le cadre de la formation continue, le sujet est abordé au cours du module « Gestion et prévention du contentieux administratif relatif à la prise en charge des personnes placées sous main de justice » de 2 jours programmes en décembre 2014.

Par ailleurs, le master « Droits de l'exécution des peines et droits de l'homme » existe depuis 15 ans et a, à ce titre, formé plus de 150 fonctionnaires de l'administration pénitentiaire. Sur les quatre modules suivis par les fonctionnaires, le module 4 consiste en un cours de 20 heures consacrées au droit européen de la peine, et notamment à la procédure devant la Cour, étude de la jurisprudence de la Cour EDH, la procédure des arrêts pilotes, et l'étude de la thématique des conditions de détention et des risques de traitements inhumains et dégradants.

Les conférences, séminaires et colloques organisés depuis 2011 sur la jurisprudence de la Cour EDH

Le tableau ci-dessous retrace les conférences organisées par la Cour de cassation sur la jurisprudence de la Cour EDH pour la période comprise entre 2011 et 2014.

Date	Objet	Intervenants
27 mai 2011	La liberté d'expression	
10 juin 2011	Le statut du mineur	
23 mars 2012	L'exécution des décisions de justice dans l'espace francophone	Nathalie Fricero, professeur des Universités
30 novembre 2012	La jurisprudence de la Cour européenne des droits de l'homme (Rencontres sociales de la Sorbonne)	Françoise Tulkens, Vice-présidente de la Cour européenne des droits de l'homme
25 février 2013	La justice pénale entre Cour européenne des droits de l'homme et Conseil constitutionnel	Mme Renée Koering-Joulin, magistrat et Jean-François Renucci, Professeur des Universités
3 octobre 2013	Les implications du développement de la	Mme Nussberger, juge à la Cour EDH

	jurisprudence de la Cour EDH sur le droit pénal et la Procédure pénal	
13 décembre 2013	La sanction, regards croisés du Conseil d'Etat et de la Cour de cassation	M. Bertrand Louvel, Président de la chambre criminelle de la Cour de cassation
29 septembre 2014	Le droit de la presse et informations d'intérêt général	M. Pascal Dourneau Josette, chef de division à la Cour Européenne des droits de l'homme

Le tableau ci-dessous retrace les différences conférences organisées par le Conseil d'Etat sur la jurisprudence de la Cour EDH pour la période comprise entre 2011 et 2014.

Date	Objet	Intervenants
28 mars 2011	Le droit européen de la détention	Jean-Marc Sauvé, Vice-président du Conseil d'Etat
27 juin 2011	Le droit européen de la propriété intellectuelle et son influence sur le droit national	Jean-Marc Sauvé, Vice-président du Conseil d'Etat
19 avril 2011	L'avenir du modèle français sous un regard européen	Sabino Cassese, Professeur à l'Université de Rome, membre de la Cour constitutionnelle italienne
30 octobre 2012	Y-a-t-il trop de droits fondamentaux ?	Jean-Marc Sauvé, Vice-président du Conseil d'Etat
5 novembre 2012	La dynamique de protection des droits fondamentaux en droit international et en droit européen	Jean-Marc Sauvé, Vice-président du Conseil d'Etat
1 ^{er} février 2013	Le droit d'asile saisi par le droit européen	Jean-Marc Sauvé, Vice-président du Conseil d'Etat
19 mai 2014	Le droit européen des étrangers	Jean-Marc Sauvé, Vice-président du Conseil d'Etat
24 octobre 2014	L'application par la France des arrêts de la Cour européenne des droits de l'homme	Yves Robineau, Président de section au Conseil d'Etat
10 avril 2015	L'ordre juridique national en prise avec le droit européen et international : questions de souveraineté	Jean-Marc Sauvé, Vice-président du Conseil d'Etat

Informations reçues du réseau HELP

1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

We do not represent French universities but as far as we know, it appears that the ECHR is most of the times a component of the common core curriculum of law. The level of the education is really depending of the diploma chosen by the student (public law, private law...), but the case law of the Court is taught in all cases.

The French National Bar Council does not know about special good practices or difficulties in universities.

The professional initial training of lawyers is organized by regional centers called CRFPA. In the CRFPA, most of the time, a small course is given about the procedure before the Court. In all the cases, case law of the Court is practiced in the generality of the training.

The French National Bar Council recommends CRFPA, in general, to organize small groups of students, to insist on ethics and to make the distinction between the practice of council, the practice of writing and of the practice of procedure.

2. Are they offered as **optional disciplines** to those who wish to specialize?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

We do not represent French universities but as far as we know, it appears that a lot of masters are specialized in human rights.

The French National Bar Council does not know about special good practices or difficulties in universities.

In the CRFPA, the ECHR is not offered, as such, as optional discipline, but the law of the Court irrigates all the training.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

The exam of entrance in CRFPA contains a written examination on European law, and also an oral one, depending on the choice of the student. Human rights is a component of the program of this exam

The final exam organized by the CRFPA also contains the European law on its program.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

The French National Bar Council has no information about the other professional trainings.

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

Universities and CRFPA are permanent structures.

6. Is training delivered **by persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

There are no such controls.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

CRFPA organizes sometimes trainings for the trainers. The French National Bar Council organizes a Forum training with CRFPA about European Law. HELP is invited to participate for a session about the training on ECHR.

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

There are pleading competitions organized with universities. Example: the “René Cassin” competition, with a final each year at the Court.

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

As far as we know, there are no impact assessments like this.

10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

It seems certain CRFPA participates, with universities, to pleading competitions about human rights.

Informations complémentaires de l'expert membre du Comité d'experts sur le système de la Convention européenne des droits de l'homme (DH-SYSC)

Différentes formations sont organisées, selon diverses modalités, sur la Convention européenne des droits de l'homme (CEDH), que ce soit dans le cadre de l'Ecole nationale de la magistrature (I) ou encore de l'école nationale des greffes (II).

I- Formations sur la CEDH à l'Ecole nationale de la magistrature (ENM)

A/ En matière de formation initiale

En formation initiale, les auditeurs de justice de la promotion 2016 ont été sensibilisés et formés au droit de la Convention européenne des droits de l'homme lors de leur période d'étude initiale à Bordeaux. Ainsi, leur ont été proposées les séquences suivantes :

- une conférence introductive de 3h du juge français à la CEDH, André Potocki, construite de la façon suivante :
 - film de présentation de la CEDH
 - intervention du juge Potocki
 - questions spontanées suite à cette intervention
 - trois débats successifs sur des thèmes préparés par les auditeurs de justice :
 - « Les relations entre les magistrats et les avocats : l'affaire Morice » ;
 - « Une grande question de société : l'affaire du voile intégral » ;
 - « Le débat politique en Europe et la Convention européenne des droits de l'homme ».
- une sensibilisation aux programmes d'e-learning proposés par le conseil de l'Europe (HELP)
- des ateliers au cours desquels les auditeurs de justice analysent des cas pratiques de droit français où se posent des questions relatives à l'application de la Convention européenne des droits de l'homme. Ces cas pratiques font l'objet d'une correction par des membres du greffe de la CEDH qui rappellent la jurisprudence récente de la Cour. Ces ateliers sont animés notamment par des magistrats détachés ou ayant été détachés à la CEDH, des membres du greffe de la Cour ou des magistrats judiciaires ou administratifs ayant une connaissance particulière de la thématique (sous-directrice des Droits de l'homme au MAEDI, défenseur des droits, magistrat au Conseil d'Etat en charge du droit européen).

En outre, les principes de la convention et leur interprétation par la CEDH ont été intégrés à d'autres enseignements délivrés en conférence ou en direction d'études dans le cadre des séquences des pôles pénal et civil.

La promotion 2017 bénéficiera du même type de formation lors de sa scolarité à l'été prochain (trois demi-journées, dont une de travail à distance).

S'agissant des stages, l'ENM affecte depuis plusieurs années deux auditeurs en stage extérieur pendant 3 semaines au service de l'exécution des arrêts du Conseil de l'Europe. Depuis l'année dernière, elle affecte également deux auditeurs à la division « anti-terrorisme » au sein du service de la lutte contre la criminalité, également au Conseil de l'Europe.

B/ En matière de formation continue des magistrats français

En formation continue, l'Ecole nationale de la magistrature propose chaque année des formations directement consacrées à l'application de la Convention européenne des droits de l'homme :

- « *Convention européenne des droits de l'homme, mode d'emploi* » : session de cinq jours de formation conçue et dirigée par un membre de la Cour européenne des droits de l'homme.

Composée essentiellement de présentations théoriques, la dynamique de cette session repose sur les réflexions et interrogations des participants nourries par l'expertise d'intervenants acquise au cœur des institutions européennes, lui conférant ainsi une approche concrète. Elle aborde également la question de l'exécution des arrêts de la CEDH à laquelle est consacrée une demi-journée spécifique.

Elle a réuni en 2016, 26 magistrats et 17 participants extérieurs, en 2015, 33 magistrats et 12 participants extérieurs pour 90 places offertes. En 2014, 50 magistrats et 21 participants extérieurs (greffiers, magistrats étrangers, administrateurs civils), y avaient assisté.

- « *Droits fondamentaux et hiérarchie des normes* » : Session de 3 jours conçue et dirigée par un membre de la Cour européenne des droits de l'homme.

Après une présentation de la notion et du champ d'application des droits fondamentaux, cette session a pour ambition après une présentation de la jurisprudence en la matière, de suggérer une méthodologie dans l'approche de ces questions, qui interrogent l'office du juge. Alternant conférences et cas pratiques, elle permet d'appréhender la gestion des conflits normatifs, et notamment au regard de la place de la Convention européenne des droits de l'homme, tout en apportant un éclairage sur le positionnement du Conseil Constitutionnel et de la Cour de Cassation.

En 2016, 22 magistrats et 6 participants extérieurs et en 2015, 21 magistrats et 12 participants extérieurs ont assisté à cette session. En 2014, ils étaient respectivement 36 et 13 participants extérieurs (greffiers, personnels de l'AGRASC, administrateurs civils).

- « *Stage collectif à la Cour européenne des droits de l'homme* » : Ce stage *in situ* de trois jours co-organisé par l'Ecole nationale de la magistrature et la Cour européenne des droits de l'homme, consacré à la découverte du fonctionnement de la cour et aux procédures applicables, est offert deux fois par an depuis 1998.

Le nombre de magistrats formés depuis 2013 est de :

- 2013 : 43 magistrats
- 2014 : 34 magistrats
- 2015 : 31 magistrats
- 2016 : 20 magistrats

- « *Stage collectif au Conseil de l'Europe* » : Ce stage *in situ* de cinq jours co-organisé par l'Ecole nationale de la magistrature et le Conseil de l'Europe, consacré à la

découverte des institutions du conseil et du fonctionnement de la Cour est offert deux fois par an.

- 2013 : 34 magistrats
- 2014 : 16 magistrats
- 2015 : 15 magistrats
- 2016 : 25 magistrats

En outre, dans le cadre des autres sessions de formation continue organisées par l'Ecole nationale de la magistrature et regroupées au sein des 8 pôles d'enseignements thématiques de l'Ecole (civil, pénal, humanités judiciaires, administration de la justice, dimension internationale de la justice, vie économique, communication et environnement judiciaire), de nombreuses sessions abordent la jurisprudence de la CEDH.

Ainsi, en 2016, 36 actions de formation continue, rassemblant 1014 magistrats et 474 participants extérieurs (avocats, administrateurs civils, médecins, personnels du CGLPL, greffiers, membres de l'administration pénitentiaire...), ont abordé la jurisprudence de la Cour dans les domaines les plus divers (sessions consacrées au droit des étrangers, au juge et à la fin de vie, à l'identité sexuelle et aux droits, aux discours de haine, à l'audience correctionnelle, aux fonctions civiles et pénales ...).

C/ En matière de coopération internationale

Séminaire « *Prévention de la radicalisation et respect des libertés fondamentales* », les 8 et 9 décembre 2016 : L'ENM coordonne également le projet « Traitement judiciaire du terrorisme et respect des droits fondamentaux » financé par la commission européenne dans le cadre du programme « justice pénale 2016 » et mis en œuvre par l'ENM, en partenariat avec le Conseil de l'Europe, l'institut de formation judiciaire belge et l'institut de formation judiciaire bulgare.

Ce projet, mis en œuvre à compter de septembre 2016, s'articule en quatre séminaires et une conférence finale, centrés successivement sur les sujets suivants :

- Prévention de la radicalisation et respect des libertés fondamentales
- Terrorisme et droits fondamentaux : la phase d'enquête et de renseignement
- Terrorisme et droits fondamentaux : l'audience et l'exécution des peines
- Le traitement médiatique des affaires terroristes

Le premier séminaire, « *Prévention de la radicalisation et respect des libertés fondamentales* », organisé les 8 et 9 décembre 2016 au conseil de l'Europe, a permis aux 15 participants français d'aborder la question aux côtés de leurs collègues européens, sous l'angle de l'articulation entre prévention de la radicalisation, prévention des passages à l'acte violents et respect de la liberté de culte, de la liberté d'expression et de la liberté d'aller et venir.

L'ensemble du projet vise environ 270 juges et procureurs européens, dont 80 français mais également une quarantaine d'agents de probation, d'enquêteurs et de journalistes.

II- Formations sur la CEDH à l'Ecole nationale des greffes

Les statistiques de la formation élaborées au titre de l'année 2015 indiquent que deux sessions de formation ont été organisées sur le thème de la convention européenne des droits de l'homme, parmi les 27 sessions consacrées aux différents thèmes en lien avec les questions européennes.

En 2016, le plan de formation communiqué par l'Ecole nationale des greffes (ENG) mentionne une action de formation consacrée à la convention européenne des droits de l'homme, proposée par l'Ecole nationale de la magistrature (ENM), ainsi que des sessions sur les thèmes "le juge et le droit de l'UE", "juger en Europe - pratiques comparées", "l'espace judiciaire européen en matière civile et commerciale", également proposées par l'ENM. Les plans de formation des services administratifs régionaux (SAR) prévoient majoritairement des formations consacrées aux institutions européennes, mais également sur "l'actualité du droit européen" et "les incidences de la jurisprudence européenne en droit et procédure français".

En 2017, en plus des formations proposées par l'ENM déjà programmées en 2016, l'ENG propose des sessions consacrées à de nouveaux thèmes tels que "les certificats européens de reconnaissance transfrontalière des décisions de justice en matière civile et familiale", "les instruments européens de coopération judiciaire en matière pénale" et "le greffier du juge aux affaires familiales et le litige familial transfrontalier au sein de l'UE (niveau perfectionnement)". Concernant les plans de formation des SAR, il est à noter que celui de Nancy propose une session consacrée à la cour européenne des droits de l'homme, avec visite de la cour.

L'Ecole nationale des greffes est particulièrement investie dans le projet européen, dont l'un des objectifs est de fournir aux agents des greffes des pays membres, une connaissance et une culture commune du droit européen afin de généraliser l'égal accès des citoyens de l'union aux procédures européennes. En effet, l'ENG est leader dans ce projet de formation qui forme les agents qualifiés des pays membres (France, Belgique, Espagne, Portugal et Chambre européenne des Huissiers) sur les instruments procéduraux transfrontaliers européens. Ce programme européen de formation se poursuivra en 2017-2018.

GEORGIA/GEORGIE

Excerpt from the national report on the implementation of the Brighton Declaration

Public officials are provided with relevant information about the obligations under the Convention; Appropriate information and training about the Convention are provided in the study, training and professional development of judges and prosecutors (in accordance with the paragraph 09c (v) and (vi) of the Brighton Declaration)

Involvement of High School of Justice in the implementation of abovementioned activities

Under its Initial and In-service Training programs the High School of Justice pays a special attention to the European Convention on Human Rights.

Theoretical part of the Initial Training Program of the High School of Justice includes 4- days-long intensive training on the European Convention on Human Rights. During the Training special attention is given to the functioning of the European Court of Human Rights and its case law, judgments against Georgia.

Within the framework of In-service Training Program, the High School of Justice organizes trainings for sitting judges and assistants to judges, on European convention on Human Rights, including its additional protocols and case law. In particular, during the years of 2012-2014 the High School of Justice organized the following number of trainings for sitting judges and assistants to judges:

- 2012: 5 trainings for assistants to judges, attended by 110 assistants;
- 2013: 2 trainings for judges, attended by 38 judges and 4 trainings for assistants to judges, attended by 87 assistants;
- 2014: 11 trainings for judges, attended by 130 judges and 2 trainings for assistants to judges, attended by 29 assistants.

Involvement of Professional Development and Career Management Centre at the Prosecutor's Office in the implementation of abovementioned activities

During the years of 2013-2014 Professional Development and Career Management Centre organized the following number of trainings focusing, among other issues, on the standards of the European Convention of Human Rights, for public prosecutors and intern prosecutors:

- 2013: 5 trainings, attended by 239 prosecutors;
- 2014: 6 trainings, attended by 129 prosecutors.

In 2015 study visit on the international standards of arrest and detention was organized in Strasbourg, France in which 6 prosecutors were involved.

Further intensive training programs on the issues of European Convention Standards are being considered currently.

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Yes, in general the European Convention and relevant case law of its supervisory body are integral components of curriculum at law faculties of the leading Georgian Universities (Free University of Georgia, Tbilisi State University, Ilia State University). However certain difficulties could be observed at state universities located in regions (Kutaisi State University, Batumi state University, Zugdidi and Telavi state universities). By the end of September 2016, HELP Focal Point and Info Point will finalize the development/update of curricula and HR modules for regional universities and memorandum of understanding could be signed with those universities. Initial agreement has already been obtained from Rectors of Universities. The presentation of curricula and signing of memorandum of understanding between universities and HELP program could take place whenever the HELP secretariat considers it appropriate.

2. Are they offered as **optional disciplines** to those who wish to specialize?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

In certain Universities HR course is a mandatory discipline (Free University). In others the course is an optional one (Tbilisi State University).

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

HR modules and components in examination tests for access to legal professions are different and specific; university programs do not have specific preparation programs for entering one of the legal professions.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

There is no single unified approach. Training centers of different agencies approve their own curricula and some of them specifically refer to the standards established by ECHR and the case law of the ECtHR (High School of Justice, Police academy), while others do not (Ministry of Corrections and probation).

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

Since May 2016 the government expressed its will to create a unified curriculum on HR for high level public officials (deputy ministers and heads of departments at leading ministries) and local self government bodies. The curriculum is being drafted and is supposed to be finalized by October 2016.

6. Is training delivered **by persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

In general, yes.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

In August 2016 specialized training for TOT was conducted for Ministry of Internal Affairs. Heads of departments of the MIA and the leadership and lecturers of Police academy attended 3 day workshop.

In November 2016, it is planned to organize TOT for judges of the first and appellate instances on Private and Family life. The module is being developed and will be finalized by November 2016.

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

Georgian Universities frequently organize moot courts on human rights. One has to identify Free University and Tbilisi State University as well as Georgian Young Lawyers' Association. Moot courts mainly address the most acute HR related issues in Georgia and the position of parties as well as the decision of judges, should be based on ECtHR case law and standards.

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

The only possibility of assessment of the effectiveness are the statistics of relying on ECtHR standards by lawyers in their complaints and judges in their decisions.

10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

The Focal Point for HELP has the privilege to be the professor at Free University of Georgia and lecturer at Tbilisi State University. It is ensured that HELP training materials are included in the curriculum and reading materials of those Universities.

GERMANY/ALLEMAGNE

Excerpt from the national report on the implementation of the Brighton Declaration
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9c(v) [States] providing public officials with relevant information about the obligations under the Convention; and in particular training officials working in the justice system, responsible for law enforcement, or responsible for the deprivation of a person's liberty in how to fulfil obligations under the Convention

Under the German federal system the activities of officials within both the penal administration system and law enforcement are within the remit of the *Bundesländer*. In all *Bundesländer* the education, training, and professional development of both personnel in the penal administration system and of law enforcement officers particularly emphasises that in the exercise of their profession such persons must obtain knowledge and take account of the basic and human rights aspects of their duties. At the federal level the same applies to the education, training, and professional development of the federal police.

Independent thereof the Federal Ministry of Justice and Consumer Protection annually organises a federal-*Länder* dialogue on proceedings before the European Court of Human Rights, the participants of which are representatives of the *Länder*, the federal ministries, and the federal courts. In addition, the judge selected by Germany to the European Court of Human Rights also regularly participates in the conferences. The conferences contribute to further increasing awareness of the obligations that arise under the Convention.

9c(vi) [States] providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors

The significance of the European Convention for the Protection of Human Rights in light of the case law of the ECtHR is incorporated into the education, training, and professional development of judges and public prosecutors. The European Convention on Human Rights is the object of a variety of continuing education sessions on a regular basis at the German Judicial Academy and in the continuing education institutions of the *Länder*. For example, the Office of the Agent of the Federal Republic of Germany is actively engaged on a regular basis in Seminars at the German Judicial Academy on the Convention and the case law of the ECtHR.

In addition, the Federal Government supports the education, training, and professional development of attorneys. To this end, it regularly circulates reports concerning the case law of the ECtHR both in cases against Germany as well as in cases against other states to the German Bar Association (*Deutscher Anwaltverein*) and the German Federal Bar (*Bundesrechtsanwaltskammer*) with the suggestion that the information be incorporated into attorney education, training, and professional development programs. To ensure that the case law of the ECtHR is incorporated into legal study programs, the case law reports are also made available to many universities. The Federal Government has also disseminated the ECtHR Practical Guide on Admissibility Criteria in the German language within the legal profession.

Similarly, the German Institute for Human Rights participates in the education,

training, and professional development of attorneys. A specific project “Lawyers for Human Rights and Diversity” of the Institute aimed at strengthening the competence of attorneys with regard to human rights protection in practice, protection against discrimination, and contributed to the establishment of diversity competence within the legal profession.

GREECE/GRÈCE

Excerpt from the national report on the implementation of the Brighton Declaration
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Paragraphs 9c (v) and 9c (vi) of the Declaration.

According to Act 3910/2011, as amended, which governs the operation of the National School of Judges, candidate judges and public prosecutors are taught selected subjects on the protection of human rights. The curriculum of the National School of Judges includes subjects on the European Human Rights Convention, together with analysis, by article, of the main provisions.

As part of the continuous training of judges, the organization of conferences, workshops etc. is now occupying a central place, with tap topics relating to the protection of the fundamental rights.

Curriculums and workshops, conferences etc. on topics related with the protection of fundamental rights, are accessible on the website of the National School of Judges, at : <http://www.esdi.gr/a/images/stories/pdf/programmataspoudon/programm%20spoudvn%2020dioik.pdf>

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Regarding the professional training in the Greek School of Judiciary, there are courses on the ECtHR in connection with civil/criminal/administrative law. They are offered as ex cathedra lessons Are they offered as **optional disciplines** to those who wish to specialize?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

They are offered as obligatory courses and the trainees are being tested on these (respectively civil and criminal judges/prosecutors/administrative judges).

2. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

They are a component for initial and continuous training provided to judges and prosecutors.

3. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to

personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

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4. Are human rights education and training incorporated into **stable/permanent structures** – public and private?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

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5. Is training delivered **by persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

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6. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

No such initiatives.

7. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

There are no such examples. So far, only thematic conferences on various articles of the Convention take place. However, there is a problem in funding such conferences. Apart from funding, one should keep in mind the case load of judges and prosecutors, which in many cases prevents their active presence and participation in such meetings.

8. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

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9. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

One example could be the moot courts in which students would be the litigants (the applicant and the government) and real judges would play the role of the judge of the ECtHR. Of course joint thematic conferences are a traditional way to exchange opinions on the provisions of the Convention.

HUNGARY/HONGRIE

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees? No.
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.
2. Are they offered as **optional disciplines** to those who wish to specialize? Yes.
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.
3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers? No.
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.
4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs? No.
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.
5. Are human rights education and training incorporated into **stable/permanent structures** – public and private? There is human rights education, but no systemic courses on the ECHR and the case-law of the ECHR.
Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.
6. Is training delivered **by persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**? Depends of the Professor offering – typically optional - course.
Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.
7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.
8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns? Central European University (CEU)

has a human rights stream, where professors with expert knowledge offer specific courses. The human rights initiative at CEU engages in awareness raising.

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? No. How is this ensured?

10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education? There is a field trip to the ECHR offered in the framework of a CEU human rights course. There are no other examples otherwise.

IRELAND/IRLANDE

Excerpt from the national report on the implementation of the Brighton Declaration

Providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors (Paragraph 9c(vi)).

Following its adoption by the Committee of Ministers, the Toolkit to inform public officials about the State's obligations under the European Convention on Human Rights and the website address was distributed across Government Departments.

Information received from the HELP Network

1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

A search of the main universities and training institutions in Ireland revealed that the ECHR and the case law of the European Court of Human Rights is a core component of the programmes outlined below, sometimes as standalone modules, sometimes as part of general courses on international human rights law. In addition, many institutions will incorporate some training on the ECHR and the Court's case-law into introduction to law and constitutional law modules. The various universities encompass a variety of teaching methods e.g. lectures, tutorials, individual and group problem-solving, independent research, essays, case studies, written examination, mootings, mock trials, advising fictitious clients, conducting consultations and presenting and opposing legal arguments.

Trinity College Dublin: Rethinking European Citizenship

University College Dublin: Law of the ECHR

University College Cork: Institutions of government, International Children's rights, Mental health law, Terrorism dissonance and criminal justice, Human rights law in practice

University of Limerick: Law of the ECHR

NUI Galway: LLM in International Human Rights Law: European Human Rights

NUI Maynooth: International and European Disability law and policy

DIT: European Human Rights Law

Kings Inn: Human Rights Law

The Law Society of Ireland (representative, regulatory and training body for solicitors in Ireland) provides professional legal training at two levels:

a) **Initial training** (compulsory to become a solicitor in Ireland) –Professional Practice Course.

This course includes a module on human rights law that covers the three spheres of human rights protection in Ireland (International, European and domestic), as well as current human rights issues (immigration & refugee law).

The European Convention on Human Rights (and its incorporation into Irish law) is covered in detail at practical lectures that describe the rights protected by the ECHR, their limitations and the jurisdiction of the European Court of Human Rights. It also deals with the practicalities of taking a case in Ireland under the ECHR and analyses some landmark cases.

b) **Post-qualified training** (optional) – Certificate in Human Rights Law.

The course also covers the regional, national and international human rights framework. It provides practical guidance on enforcing human rights in the legal arena. The overall objective is to encourage participants to develop skills necessary for pursuing human rights based arguments, including practice and procedure, using human rights legal databases and issue identification.

The Institute of Public Affairs (IPA), in cooperation with the Irish Human Rights and Equality Commission.

The IPA has launched, in 2016, a new Professional Diploma in Human Rights and Equality. The course includes a module on the International and European Framework for Human Rights and Equality. It covers, among other topics, the role of the Council of Europe on human rights promotion and protection and it specifically analyses the core provisions of the European Convention on Human Rights (ECHR). It also explains the role and procedure of the European Court of Human Rights as a judicial organ of the Council of Europe-ECHR.

The training methodology includes lectures, workshops, recordings and interactive activities.

2. Are they offered as **optional disciplines** to those who wish to specialize?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Many of the courses referred to above offer modules – on European Human Rights Law or International Human Rights Law more generally – as optional or specialized modules with either general or specialized programmes of study. The majority of these programmes are taught in the law faculties although some are provided within other disciplines e.g. sociology.

The Professional Practice Course described in point 1 is compulsory (an average of 400 future solicitors are required to attend).

The other two courses described above are optional.

Regarding the Law Society courses, the main difficulty encountered is to attract practicing lawyers and future lawyers towards this area of law that may be seen a little general. To address this challenge, we make sure that:

- All classes are taught by practitioners (not academics).
- Classes are practical and interactive, requiring the participation of students.
- Concepts are analysed in the context of real situations/real cases.
- We highlight current issues such as the migrant crisis, the international response to terrorism, etc.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Human rights – as an integral part of constitutional law – forms part of the examinations for access to the legal profession and features in various ways in the training of the legal profession. Modules on human rights are offered by both of the main professional training institutions, the Law Society of Ireland and the King's Inns. In addition, both institutions provide Continuing Professional Development courses in these areas. Other private CPD bodies occasionally provide training in these fields.

The Judicial Studies Institute provides continuing education for members of the Irish judiciary, which, in certain cases, encompasses human rights training. Its journal, the Judicial Studies Institute, has often included articles on issues arising under the ECHR.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Human Rights training is offered to personnel and practitioners in these sectors: An Garda Síochána (Police): Constitutional, Human Rights and Diversity Office: Has overall responsibility for collation, storage and dissemination on request of relevant Human Rights information for reference and use by the police.

Achieved through liaising with external agencies such as the Irish Council for Civil Liberties, Amnesty International, Irish Human Rights & Equality Commission, etc. Immigrant Council of Ireland- Education and Training Services- Shares expertise of the migration system with other service providers Irish Human Rights and Equality Commission- provides a Professional diploma in Human Rights and Equality. Online Equality training course. Irish Prison Service College: all Recruit Prison Officers complete an accredited two year Higher Certificate in Custodial Care programme.

Medico-Legal Society of Ireland: Its 2016 Annual Conference was entitled *Human Rights - Reimagining Health and Justice: 'Towards a Braver, Newer World'*

The Law Society of Ireland: Organise an annual human rights conference with the aim of bringing together legal practitioners, members of the public, as well as academics, human rights organisations and civil society organisations to explore human rights issues.

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

As outlined above, human rights education features prominently in university and professional legal education in Ireland and has done so for some considerable period of time. Since the incorporation of the ECHR through the *European Convention on Human Rights Act 2003*, there has been an increased focus on the ECHR in legal training across all sectors, public and private.

Human Rights education and training are incorporated into the Law Society of Ireland training.

6. Is training delivered **by persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

Much of the training in this area is carried out by persons – both academics and practitioners – with a high level of expertise and often with a strong research or practice background in these fields. All lecturers and tutors are practitioners and have expertise in the area.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

There is a long history of specialized teaching and training in this field and there are no initiatives specifically aiming at their training for this purpose at this stage. There is some practical guidance and support offered by the Irish Human Rights and Equality Commission to various sectors on embedding human rights principles in the workplace and in the provision of services. **Amnesty International** Human Rights Education – Right Sparks Amnesty engages in this project with Rights Sparks is our free continual professional development for primary school teachers.

Irish Human Rights and Equality Commission-

Supporting Schools, Workplaces and Public and Private service providers.

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

Many NGOs promote awareness and knowledge of the Convention system across their work and sphere of activity – often independently and sometimes in collaboration with the university and public sectors. For example, the UCC Child Rights Clinic collaborates with various non-State actors on initiatives to promote the rights of the child. **Irish Council for Civil Liberties (ICCL)** Ireland's leading independent human rights.

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

There has been no specific impact assessment of the effectiveness of human rights education/training in Ireland.

10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

Cooperation between the universities and legal professionals in this field continues to develop in Ireland. In addition to human rights training for professionals, as part of formal programmes as well as in more ad hoc contexts, universities often partner with legal professionals, including in NGOs and independent law centres, in the form of research collaboration. The Child Rights Clinic in UCC referred to above is one of the best examples of such collaboration and cooperation.

LIECHTENSTEIN

Excerpt from the national report on the implementation of the Brighton Declaration
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Para 09c(v) Providing public officials with relevant information about the obligations under the Convention; and in particular training officials working in the justice system, responsible for law enforcement, or responsible for the deprivation of a person's liberty in how to fulfil obligations under the Convention;

Para 09c(vi) Providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors; and

Para 09c(vii) Providing information on the Convention to potential applicants, particularly about the scope and limits of its protection, the jurisdiction of the Court and the admissibility criteria;

Through various concrete measures, Liechtenstein is increasing awareness of the national authorities of the ECHR standards and their application. All judgments pronounced against Liechtenstein are translated into the official language and included in the official Liechtenstein collection of court decisions (see below information with regard to Para 09d(i)). Also of note are the talks held in Liechtenstein by the judge in respect of Liechtenstein at the ECtHR, which have taken place regularly over the past years. Finally, the visits by Liechtenstein courts to Strasbourg are of note, which have taken place over the past years as part of a dialogue with the ECtHR. The measures taken aim to maintain or enhance the awareness of the national authorities of ECHR standards and their application.

LITHUANIA/LITHUANIE

Excerpt from the national report on the implementation of the Brighton Declaration
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09c(v): Providing public officials with the relevant information about the obligations under the Convention; and in particular training officials working in the justice system, responsible for law enforcement, or responsible for the deprivation of a person's liberty in how to fulfil obligations under the Convention,

and

09c(vi): Providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors

The earlier practice is continued: the topics related to the ECHR are regularly included in the training programmes for officials; opportunities are available to take part in trainings on this topic abroad.

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Universities in the Republic of Lithuania are provided with the autonomy and they are free to decide if the professional training concerning the European Convention on Human Rights should be included in the common core/optional curriculum of law.

2. Are they offered as **optional disciplines** to those who wish to specialize?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

See the answer to the first question.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

According to the ruling of the Judicial Council of the Republic of Lithuania, questions about the European Convention on Human Rights are included in the examination of judges under the question section 'International public and EU law'. Some questions on human rights are under sections 'Constitutional law', 'Criminal law' and sections concerning court procedures.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

The National Courts Administration of Lithuania has no data of other institutions initial and continuous professional training in this field.

There are some subjects in Lithuania that are able to provide training on the field of European Convention on Human Rights.

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

It depends on every institution and their policies of training. There are possibilities to get this kind of training: there are some subjects in Lithuania that are able to provide training on the field of European Convention on Human Rights.

6. Is training delivered by **persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

In Lithuania this kind of training is bought by the procedures of public procurement. According to these procedures, every subject, when buying, sets the rules for the lecturers individually.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

N/A

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

Human Rights Monitoring Institute (non-governmental, not-for-profit public advocacy organization, advocating for full compliance of national laws and policies with international human rights obligations and working to ensure that rights are real and effective in practice) is monitoring human rights situation in Lithuania since 2004 and every two years publishes the review on human rights situation in Lithuania. It is the only publication of this kind in Lithuania, in which the experts from various fields analyze the most relevant challenges of human rights and provide solutions.

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

No.

10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

The initiative “A Day With A Judge”, when university students spend a day in a court working with the judge, asking questions and observing judge’s work and court hearings.

The National Courts Administration of Lithuania has also started the volunteering initiative, when trained volunteers help people in the courts.

LUXEMBOURG

Extrait du rapport national sur la mise en œuvre de la Déclaration de Brighton

Formation, sensibilisation et protection du justiciableFormation des agents publics et juristes¹⁴

Les juristes luxembourgeois, futurs avocats, magistrats ou autres agents publics, sont familiarisés tout au long de leur parcours académique avec le système conventionnel. Une **formation permanente et spécifique** est assurée dans le cadre des études juridiques sur la Cour et sa **jurisprudence**, y compris à l'égard du Luxembourg. D'autres opérateurs nationaux ont dernièrement été de plus en plus sensibilisés à ce sujet également. La formation des futurs policiers et des gardiens de prison, par exemple, inclut désormais des modules consacrés aux droits de l'Homme en général et à la Convention, ses standards et son application par la CEDH.

Outre ces formations régulières, il convient de saluer **d'autres développements** importants et symboliques. Ainsi, en 2011, l'Université de Luxembourg a créé une Chaire UNESCO en droits de l'homme. Sous la direction de son responsable, le Professeur Jean-Paul Lehnens, elle contribue à la visibilité des questions liées aux droits de l'Homme, au développement de l'Observatoire des droits de l'homme, ainsi qu'à la création des synergies parmi les acteurs engagés dans ce domaine.

De plus, en mars 2013, le deuxième forum luxembourgeois des droits de l'homme et de l'Enseignement supérieur, intitulé « L'enseignement des droits de l'homme et au-delà », a été organisé sous les auspices du secrétaire général du Conseil de l'Europe. Suite à la première édition du forum de 2011, l'initiative a été fortement voulue et soutenue par le ministère de l'Enseignement supérieur et de la Recherche du Grand-Duché de Luxembourg.

Au printemps 2014, la deuxième édition d'un cycle de séminaires entièrement consacré aux différentes facettes de la protection des droits de l'Homme a été dispensée par la faculté de lettres, des sciences humaines, de l'art et de l'éducation.

Les événements précités témoignent de la volonté d'augmenter la conscience du grand public, et notamment des étudiants, aux sujets liés à la protection des droits de l'homme.

Extrait du rapport national sur la mise en œuvre de la Déclaration de Brussels

Nouvelles mesures de formation

En 2015 et 2016, les nouveaux attachés de justice ont visité la Cour européenne des

¹⁴ §9c(v): donner aux agents publics les informations nécessaires sur les obligations imposées par la Convention ; et en particulier dispenser aux agents travaillant dans le système judiciaire, responsables de l'application des lois ou des mesures privatives de liberté, une formation sur la manière de remplir les obligations imposées par la Convention § 9 c(vi) veiller à ce que des informations d'une formation appropriées sur la Convention soient intégrées dans la formation théorique et pratique et dans le développement professionnel des juges, des avocats et des procureurs.

droits de l'homme, soit au cours de leur formation à l'Ecole nationale de la magistrature à Bordeaux, soit lors de leur formation ultérieure à Luxembourg. Ils ont assisté à une audience et y ont rencontré le juge national ainsi que le greffe de la Cour. Ces personnes ont répondu à leurs questions en rapport avec les droits de l'homme et le fonctionnement de la Cour. En automne 2016 plus particulièrement, les attachés de justice avaient choisi comme thème de ces entretiens la jurisprudence relative à l'article 6 de la Convention européenne des droits de l'homme.

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

At the Luxembourg University, the ECHR and the case law of the Court are taught in many classes.

During the third semester of the Bachelor degree in law (which counts six semesters), according to the current curriculum, students must attend the mandatory class, i.e. part of the common core curriculum of law, “Global Constitutional law III (Fundamental Rights)”. This course includes 30 hours of class and 4 ECTS (European Credit Transfer and Accumulation System).

Moreover, during the first semester of the LL.M. in European Union law and litigation, students must attend a mandatory class named “European Administrative 1 Regulatory Law and Fundamental Rights Protection”, during which the fundamental rights protection are studied.

Also, the LL.M. in European Economic and Financial Criminal Law includes a mandatory class regarding the fair trial rights in the jurisdiction of the CJEU and the ECHR.

2. Are they offered as **optional disciplines** to those who wish to specialize?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Students of the Luxembourg University have the opportunity to attend an optional seminar regarding fundamental rights in Luxembourg law, at the occasion of which the ECHR and the case law of the Court are studied. The seminar includes 20 hours of class and 3 ECTS.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

The national curriculum, which allows to practice most of the legal professions in Luxembourg (lawyer, judge, prosecutor, bailiff, notary,...), is the *Cours*

complémentaire en droit luxembourgeois (Complementary classes in Luxembourg law) (the “CCDL”), as, for the moment, many Luxembourg legal professionals have studied law in foreign University.

The CCDL is a one-year training, open to students or professionals with a Master’s degree. It consists in several classes, which aim at providing students with knowledge in the main subjects in law.

Only one of these classes, which concerns the institutions and the sources of Luxembourg law, is directly related to ECHR and the case law of the Court. It includes the study of international law norms and the fundamental rights. However, such study is limited, as the whole class lasts 12 hours only.

After the CCDL, the future legal professionals must complete a training period with the adequate law practitioners and attend at the same time additional law classes. However, none of these classes are directly related to ECHR and the case law of the Court and law practitioner who train the future legal professionals have no obligations to provide them with knowledge regarding human rights.

During the practicing of their profession, lawyers must undertake trainings related to law (every time that lawyers undertake a training, they receive a certain amount of points. Lawyers must get an average of 16 points per civil year, calculated on a three-year period). Many trainings are offered to lawyers every year, notably organized by the Luxembourg Bar, some of them concern Human rights.

However, lawyers are not obliged to train in every subject of law, as they remain free not to undertake the training that answers most to their needs. In this context, lawyers do not necessarily get training regarding Human rights.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

In order to become a Police offer, an education from the secondary school is sufficient. Candidates must pass tests, but none of them are human rights related.

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

Human rights education is mainly provided at the Luxembourg University (public permanent structure).

6. Is training delivered **by persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

The teachers and trainers in the field of the Human rights are persons with a good experience and a deep knowledge of the subject.

Many of them are practicing lawyers, some of them having pleaded cases before the European Court of Human Rights.

The « Commission Consultative des Droits de l'Homme (CCDH) » (Human rights consultative commission), organizes seminars with Human rights distinguished specialists.

For instance, the CCDH has invited dean Spielmann, former president of the Court, or also Stefan Braum, Dean of the Luxembourg Faculty of Law, Economy and Finance.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

Such training is often provided by experience and university background.

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

Many Luxembourg associations promote human rights.

For instance, the organization « Action Luxembourg Ouvert et Solidaire - Ligue des Droits de l'Homme a.s.b.l. » (Luxembourg Human Rights League), publishes articles and comments regarding human rights on its own website and in the national media ("Le Jeudi"). Amnesty International Luxembourg drafts and publishes reports on the enforcement of Human Rights (for instance regarding banks, arms and human rights violations, notably in Luxembourg) and undertakes actions at the national level (such as advertisings). The "Centre pour l'Egalité de Traitement" (Center for the Equality of Treatment) promotes the equality of treatment between the persons and fight against discrimination through seminars and publications. Also, the « Commission Consultative des Droits de l'Homme (CCDH) » (Human rights consultative commission), promotes human rights notably by sharing national and international publications related to human rights.

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

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10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

In Luxembourg, Human Rights training for legal professionals as well as university education is notably provided by practicing lawyers so that students and legal professionals may benefit from one their (future) colleague's experience in the subject.

MALTA/MALTE

Excerpt from the national report on the implementation of the Brighton Declaration
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Para. 9 c (v) [States] providing public officials with relevant information about the obligations under the Convention; and in particular training officials working in the justice system, responsible for law enforcement, or responsible for the deprivation of a person's liberty in how to fulfill obligations under the Convention

Government has a special unit which is tasked with providing continuous training to public officers. Public officers are made aware with the obligations emanating from the Convention.

A special course aimed to those officials who work in the justice system is organized by the University of Malta and one of the topics that is covered is the Convention and the Court.

Moreover, officers responsible for law enforcement and for the deprivation of a person's liberty receive training on the Convention in their respective academies even prior joining the public services. Once they become part of the service then they continue to receive training with a view to update such officials with developments achieved through the jurisprudence of the Court.

Para. 9 c (vi) [States] – providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors

A training programme for judges and magistrates has been set up. The aim of this project is to organize seminars and conferences for the judiciary in the sphere of the Convention. One such seminar included judges from the ECHR addressing the national judges on the topic of positive obligations. Another seminar is going to be held relative to the execution of judgments of the Court where officials from the Department of Execution will address the judiciary in order to provide more information of how the system of execution of judgments of the Court works.

The Chamber of Advocates organizes regular seminars for lawyers which also include, amongst the topics covered, the Convention. A recent seminar was held relative to the submission of applications before the Court by lawyers in private practice.

Prosecutors form part of the office of the Attorney General and these officers receive regular training on the Convention and information about judgments delivered by the Court.

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

The Faculty of Laws, within the University of Malta, offers at undergraduate level the Bachelor of Laws (Honours)¹⁵. There are no compulsory human rights components within the Bachelor of Laws (Honours) degree, though within the compulsory Constitutional Law unit the theory of fundamental rights and the national and international protection of fundamental rights are included. A number of human rights oriented electives are offered throughout the four year courses, in addition to the compulsory Constitutional Law unit. The existence of a compulsory unit at undergraduate level that focuses specifically on human rights law could significantly strengthen the education concerning the Convention.

At a post-graduate level, the Faculty of Laws offers a Master of Arts in Human Rights and Democratisation of Governance and a Master of Advocacy, which contains a component on Constitutional and Human Rights Procedure. The Master of Laws in European and Comparative Law also contains a unit covering Fundamental Rights in the European Union and European Constitutional Law.

The Faculty of Arts offers an MA in Humanitarian Action which contains a compulsory unit on the Legal Framework for Humanitarian Action: An Introduction to Humanitarian Law and Diplomacy. The Bachelor of Arts in International Relations, also offered by the Faculty of Arts, contains an elective on the European Court of Human Rights.

There are no compulsory professional development training courses in Malta.

2. Are they offered as **optional disciplines** to those who wish to specialize?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

See above.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

¹⁵ Please note that the structure of the undergraduate level courses has recently been amended and therefore a number of different course content exist. However, the information provided relates to the most recent version i.e. for courses commencing in 2016.

There is no human rights component in the preparation for local examinations in relation to obtaining a professional warrant. There is no publicly available information of any initial or continuous training provided to judges, magistrates or prosecutors.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

No public information available – although human rights training is offered to law enforcement officials and prison personnel on an ad hoc basis. Local NGOs working in human rights and related fields are many times requested to give such training.

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?
Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

Human rights education is usually conducted on an ad hoc basis and on the initiative of individual public authorities/agencies – such as National Training Course in Human Rights Education organized by Agenzija Zghazagh (National Youth Agency) and aimed at youth workers, teachers and other professionals working with young people (<http://www.agenzijazghazagh.gov.mt/News/530/>)

6. Is training delivered **by persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?
Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

N/A

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

N/A

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

The Human Rights Programme within the University aims to raise human rights awareness within University and beyond: <https://www.um.edu.mt/laws/programmes.aditus> foundation, a local human rights NGO, besides its monitoring and reporting activities, provides human rights capacity-building activities, such as training to both public and private stakeholders.

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

No.

10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

No, there is no compulsory training for legal professionals, such as CPD, and therefore workshops and training sessions are usually provided by civil society organisations on an ad hoc basis, with or without the cooperation of university. The Chamber of Advocates, set up a foundation in 2013, the Malta Law Academy, to cater for future CPD requirements for Lawyers and is in the process of creating a programme which should include Human Rights education.

REPUBLIC OF MOLDOVA/REPUBLIQUE DE MOLDOVA

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

In most curricula, just a general reference to ECHR and EtCHR case-law is made, but there is no structured reference / detailed information regarding what should be addressed from the ECHR standards.

2. Are they offered as **optional disciplines** to those who wish to specialize?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Usually at level of master studies a separate discipline for ECHR exists.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

The ECHR is a component for preparing programs of national examinations for access to legal professions. For instant, in curriculum for trainee lawyers there is a separate chapter dedicated to ECHR. However, the test to the Bar exam shall contain cases based on national practice, but the ECHR might be used to argue the answers.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Most probably it is a component for other law-enforcement professionals training, such as bailiffs, investigating bodies.

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

There exist many trainings on human rights which involve public and private sectors. Most of those trainings are organized by donor organizations.

6. Is training delivered **by persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

In trainings we participated the trainers had been well prepared and with up-dated knowledge on EtCHR practices. Also, being involved as HELP trainer for the “Admissibility Criteria” course, we tried to cooperate with those professionals who are much involved in that field.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

We do not know many of such initiatives. The one that we were involved in is the ToT within the HELP Program.

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

HELP Program activities developed on national level;

Course on advance training in ECHR for lawyers (implemented by Legal Resource Center in Moldova) (2013-2014);

Council of Europe training projects for training on Anti-discrimination standards (during previous several years);

Soros Foundation trainings on standards of the lawyers performance at pre-trial investigation stage (during previous several years and on-going);

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

We are not aware about any such assessment. Usually, each training which is implemented might have its approach to assess the results, but there is no systemic approach.

10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

This year, we initiated communication to use HELP platform for education activities with students. The initiative was accepted by both sides, but is in progress to be implemented and depends from both sides’ cooperation, HELP Secretariat and university. We are not aware about other samples of connection/cooperation.

MONACO

Extrait du rapport national sur la mise en œuvre de la Déclaration de Brighton

Point 09c(v) [Les Etats sont encouragés] à donner aux agents publics les informations nécessaires sur les obligations imposées par la Convention ; et en particulier dispenser aux agents travaillant dans le système judiciaire, responsables de l'application des lois ou des mesures privatives de liberté, une formation sur la manière de remplir les obligations imposées par la Convention

Les séminaires et conférences listés au para. 09 c (vi) portant sur le système de protection européen des droits de l'homme découlant de la Convention européenne des droits de l'homme ont été, pour la plupart, ouverts à tout le personnel judiciaire, à savoir, magistrats, greffiers, avocats, huissiers, notaires, personnel administratif des services judiciaires ainsi qu'aux services de l'Administration et aux services qui en dépendent¹⁶.

Il est à noter que la formation des surveillants pénitentiaires contient des modules consacrés aux règles pénitentiaires européennes ainsi qu'à la déontologie qui intègre une sensibilisation sur les droits et devoirs des surveillants, le respect de la dignité humaine et des droits de l'homme.

Point 09c(vi) [Les Etats sont encouragés] à veiller à ce que des informations d'une formation appropriées sur la Convention soient intégrées dans la formation théorique et pratique et dans le développement professionnel des juges, des avocats et des procureurs

Les magistrats en poste à Monaco, qu'ils soient de nationalité française ou monégasque, reçoivent la même formation initiale et continue, telle que dispensée par l'Ecole nationale de la magistrature (école française de formation des magistrats).

Au titre de leur formation continue, ils ont accès à un module de formation consacré au fonctionnement de la Convention européenne des droits de l'homme. Dans ce cadre, un nombre important de magistrats a suivi au moins un des stages de formation organisés à la Cour européenne des droits de l'homme.

Depuis l'adhésion de Monaco au Conseil de l'Europe, la Direction des Services Judiciaires organise périodiquement à Monaco des conférences, dont certaines visent à sensibiliser les acteurs du monde judiciaire à ces questions et à élargir le champ de leurs connaissances.

Voici la liste des conférences et séminaires de formation organisés par la Direction des Services Judiciaires depuis 2005 :

- 30 mai 2005 : Présentation Générale de la Convention européenne des droits de l'homme par la Cellule des droits de l'homme et des Libertés fondamentales (ouvert à tout le personnel judiciaire) ;

¹⁶ Départements (Ministères) de l'Intérieur, des Affaires Sociales et de la Santé, des Relations Extérieures, des Finances et de l'Economie ainsi que la Direction de la Sécurité Publique et la Direction de la Maison d'arrêt, etc.

- 20 au 25 juin 2005 : Formation des magistrats de Monaco à Strasbourg, à la Cour européenne des droits de l'homme ;
- 4 au 7 octobre 2005 : Formation des magistrats de Monaco à Strasbourg, à la Cour européenne des droits de l'homme ;
- 21 octobre 2005 : Venue de Monsieur Guy DE VEL, Directeur général des Affaires juridiques du Conseil de l'Europe et de Monsieur Patrick TITIUN, Conseiller juridique (ouvert à tout le personnel judiciaire) ;
- 30 janvier - 3 février 2006 : Formation des magistrats de Monaco à l'ENM (Paris) sur les droits de l'homme ;
- 10 février 2006 : Présentation en Principauté par le Juge Corneliu BIRSAN et le Professeur Jean-Francois RENUCCI- « Le droit du procès équitable » (ouvert à tout le personnel judiciaire) ;
- mars 2006 : Présentation en Principauté par Monsieur Vincent BERGER, Greffier de Section à la Cour européenne des droits de l'homme « le rôle du Greffe » ;
- 19 mai 2006 : Séminaire de formation des magistrats sur « l'impartialité des juges »
- 16 juin 2006 : Présentation en Principauté par le Président Jean-Paul COSTA - « La liberté d'expression » (ouvert à tout le personnel judiciaire) ;

- juillet 2006 : Séminaire de formation des magistrats, avocats et greffiers - « la recevabilité des requêtes devant la Cour européenne des droits de l'homme » ;
- 1^{er} octobre 2009 : à l'occasion de la rentrée solennelle des Cours et Tribunaux, une conférence sur les thèmes « La Cour européenne des droits de l'homme et ses défis » et « La mise en œuvre de la Convention européenne des droits de l'homme : une responsabilité partagée », animée par Monsieur Jean-Paul COSTA, Président de la Cour européenne des droits de l'homme, et Madame Isabelle BERRO- LEFEVRE, Juge au titre de la Principauté de Monaco a la Cour européenne des droits de l'homme ;
- 15 mars 2013 : Conférence sur le thème (Le droit à un procès équitable) ;
- 15 novembre 2013 : dans le cadre de la visite à Monaco de Monsieur Dean SPIELMANN, Président de la Cour européenne des droits de l'homme, accompagnée de Mme Isabelle BERRO-LEFEVRE, Présidente de Section, juge élue à la Cour au titre de la Principauté de Monaco, et de Monsieur Michael O'BOYLE, Greffier adjoint de la Cour, dialogue informel avec les magistrats et les avocats.

Cette rencontre informelle a permis un échange direct entre les hauts membres de la Cour et les hautes autorités judiciaires, les magistrats juges et procureurs) et les membres de l'Ordre des avocats de Monaco.

- 5 décembre 2014 : Conférence sur le thème « L'interdiction des discriminations au sens de la Convention européenne des droits de l'homme » au Palais de Justice, animée par le Professeur Jean-François RENUCCI.

MONTENEGRO

Excerpt from the national report on the implementation of the Brussels Declaration
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Study visits and training aiming to strengthen capacities of the officials dealing with the European Court of Human Rights case law

The Ministry of Human and Minority Rights in cooperation with the OSCE Mission to Montenegro, continuously conducts activities in the field of education and promotion of anti-discriminatory behavior and practices, and, after implementation of the Education Plan and the Promotion Plan in 2011, 2012, 2013, 2014, 2015 and 2016, it is finishing the plans for 2017 with the training of a large number of those who are indirectly involved in implementing anti-discrimination legislation.

The training is designed primarily for professionals, and all those who in any way come into contact with cases of discrimination, while the promotion relates to the implementation of the media campaign and aims at raising awareness of the entire Montenegrin public, especially towards most vulnerable categories of the population, with the aim of respect for all human rights, the creation of a supportive and tolerant environment, and respect for differences. So far, training included representatives of the judiciary, prosecution, institution of the Protector for Human Rights and Freedoms, non-governmental organizations dealing with the protection of human rights, representatives of all regional units and branches of the police in Montenegro, representatives of local government (from all Montenegrin municipalities) that come into contact with discrimination, as well as representatives of all inspection services in Montenegro, representatives of misdemeanor bodies and social welfare centers. Training is organized in the form of 6 seminars and 6 accompanying workshops and is mandatory for all selected participants in that year. ("Education Plan").

The training also includes presentation of the provisions of the European Convention on Human Rights and Freedoms, as well as case law of the European Court of Human Rights, and is realized within the following topics:

- The general legal regime of non-discrimination and mechanisms of protection against discrimination
- Prohibition of discrimination based on gender identity
- Prohibition of discrimination against persons with disabilities
- Prohibition of discrimination based on health status (discrimination of addicts and those suffering from AIDS)
- Prohibition of discrimination on grounds of race and national origin
- Prohibition of discrimination based on sexual orientation

Within the Council of Europe project PREDIM - Support to national institutions in the prevention of discrimination in Montenegro, for representatives of the Ministry of Human and Minority Rights and the Institution of the Protector of Human Rights and

Freedoms study visit to the institutions of the Council of Europe was organized, together with the attendance at the debate in the Grand Chamber of the European Court Human rights regarding the case of discrimination "Fabijan Vs. Hungary", in November this year. As part of the study visit, the representatives of the Ministry had the opportunity to learn about the responsibilities of certain bodies of the Council of Europe, about reviews of Montenegrin cases before the European Court of Human Rights, the role of case law of the European Court, as well as international documents of the Council of Europe in the field of anti-discrimination and human rights. The delegation was received by the judge of the European Court of Human Rights before Montenegro, Nebojsa Vucinic, who informed the Montenegrin delegation that on 1 October 2016 there are 188 cases, of which 145 are distributed, that before the Grand Chamber there are no cases from Montenegro. Cases from Montenegro are mostly related to the violation of Article 6 of the Convention of Human Rights relating to unfair and untimely acting from courts and failure to execute the judgment. Montenegrin delegation also had several thematic meetings with the representatives of the Council of Europe bodies responsible for various human rights. (General Secretariat for Roma, the European Commission against Racism and intolerance ECRI, the Secretariat of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment - CPT, Directorate for Human Rights and Rule of Law, Unit for sexual orientation and gender identity- SOGI, representatives of the Human Rights Commissioner of the Council of Europe, ...)

As regards the implementation of the Convention from the courts in Montenegro, we gave a big effort towards building and strengthening of the professional capacities of the representatives of the judiciary, for the judges as well as for the advisors. On one hand, there are trainings which are organized by the Supreme Court, and on other hand there are trainings which are implemented by the Center for education in judiciary and public prosecution office.

A project that the Supreme Court of Montenegro implements in cooperation with the AIRE Centre from London is of a great importance. Purpose of the project is to build the capacities of the Courts in Montenegro in order to make their practice in line with the European law in the field of human rights. This project has officially started in June 2016 and will last for three years. Four round tables have been organized so far, which were dedicated to the different convention rights: 1. Right of the person on freedom by the Article 5 and; 2. right to fair trial by the Article 6 of the Convention; 3. right to property form the Article 1 of the Protocol 1 on the Convention; 4. The Articles 4 and 11 of the Convention, the right on the freedom of assembly and the right on respect of private and family life.

Round tables are interactive events where the participants exchange information and identify the most usual problems judges are facing in their efforts to fulfill the commitments related to the Convention and its implementation. The fact that the lecturers at these events are also from the ECHR gives special importance, which is optimal way for overcoming some problems judges are facing in their work.

Summary reports will be forwarded to all courts in Montenegro with a purpose of informing a largest possible number of participants of judiciary about a content of lectures and stands taken on during these round tables.

It is of a special importance to emphasize that a dialog with judges of ECHR has been ongoing for several consecutive years. Judge from Montenegro is assigned to work at the Register of the Court in Strasbourg. This practice is very positive and has a great contribution for the improvement of implementation of the Convention by the Montenegro's judges.

On the other hand, the Center for education in Judiciary and Public Prosecution Office has organized a significant number of round tables, workshops and seminars, in order to inform the representatives of the judiciary with the Convention and practice of the European Court of Human Rights. The lecturers on these events were domestic, as well as international renowned experts. In 2015 and 2016, over 200 representatives of judiciary, judges and advisors in courts have participated.

More specific topics which were discussed were: Introduction to the European Convention; introduction to the Article 2: the nature, significance and the scope of the right to life: When does life start? The right to die? Hypothetical case 1; Exemptions-when deprivation of liberty is not contrary to Article 2. a); Exemptions – when deprivation of liberty is not contrary to Article 2. b) and c); The procedural obligations of the state- investigation of suspicious death cases; hypothetical subject 2; Content of the Article 3 and the judiciary practice of the European Court: torture, inhuman treatment or punishment; Judgments of the ECHR against Serbia, Montenegro, Bosnia and Herzegovina and “The former Yugoslav Republic of Macedonia”- Article 3 violation found; display of national legislation and the implementation of Article 3; Introduction to the Article 4; analysis of the paragraph 1 of the Article 4; analysis of paragraphs 2 and 3 of the Article 4. Introduction to the Article 5; Legal deprivation of liberty; Informing about reasons for the deprivation of liberty and appearing before court without delay; Explanation of the decision of detention and questioning the legality of the deprivation of liberty; The right to trial within a reasonable time and release on bail; Hypothetical subject- working in groups; Introduction to the Article 6 of the European Convention on Human Rights; Presumption of innocence; Equality of arms; Notification about the nature and reasons of the charges, as well as adequate time for the preparation of defense; The right to effective defense; The right to trial within a reasonable time; The reasoned judgment and credible evidence; Hypothetical subject-working in groups; Procedures of the ECHR; Article 7: Punishing only on legal grounds. Legal framework of the freedom of expression in national legislation; The practice of the ECHR regarding the Article 10 of the Convention; The practice of Montenegrin courts regarding to the Article 10 of the Convention.

With a purpose of implementation of the Chapter B of Brussels Declaration, Representative of Montenegro before the European Court of Human Rights participated at conferences and seminars which were organized by the Center for training in judiciary and state prosecution service as well as Permanent Mission of the OSCE at the national level. The Representative of Montenegro gave lectures to national judges, prosecutors and journalists.

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component**

of the common core curriculum of law and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

University education in Montenegro concerning the Convention would need to be further enhanced. This topic is studied in the framework regular course on public international law and partially through the course on Fundamentals of human rights and freedoms. However, the ECHR system and the practice of the European Court based on the systematic study of the Convention is not present.

Initial and continuous training programmes that the judicial training Center of Montenegro provides have as a obligatory component topics such as ECHR and European court court practise. We provide training activities such as seminars, workshops, conferencies, e-learning courses. So far organized activities confirms the fact that the best training activities are those organized within the support of the COE.

As example of good practise in providing new training metodologies, 2 e-learning courses are organized in cooperation with HELP, which cooperation will be continued during the next year trough 5 planned activities.

2. Are they offered as **optional disciplines** to those who wish to specialize?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Formal education model and some courses are consisted of the study units based on the Convention law itself. It appears that the content of those clusters should be further looked at so as to ensure that they constitute a well-established unit of any course curriculum.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Some of the law faculties use to organize additional training for certain professionals such as lawyers in preparing them for the bar exam on the same topic but the Convention law remains a marginalised topic. It is part of the so called traditional legal disciplines (civil law, criminal law, commercial law etc.).

Initial and continuous training programmes that the judicial training Center of Montenegro provides have as a obligatory component topics such as ECHR and European court court practise. We provide training activities such as seminars, workshops, conferencies, e-learning courses. So far organized activities confirms the fact that the best training activities are those organized within the support of the COE.

As example of good practise in providing new training metodologies, 2 e-learning courses are organized in cooperation with HELP, which cooperation will be continued during the next year trough 5 planned activities.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Yes they are. Actually, both models are represented in the curriculum of Judicial Training Center: as the initial and as ongoing training of judges and prosecutors

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

It is but mostly through the course of International public law and optional course on the Law on Human Rights and Freedoms. The first formal introduction of the Course on Human Rights Law was introduced in 1992 at the State Law Faculty (by Prof Nebojsa Vucinic, recently Montenegro Judge at ECtHR).

6. Is training delivered by **persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

In those cases where such training was introduced most of the lecturers were pretty familiar with the Convention standards. However, not so many of them are able to deliver the lecture in a qualitative manner

Judicial Training Center engages the persons with the relevant knowledge on ECHR and the European courts practice, national experts, as well as those who professionally rely on it (for example state agent before the ECHR, members of numerous bodies/committees of COE - montenegro representatives, judges of the Supreme court who deals with the court practice and etc), foreign experts engaged through cooperation with COE.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

The most common forms of specialized training are prepared by JTC. These include general training on ECHR and on the European Court of Human Rights as well as specialized training for individual rights and freedoms under the Convention Law. One of the major problems is an obvious lack of knowledge about the convention standards from the previous phases of education and training.

As good example we can mention also the training of trainers in ECHR organized with the support of US Embassy in Zagreb, 2014-2015, which will be continued on the 10.-12. October 2016, as well as trainings on e-learning methodology in cooperation with HELP.

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

In addition to these forms of education special attention should be given to the project *Education for young employees in judiciary*, which for more than 10 years of implementation by the NGO CEDEM (Center for Democracy and Human Rights) in Podgorica through which the courses were passed by a huge number of young people who set a career as a judicial office holder.

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

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10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

Such cooperation is lacking and it was observed solely in the current period when the first step was made through the initiative of HELP program tempting to establish continuous communication between JTC, national HR institutions and the State Law Faculty. Academic institutions will be key towards the setting-up of such cooperation.

Initial and continuous training programmes that the Centre provides have as an obligatory component topics such as ECHR and European court practise. We provide training activities such as seminars, workshops, conferences, e-learning courses. So far organized activities confirm the fact that the best training activities are those organized within support of the COE.

As example of good practise in providing new training methodologies, we prefer 2 e-learning courses organized in cooperation with HELP, which cooperation will be continued during the next year trough 5 planned activities.

As an example of good practice we can also emphasize, joint activities with the Center for human rights – the organizational unit of Law faculty in Podgorica that is under the State University of Montenegro.

NETHERLANDS/PAYS-BAS

Excerpt from the national report on the implementation of the Brighton Declaration
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Para. 9(c)(v) Providing public officials with relevant information about the obligations under the Convention; and in particular training officials working in the justice system, responsible for law enforcement, or responsible for the deprivation of a person's liberty in how to fulfil obligations under the Convention

The Academy for Legislation and the Academy for Government Lawyers organise classes in human rights, which include an in-depth insight into Convention matters.

The Kennis- en Leer Centrum (Knowledge and Learning Centre, KLC) provides classes on Articles 3 and 8 of the Convention for employees of the Immigration and Naturalisation Service (Immigratie- en Naturalisatiedienst, IND), in addition to comprehensive courses concerning the Convention.

Classes on the Convention within several universities are open to practicing lawyers and others, the so-called post-academic education. Several training centers organize on a regular basis classes in the Convention. In addition, various law firms organise in company trainings on Convention related issues.

Police training includes a prisoner care module, an important part of which concerns the treatment of prisoners. There is also a module on the legal context of police work and the mandate of police officers. Respect for human rights, including the prohibition of torture, is an important part of that module. Much of the training takes the form of coaching and learning on the job in the police force. As police training involves combined study and work experience, the actual knowledge and skills are gained both at the Police College and through practical work in the police force itself. A manual on the treatment of prisoners in police cells serves as an important guideline for day-to-day police practice.

To ensure that due effect is given to the provisions of Dutch criminal procedure protecting the rights of suspects and witnesses, interview training courses have been developed for the Dutch police force. These courses are given by the Police Academy of the Netherlands and focus on the interviewing of particular target groups such as vulnerable suspects, child witnesses aged between 4 and 12 years and mentally disabled witnesses. An audio or video recording is made of interviews of children and vulnerable people. In this way all parties to the proceedings can check how the interview has been conducted. During their training, police officers learn to adjust their examination to the vulnerability and level of development of the persons they are interviewing.

The training courses for prison staff include a module on criminal law and legislation. An important element is the ethical behaviour protocol, which includes detailed instructions on how and when force may be used against prisoners.

Para. 9(c)(vi) Providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors

For several decades now, the Training and Study Centre for the Judiciary (*Studiecentrum Rechtspleging*), which trains prospective prosecutors, judges and support staff, has been organising advanced courses on the Convention. This includes so-called continuous training. In recent years attendance has been compulsory. In addition, the SSR has been organising an annual visit to the European Court of Human Rights for over 20 years now. Trainees can also apply for internships at the Court's registry.

In addition, more and more courts are organising specific human rights trainings for their staff on a de-centralised level.

Finally, mention should be made of the coordinators for European law ('GCE') within each specific court who are responsible for keeping their colleagues informed about relevant developments in the case law of the European courts. Especially, the newsletter of the court of appeal of Amsterdam is distributed widely (and won 2nd prize on 17 October 2014 at the 2014 Crystal Scales of Justice Prize awarding of the Council of Europe).

Excerpt from the national report on the implementation of the Brussels Declaration
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b) 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 Human Rights Education for Legal Professionals (HELP) programme of the Council of Europe, as well as to the training programmes of the Court and to its publications;

Awareness raising activities are inter alia organized by the Netherlands Institute for Human Rights. There are various academic and legal journals that pay attention to the Convention and the Court case law. Human rights education is permanently incorporated, for instance in universities, post-graduate seminars, the judiciary training institute (initial and permanent training for judges, prosecutors and their legal staff members), the curriculum of the Bar Association. In particular the following training programmes should be mentioned.

Basic knowledge about the Convention is included as part of the core and mandatory law curriculum in all Dutch law Schools. Key relevant case-law is integrated in amongst other compulsory courses on criminal, constitutional, administrative, and European law. A number of universities also offer specialised, elective course dedicated entirely to the Convention. Some courses are open to practicing lawyers and others, the so-called post-academic education. Several training centers organize on a regular basis classes in the Convention.

The Academy for Legislation and the Academy for Government Lawyers organise classes in human rights, which include an in-depth insight into Convention matters.

For several decades now, the Training and Study Centre for the Judiciary (Studiecentrum Rechtspleging), which trains prospective prosecutors, judges and support staff, has been organising advanced courses on the Convention. This includes so-called continuous training. In recent years attendance has been compulsory.

Police training includes a prisoner care module, an important part of which concerns the treatment of prisoners. There is also a module on the legal context of police work and the mandate of police officers. Respect for human rights, including the prohibition of torture, is an important part of that module. Much of the training takes the form of coaching and learning on the job in the police force.

As police training involves combined study and work experience, the actual knowledge and skills are gained both at the Police College and through practical work in the police force itself. A manual on the treatment of prisoners in police cells serves as an important guideline for day-to-day police practice.

To ensure that due effect is given to the provisions of Dutch criminal procedure protecting the rights of suspects and witnesses, interview training courses have been developed for the Dutch police force. These courses are given by the Police Academy of the Netherlands and focus on the interviewing of particular target groups such as vulnerable suspects, child witnesses aged between 4 and 12 years and mentally disabled witnesses. An audio or video recording is made of interviews of children and vulnerable people. In this way all parties to the proceedings can check how the interview has been conducted. During their training, police officers learn to adjust their examination to the vulnerability and level of development of the persons they are interviewing. The training courses for prison staff include a module on criminal law and legislation. An important element is the ethical behaviour protocol, which includes detailed instructions on how and when force may be used against prisoners.

The Knowledge and Learning Centre (Kennis- en Leer Centrum, KLC) provides classes on Articles 3 and 8 of the Convention for employees of the Immigration and Naturalisation Service (Immigratie- en Naturalisatiedienst, IND), in addition to comprehensive courses concerning the Convention.

In addition, more and more courts are organising specific human rights trainings for their staff on a de-centralised level. And various law firms organise in company trainings on Convention related issues.

Finally, mention should be made of the coordinators for European Law ('GCE') within each specific court who are responsible for keeping their colleagues informed about relevant developments in the case law of the European courts. Especially, the newsletter of the court of appeal of Amsterdam is distributed widely (and won 2nd prize on 17 October 2014 at the 2014 Crystal Scales of Justice Prize awarding of the Council of Europe).

c) promote, in this regard, study visits and traineeships at the Court for judges, lawyers and national officials in order to increase their knowledge of the Convention system;

The Training and Study Centre for the Judiciary (Studiecentrum Rechtspleging) has been organising an annual visit to the European Court of Human Rights for over 20 years now. Trainees can also apply for internships at the Court's registry.

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Basic knowledge about the ECHR is included as part of the core and mandatory law curriculum in all Dutch law Schools. Key relevant case-law is integrated in amongst other compulsory courses on criminal, constitutional and administrative law and European law. A number of universities also offer specialised, elective course dedicated entirely to the ECHR. These courses are usually also open to non-law students.

2. Are they offered as **optional disciplines** to those who wish to specialize?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

As indicated, a number of law schools offer specialised ECHR courses as electives. In addition, many law schools offer elective (at Bachelor level) or mandatory (with International law, European law or specialised human rights Master's) courses on human rights, in which the ECHR system and its case-law are a standard component.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

In the Netherlands, we do not have entry exams for entry into the judiciary. They are included in the initial and continuous training programmes for judges and prosecutors. In initial training it concerns both raising awareness about the position as "European judge and prosecutor" and courses on material and procedural law.

In the Dutch court system, there are so-called court co-ordinators for European law (main focus on EU law, but also the Convention). For more information about this practice:

https://www.rechtspraak.nl/SiteCollectionDocuments/Eurinfra_EN_FR.pdf#search=eurinfra

In this project, three components are combined: access to information, training and education, and network of court co-ordinators.

(For lawyers the European Convention on Human Rights and the case law of the Court are also part of the training programme of the Bar Association, but the Info Point at the Dutch Bar Association is better informed about this.)

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

As focal point for the judiciary, we are not in the position to answer this question.

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

Yes, human rights education is permanently incorporated, for instance in universities, post-graduate seminars, the judiciary training institute (initial and permanent training for judges, prosecutors and their legal staff members), the curriculum of the Bar Association. As well as the Netherlands Institute for Human Rights. There are various academic and legal journals that pay attention to the Convention and the Court case law.

6. Is training delivered **by persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

Yes, by either university professors with sound knowledge of the Convention and didactical skills, as well as by experienced judges and prosecutors (and preferably in teams of academics and magistrates). Moreover, we have at times Dutch judges from the European courts coming for training seminars, and video-taped interviews with the Dutch judges at the European courts are used during initial training seminars.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

No particular initiatives have been launched by the judicial training institute.

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

Quite a lot of non-state initiatives take place at universities and private associations (e.g. Dutch Section of the International Commission of Jurists; Platform for human rights education). A public/private organization that raises awareness about the rule of law more in general is Prodemos (<https://www.prodemos.nl/english/>).

Utrecht University is currently developing a Massive Open Online Course (MOOC) on the ECHR – it will go online on the Coursera platform in November 2016.

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

At the judicial training institute currently we do not perform impact assessment of the effectiveness of the human rights education/training of the judicial training institute as

such. The Netherlands Institute for Human Rights publishes a yearly report on “Human rights in the Netherlands”.

10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

See above: university professors provide training seminar and training materials at the judicial training institution, alone or together with judges/prosecutors. They are also involved in training for lawyers (Bar Association) and legislative lawyers (Academy for Legislation).

NORWAY/NORVÈGE

Excerpt from the national report on the implementation of the Brighton Declaration
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09c(v) Providing public officials with relevant information about the obligations under the Convention; and in particular training officials working in the justice system, responsible for law enforcement, or responsible for the deprivation of a person's liberty in how to fulfil obligations under the Convention

Public officials working in fields where the Convention is relevant are trained in the obligations under the Convention. The obligations under the Convention are part of the education at the faculties of law and at the institutions responsible for the education of police officers and prison staff. Human rights is also part of the follow-up training of civil servants.

09c(vi) Providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors

As mentioned under point 09c(v), information and training about the Convention are part of the education at the faculties of law. It is also part of the training of judges, lawyers and prosecutors.

Concerning judges, the Norwegian Courts Administration has just completed an extensive project set out to develop a new education-plan for all judges and employees of the Norwegian Courts and The Norwegian Courts Administration. Strengthened human rights education is among the plan's areas of commitment. The obligatory course for newly appointed judges embodies education particularly on Articles 5 and 6 of the Convention. Use of solitary confinement is also among the topics of the course. Norwegian judges will be offered a seminar focusing on the Convention and an educational visit to the Court.

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Knowledge about ECHR and case-law from Strasbourg are integrated in the curriculum at Norwegian law schools.

It is believed that integration leads the student to acknowledge this as an important source of law and familiarizes the students with the way the Strasbourg court writes its decisions. In addition, it is helpful to start learning judicial terms in English when still in law school.

2. Are they offered as **optional disciplines** to those who wish to specialize?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

All students must obtain general knowledge, but those who would like to specialize may choose specific classes to do so.

It is deemed important that those with a special interest in the field are given the opportunity to specialize already in law school. In addition, it is a bonus for firms and institution to be able to hire part-time students who specialize in this field.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

As of September 2015, all newly appointed judges receive a three hours introduction to Human Rights issues during the national preparation programmes, made available by the Norwegian Court Administration.

The introduction is a combination of lecture and discussions, with practical examples, and works out well. The challenge is time – more hours could be put in, but has to be balanced against other topics.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

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5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?
Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

There are several courses every year offered by both the University and private companies, such for instance JUS (www.jus.no). The courses are offered to all legal professionals and there are different levels. It is fair to say that these courses are offered in stable and permanent structures.

The Norwegian Court Administration offers a yearly study trip to Strasbourg for experienced judges (see also # 3).

In addition, the newly established National Institution for Human Rights provides general information and arranges seminars in this field (www.nhri.no).

6. Is training delivered **by persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

Yes – by judges, attorneys and legal scholars – all with specific knowledge and interest in the field.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

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8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

One example is the student organization at the law school in Oslo that regularly arranges moot-court competition in the area of human rights.

Another example is the Nordic competition between law students called "Sporrong Lönnroth".

In general, such initiatives have mainly been promoted by the University.

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

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10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

One example is the cooperation between the Norwegian Court Administration and PluriCourts (part of the University of Oslo), with regards to a one- day seminar for judges who are about to attend the above mentioned study trip to Strasbourg. Other forms of cooperation are being discussed.

POLAND / POLOGNE

Excerpt from the national report on the implementation of the Brighton Declaration as updated by the national report on the implementation of the Brussels Declaration

09c(v) [States] providing public officials with relevant information about the obligations under the Convention; and in particular training officials working in the justice system, responsible for law enforcement, or responsible for the deprivation of a person's liberty in how to fulfil obligations under the Convention

Providing information about the obligations under the Convention

1) The texts of the Convention and its Protocols in Polish are published *inter alia* on the website of the Ministry of Justice and the Ministry of Foreign Affairs (website of the Government Agent). There one can find the Polish translation of the most important CM recommendations dealing with implementation of the Convention. The Ministry of Justice runs the database containing all the translated judgments (and some decisions) of the Court (more than 560 rulings, including those concerning other countries). Moreover, the Ministry of Justice prepares quarterly analyses of the Court's case-law in the Polish cases which is also available on the website.

2) The Ministry of Justice prepares, on a regular basis, an electronic *newsletter* devoted to the case-law of the ECtHR. The newsletter is addressed to the stakeholders of the justice system, who deal with human rights protection on a daily basis. The idea is to provide them with quick and up-to-date information on the current case-law of the Court, in particular in respect of Poland, and on some other important developments related to the Convention. At present, more than 2,500 persons have subscribed the newsletter, especially from the courts, the prosecution, the National School of the Judiciary and Public Prosecution, the Prison Service, penitentiary and detention units. Fifty five editions have already been prepared. The Ministry of Foreign Affairs prepares summaries of the leading Court judgments in cases concerning other State Parties, which are attached to the annual reports on the state of execution of the Court judgments by Poland, adopted by the Government.

3) The Ministry of Justice has translated into Polish and published on its website 49 factsheets prepared by the Court's Registry (further translations are in progress) and two Guides to the Court's case-law - in respect of Articles 5 and 6 of the Convention.

4) The Ministry of Justice also prepares its own publications and analyses devoted to the standards and guidelines stemming from the Court's case-law. One could mention the following publications that are available on the Ministry's website:

- Standards of the human rights protection under the law of the European Convention on Human Rights. The analysis of the leading cases against Poland;
- Excessive length of civil proceedings in the light of the standards of the ECtHR;
- Standards of the ECtHR case-law regarding granting compassionate leave to persons deprived of liberty;
- Standards of the ECtHR case-law in respect of the living conditions in the penitentiary units in some selected cases against Poland;
- Standards of proceedings in cases concerning contacts with children in the light

- of the ECtHR case-law;
- Standards of the ECtHR case-law as regards access to a lawyer by a person deprived of liberty;
- The right to a reasonable duration of the pre-trial detention under the ECtHR case-law;
- Standards of the ECtHR in respect of hearing witnesses in the light of selected judgments;
- Standards of the ECtHR in respect of the censorship of correspondence;
- Standards of the ECtHR with regard to obligation to bear court fees in civil proceedings;
- Standards of the ECtHR case-law in cases concerning persons deprived of liberty;
- Standards of the ECtHR in cases concerning freedom of expression;
- Standards of the ECtHR regarding positive obligations of the state in respect of the freedom of religion of persons detained in penitentiary units;
- The right to marry of persons detained in the penitentiary units;
- Obligation to criminalise and conduct effective investigation into crimes constituting serious human rights violations;
- Domestic violence under the case-law of the ECtHR;
- Standards of the ECtHR case-law concerning freedom of speech in cases concerning employees;
- The ECtHR standards related to the application of the 1980 Hague Convention on the civil aspects of international child abduction.

5) In 2015, the Prime Minister's order obligated all ministers to disseminate the Court judgments and decisions concerning the Convention violations found in respect of Poland in the areas of their competence. In particular, in every case where a violation of the Convention related to the functioning of the justice system has been found in proceedings before the Court, including in cases ending in a friendly settlement or unilateral declaration, the Ministry of Justice communicates this fact and the relevant standard to the entity whose action or inaction led to the violation of the Convention. Depending on the violation found, information about the violation is communicated to the courts (e.g. the president of the relevant court and the president of the upper court), public prosecutors' offices, the National School of Judiciary and Public Prosecution and other relevant bodies or institutions. Similarly, all Court rulings in Polish cases related to the functioning of the Public Prosecution are communicated to the relevant prosecution units by the National Public Prosecutor's Office.

The presidents of common courts also are officially required to disseminate the Court rulings finding violations in respect of Poland among judges and other court staff. Depending on the case, the president familiarises those persons who adjudicated a case in which a violation of the Convention was found, or all the judges, assessors and court referendaries in a given sector with the Court ruling. A new provision was added to the *Rules and Regulations of Common Court Operation* to that effect,

6) The case-law of the ECtHR is followed on a regular basis by the Judicial Decisions Bureau of the Supreme Administrative Court and disseminated among judges of administrative courts also by means of bimonthly *Research Bulletins of the Administrative Judiciary (Zeszyty naukowe Sądowictwa Administracyjnego)*, which

contain descriptions of the recent case-law of the Court of relevance for administrative cases. The Court's case-law is also disseminated by means of **European Bulletins** which contain information on the relevant legal acts of the CoE and the case-law of the ECtHR in matters under the jurisdiction of the Supreme Administrative Court. The *European Bulletins* are sent out to judges and assistants to judges of administrative courts. About 200 rulings of the ECtHR have been included in the *Central Database of the Rulings and Information about the cases of the Supreme Administrative Court* for use by administrative courts' judges.

7) On a page devoted to "*The European law*" on the website of the Supreme Administrative Court one can find: *European Bulletins*, links to the databases of the ECtHR and CJEU as well as some publications. Since 2013 the Supreme Administrative Court has started to publish its own translations of judgments of the ECtHR issued in respect of third countries

8) The Supreme Court publishes on its website *inter alia* bulletins entitled *Overview of the European case-law in criminal matters*, which contain comments to the judgments (or decisions) of both ECtHR and CJEU.

9) At briefings organised by the Police, at every level of management, it is often recalled that all forms of action breaching human rights standards are contrary to law and as such subject to appropriate punishment. Also in circular letters, sent out to all organisational units of the Police, it is recalled that any violation of the Convention is unacceptable and will be subject to criminal penalties. Newsletters, distributed within the framework of the early intervention system of the Police, describe cases of inappropriate behaviour of policemen and the judgments of the ECtHR. Once the information on the Court judgment is received, the Plenipotentiary of the Commander in Chief of the Police for Human Rights Protection, instructs one of the Police schools to prepare a summary thereof adjusted to the needs of the Police (often with teaching materials). This summary is then distributed to all Police units. Once they receive the summaries, the plenipotentiaries for human rights of the Police units disseminate the judgments in the Police community in the framework of the local in-service training. The contents of judgments are also published on Police internet websites. Further educational activities on the Convention standards are planned in the Police, *inter alia*, preparation of a case-study publication devoted to the case-law of the Court dealing with the Police's inappropriate conduct with commentaries.

10) Many other authorities (several ministries, courts, the National Public Prosecutor's Office, the Border Guard, the Prison Service) and other institutions (the Polish Bar Council, the Polish Council of Legal Advisors) disseminate information on the Court's judgments relevant to their fields of competence on their publicly available websites or on their intranet services or publish links to the websites of the Ministry of Justice, the Ministry of Foreign Affairs and the Court.

11) Also noteworthy is the organisation of the Warsaw Human Rights Seminars by the Ministry of Foreign Affairs every year since 2005. The seminars are devoted to various aspects of the implementation of the Convention. They provide an international forum to exchange experiences among academics and practitioners who in their work deal with the Convention. The seminars also serve as a forum for awareness-raising and dissemination of standards of human rights protection developed by the Court. Seminar

participants discuss current issues relating to the functioning of the human rights protection system in Europe and the challenges facing the Court and member states in this area. Ten seminars have been organised so far gathering participants from different backgrounds (the judiciary, public administration, parliamentarians, the Human Rights Defender, academia, the civil society, international organisations, etc.). The last seminars were devoted to the following topics:

- in 2012 - implementation of the Convention for the Protection of Human Rights and Fundamental Freedoms into Domestic Legal Order;
- in 2013 - The Citizen in the Council of Europe and the European Union - new challenges twenty years after Poland's accession to the Convention for the Protection of Human Rights and Fundamental/ Freedoms;
- in 2014 - Equal access to rights guaranteed under the system of the Convention for the Protection of Human Rights and Fundamental Freedoms - current state of affairs and challenges.
- in 2015 – Dysfunctions of Polish Law – How to Improve the System of Legal Remedies in Poland?;
- in 2016 – Positive and Negative State Obligations Towards Persons Deprived of Liberty – Current Challenges of the Polish Penitentiary System.

More information on the dissemination and publication of the ECtHR case-law – see paras. 10-15 and 93-124 of the Information on the follow-up by Poland to the recommendations of the Brussels Declaration.

Training for the civil service

1) In 2014 the Government Legislation Centre organised two-day workshops addressed to legislators and lawyers dealing with legislation in the ministries and central organs of the public administration, in order to raise their awareness of the need to take into account the Convention standards in the law-making process. The issues discussed at each workshop were selected according to the fields of competence of the participants. On 13-14 March 2014 the workshops dealt with issues related to the economy and finance (in broad terms), on 18-19 September 2014 - social issues, and on 27-28 November 2014 - matters related to environment, transport, infrastructure and agriculture. In addition, on 17 February and 26 May 2014 one-day training devoted to *Taking the European Convention on Human Rights and the case-law of the ECtHR into account in the law-making process at the government level* was held in the seat of the Government Legislation Centre - this training was addressed to the legislators and the management staff of the Government Legislation Centre and the directors of legal departments of ministries. Similar topic is addressed during the legislative apprenticeship organised by the Centre. On 20-21 March 2013 two-day training was organised on the topic *“Law-making process in the light of the case-law of the Supreme Court, Supreme Administrative Court and the Constitutional Court”* in the course of which a lecture on *“Preparing opinions on the draft legal acts as regards their compatibility with the Convention for the protection of human rights and fundamental freedoms”* was delivered by the Government Co-Agent.

In 2012-2015, the Government Legislation Centre carried out the project titled *Improving Legislation Techniques at Entities in Service to Public Authorities – 23*

legislation workshops were organised to disseminate knowledge of the Convention-related issues and the ECtHR case-law; 237 officials participated in the training,

In 2015, the impact of the Republic of Poland's international legal obligations in the area of human rights on the law-making process became a subject taught to legislators as part of their legislative traineeship organised by the Government Legislation Centre in accordance with the Prime Minister's ordinance.

2) On 26 March 2014 the Council of the Civil Service adopted a resolution inviting the Head of the Civil Service to take into account, within the existing educational instruments, the topic related to the knowledge and appropriate application in the civil service of human rights standards guaranteed by the Convention and the Court's case-law. The topic will be taken into account in the central trainings for civil servants in the coming years aimed at improving contacts between the governmental administration and citizens.

3) In the first quarter of 2014 students of the National Public Administration School received 12-hour training devoted to "*Selected issues of human rights protection on the basis of the European Convention on Human Rights*". They also participated in classes devoted to "*Basic institutions of international law*" which dealt *inter alia* with the topic of "*Human rights in the foreign policy of Poland*". Similar training will be offered in the upcoming year for new students. It will additionally include classes in the topic of "*Handling proceedings before international human rights protection bodies*".

4) The Ministry of Culture and National Heritage has included in its training plan the training for its staff on issues related to the implementation of the Convention and the execution of judgments, to be held in May 2015.

5) Standards defined in the Court's case-law are disseminated during the training organised for the first-instance organs dealing with return procedures and procedures concerning residence permits for aliens. Special focus is placed on the Court's judgments related to violations of the right to respect for private and family life of citizens bearing in mind that these issues are raised most often in practice.

6) The case-law of the Court, with a particular focus on cases related to the Dublin System and appropriate interpretation of Article 3 of the Convention in the context of refugee-status proceedings, is also the subject of training addressed to officials of the Office for Foreigners within the framework of the training devoted to granting protection to aliens.

7) The Government Agent conducted two training sessions for officials of Voivodeship offices (in December 2013 for directors of legal departments of Voivodeship offices and in June 2014 for the lawyers of the Mazowsze Voivodeship Office) devoted to the most important issues stemming from the judgments of the Court in respect of administrative proceedings (such as the length of proceedings and fair trial issues, protection of property, right to respect for private and family life).

Training for the law-enforcement officials

1) **Police** - The Convention and the case-law of the Court is taken into account at

all stages of vocational training and in-service training in the Police. Issues related to human rights, including the Convention and the Court's case-law, and shaping of appropriate attitudes of officials are taken into account in the framework of practically all modules of the vocational training (including e.g. the use of force and firearms, detention of persons or body search).

The Convention and the Court case-law is included in the following programmes of the in-service training:

- basic vocational training (introduced by decision of the Commander in Chief of the Police of 28 December 2005) - module no. 01, unit no. 09 – the topic: *Human rights, professional ethics of a policeman and the history of the Police*. It deals with: characteristics of human rights, measures for the protection of human rights, conditions for imposing restrictions on human rights, the significance of human rights, human rights standards in the work of the Police and anti-discrimination policy issues (basic concepts concerning discrimination, forms of discrimination, measures to prevent discrimination);
- vocational training for post-graduates (introduced by decision of the Commander in Chief of the Police of 28 January 2011). The main guidelines of the programme refer to the need to shape attitudes and behaviour respecting the law, professional ethics, human rights, anti-corruption measures and anti-discrimination policy;
- specialist training dealing with organisation of classes related to the prevention and combating of hate crimes (introduced by decision of the Commander in Chief of the Police of 29 April 2016). The training is envisaged *inter alia* for the plenipotentiaries for human rights protection appointed in various police units and for teachers of the police educational units who deliver training related to human rights protection and anti-discrimination issues;
- specialist training for the on-duty service of Police organisational units (introduced by decision of the Commander in Chief of the Police of 5 December 2007) – under module no. 01 the Police officials are taught to treat persons applying to the Police in accordance with professional ethics and human rights;
- specialist training dealing with the prevention and combating of the trafficking in human beings (introduced by decision of the Commander in Chief of the Police of 27 August 2014);
- three specialist training courses for policemen serving in the Police contingents - they deal *inter alia* with human rights and humanitarian law issues.

Moreover, in the framework of the in-service training, the Convention and the Court's case-law is addressed specifically by means of the following:

- a) Educational project "*Human rights in the governance of the Police*" - workshops prepared at the central level for the management staff. Selected judgments of the Court are presented in detail and discussed.
- b) Specialist manual for trainers "*To serve and protect - enhancing attitudes and conduct of the Police officials at the stage of the basic vocational training*". The manual has been introduced to all educational units of the Police. It is used in the framework of the basic vocational training during which classes devoted to antidiscrimination, human rights and hate crimes issues are conducted. Concrete

examples, situations, case-studies and judgments or the Court are used to illustrate issues related to discrimination and improper conduct of policemen during theoretical classes and practical exercises and workshops aimed at shaping attitudes and developing practical skills.

- c) Educational toolkit for the Police officials "*Human being in the first place. Anti-discriminatory actions in the Police units - practical guidebook*". The guidebook presents comprehensive information of practical nature concerning national, ethnic, religious or sexual minorities and other groups that are particularly at risk of discrimination. It constitutes a transparent compendium with guidelines of appropriate conduct for the Police officials during their contacts with representatives of these groups. The guidebook has been widely disseminated in the Police units and is available for free on the Police's website.
- d) *Law enforcement officers Programme on combating hate crimes* (LEOP), coordinated by the Ministry of Interior, was implemented in the Police in 2009-2015 in cooperation with the ODIHR/OSCE and the Police. The aim of the project was to ensure protection for persons at risk of becoming victims of hate crimes by increasing skills and knowledge of the Police officers who intervened in situations possibly constituting hate crimes. Likewise, the project aimed at increasing skills of the Police officers who dealt with victims of such crimes. Its goal was also to increase the policemen's sensitivity to the problem of discrimination (including when policemen were perpetrators). The officials of the Police who face or may face in their service hate crimes underwent such training obligatorily. In the conduct of the training, representatives of NGOs active in combatting racism and neo-fascism and those representing various minority groups at risk of prejudice, were also involved. By the end of 2015 about 86,000 functionaries of the Police had undergone such training. In 2016 the programme was updated and extended in line with the new guidelines of the ODIHR/OSCE and is implemented as *Training Against Hate Crimes for Law Enforcement* (TAHCLE).

One should also mention, that in addition to the in-service training organised at the central level by the Police schools and the Higher Police School in Szczytno, respective local units of the Police also organise similar trainings. They include post-incident training addressed to concrete groups of Police officials or a Police unit where inappropriate behaviour of Police officials took place or could have taken place. The event (its circumstances and consequences) is analysed in the context of the responsibility of Police officials for respecting human rights.

Also, Police officials participate in external trainings organised by non-Police entities, such as non-governmental organisations. Such trainings deal, for instance, with human rights standards or multicultural perspectives of human rights protection.

All Police plenipotentiaries for human rights conduct ad hoc training for Police officials, devoted to human rights and professional ethics of the Police.

In 2016, a document was approved to specify *the Main Areas of Education and Information Activities in the Protection of Human Rights and Freedoms and the Equal Opportunities Strategy in the Police Force for 2016-2018*. The paper outlines the process of systematising work by the Police Force to foster human rights protection. This includes "improving in-house education and information activities impacting the

professionalisation of all action taken by the Police Force regarding aspects of respecting human rights and freedoms, professional ethics, and equal treatment (area I).” The main tasks described include:

“educational activities in the area of fostering recommendations and suggestions by international organisations and national institutions protecting human rights and freedoms, and educational activities based on European Court of Human Rights case-law, mainly with regard to non-executed rulings (Task 1).”

The performance of the task in 2016 shall be assessed by the end of February 2017.

2) Border Guard – Efforts to foster human rights standards are present throughout the process of training of Border Guard officers. In 2015 a reform of the human rights training was undertaken but even before human rights issues were addressed *inter alia* during training organised by specialised educational units of the Border Guard:

- the Educational Unit of the Border Guard in Ketrzyn and the Border Guard Specialised Training Unit in Luban conducted classes devoted to *“Respecting dignity in the light of human rights”* (within the framework of the basic training). During these classes issues related to the application of the Convention are addressed. In addition, issues linked to the Convention and the Court’s case-law constituted an integral part of training related to granting protection to aliens in Poland, offered by these Educational Units.
- the Central Educational Unit in Koszalin offered supplementary classes in human rights (one hour) for participants of basic training and NCO training. In addition, in 2012 and 2013 postgraduate studies on Contemporary international migrations were organised for Border Guard officials, in cooperation with the University of Warsaw, in the course of which human rights protection instruments, including the Convention and the Court’s case-law, were presented.

Moreover, the following training was organised in 2014:

- *International protection of aliens on the territory of Poland -tasks of the Border Guard;*
- *Premises for granting protection to aliens in the context of decisions obliging to return.*

In 2015 the following trainings were planned:

- *Rules of proceeding in respect of the tolerated stay in case of impossibility to enforce a decision obligating to return*
- *Premises for granting protection to aliens in the context of decisions obliging to return.*

Since 2014 the Border Guard Specialised Training Unit in Lubari has organised training in human rights issues covered by the EU Charter of Fundamental Rights. Such training was organised directly in the Border Guard units.

One should also mention, that a review of programmes of human rights training of the Border Guard officials was being conducted.

In 2015, human rights issues were included as a fixed and mandatory part of the training in all qualified training (this training is one of the requirements for employment and professional promotion for posts of non-commissioned officers, warrant officers and first-rank officers) and senior management training curricula. In order to standardise the training, sets of teaching materials dealing with human rights were created; they include standards as specified in the Convention and the Court case-law.

A new training section was added to the *Superior Officer's Manual – Introducing New Officers to Service*, titled *Introduction to Human Rights*. All new officers in the service are to attend obligatory meetings with the plenipotentiary for human rights protection and equal treatment in order to be presented with key issues concerning respect for equal treatment in the Border Guard. Work is in progress to design auxiliary teaching aids (basing on the Convention provisions and the Court case-law) to be used in the process of introducing new Border Guard officers to human rights.

As part of the process of establishing a group of trainers responsible for delivering human rights training at local level, in-service training sessions were also held for plenipotentiaries for human rights themselves: they attended a Court case-law workshop organised by the Helsinki Foundation for Human Rights and a preparatory teaching course in February and September 2016, respectively.

Training for the Prison Service

Issues related to human rights obligations of the Prison Service officials are addressed at all stages of the vocational training.

The training for the Prison Service officials is regulated by the *Order no. 89/20120 of the Director General of the Prison Service on the initial, professional and specialist training programmes at the Prison Service and the duration of training*. On 8 January 2017 amendments to the *Order* came into force which significantly extended and standardised the scope of the professional training concerning international human rights standards applicable to the treatment of persons deprived of their liberty, offered to Prison Service officials of various ranks.

As of January 2017 at the training sessions (8 hrs) organised for all participants of the professional training for non-commissioned officer, warrant officer and first-rank officer grades, the following topics are presented: human rights of prisoners in the international human rights system; international penitentiary standards – example of the United Nations Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules; standards related to the admission of prisoners to penitentiary units and the preparation of prisoners for release and receiving post-penitentiary assistance; standards related to the organisation of life of persons deprived of liberty and the material, social, health-care and religious conditions; standards related to the methods, means and programmes of influencing prisoners; standards concerning the staff and its relations with inmates; standards related to the treatment of special categories of inmates; instruments, organs and organisations dealing with the protection of rights of persons deprived of liberty.

Other initiatives of training for uniformed services

Training and legislative workshops of the Government Legislative Centre are also addressed to the uniformed services. For instance, on 12-13 May 2014 legislative workshops devoted entirely to the Convention as well as the case-law of the ECtHR and the Polish Constitutional Court were conducted and their programme was adjusted according to the particular needs of the officials of these services. Thirty participants representing inter alia the Central Board of Prison Service, the National Police Headquarters, the Border Guard, the Ministry of National Defence, the Ministry of Justice, the Ministry of the Interior, the Ministry of Administration and Digitalisation, the Ministry of Foreign Affairs, the Internal Security Agency, the Foreign Intelligence Agency, the Military Counter-intelligence Service, the Central Anti-corruption Bureau attended the workshops. Particular emphasis was placed on the need to take the Convention standards into account in the law-making process.

09c(vi) [States] providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors

Training for judges and prosecutors

Issues related to the Convention and the Court's case-law are addressed within the framework of both initial and in-service training for judges and prosecutors, provided by the National School of Judiciary and Public Prosecution. The School closely cooperates in this respect with the Ministry of Justice. The Ministry of Justice in cooperation with the Government Agent sends information to the National Schools about current problems identified by the Court that should be taken into account when planning training programmes.

In-service training of judges and prosecutors

With regard to the in-service training of judges and prosecutors, the National School engages in triple-track activities concerning the ECtHR case-law: systemic training, international training and training co-organised with other entities. All are monitored and analysed, with follow-up reports duly published.

1) Since 2012 a multi-annual project of systemic training in human rights and the Convention has been conducted by the National School. Its aim is to present to judges and prosecutors information about the most frequent violations of the Convention found by the Court in respect of Poland regarding the functioning of the justice system. Approximately 600-700 persons, both prosecutors and judges, are trained annually. In 2012-2013, 1208 persons, including 1010 judges and 198 prosecutors participated in this training. In the 2015-2016, a total of 4 systemic training cycles were held in the field of human rights protection (two each for civil division judges and criminal division judges and prosecutors, respectively). The intention is to train all common court judges.

The training is divided into two modules: criminal-law issues and civil-law issues (the latter understood broadly as covering also family, labour and social insurance law and proceedings concerning entrepreneurs). The training is realised in the form of lectures-

workshops and uses the case- method. Concrete judgments of the Court are presented, in particular those adopted in respect of Poland. The intention is to provide the participants with knowledge of the Convention standards but also the ability to identify potential risks of human rights violations in their professional activity. They are also equipped with knowledge on how and where to find information about the relevant standards. Every participant receives the CoE manuals translated into Polish. The programme of training had been consulted with the Supreme Court, the Supreme Administrative Court, the Constitutional Court, the National Council of the Judiciary, the Polish Judges Association “Iustitia” and the Ministry of Justice. Comments coming from the head of the Polish section of the Registry and the Polish judge of the ECtHR were also taken into account.

2) In 2014 the Ministry of Justice came up with an initiative to create a “map of Convention violations in Poland” and launched on this basis a programme of targeted training in the appellate and regional courts.

On the basis of judgments adopted by the Court in respect of Poland in recent years, the Ministry of Justice identified which problems tend to occur most frequently in the respective appellate regions. On the basis of the “map of violations”, the Ministry of Justice launched a programme of training for judges from the respective appellate and regional courts in the form of one-day workshops conducted by judges from the Ministry of Justice and adjusted to concrete needs of a specific court. The programme of training is based on cases (and their factual circumstances) which have led the Court to find violation of the Convention in respect of a given court. In addition, practical problems related to the application of the Convention are discussed. Such a method should contribute to preventing similar violations. The “map of violations” and the programme of training is constantly adjusted and updated on the basis of the ongoing analysis of the case-law and problems identified by the Court in the respective courts. In 2015, the National School joined forces with the Ministry of Justice to deliver a total of 17 training sessions in human rights protection at 9 courts (regional courts and/or courts of appeal); two training cycles were held at each court, for the criminal and civil divisions, respectively. In 2016, approximately 120 persons attended workshops organised by the Ministry of Justice on site at 4 courts.

3) In 2015-2016, the National School of Judiciary and Public Prosecution held training courses in human rights protection and the Convention system for prosecutors and judges whose task would be to offer consultation to other prosecutors and judges in the field of conforming to Council of Europe standards, and to take action to disseminate Convention and Court case-law standards amongst practitioners. A total of 64 judges and prosecutors were trained. Consultants for human rights protection were appointed at every court of appeal in 2016. It is expected that as a result, there should be one civil-law and one criminal-law judge specialised in the European law, including the Convention, in each regional and appellate court.

In 2016, additionally, the National School held 4 training sessions on selected aspects of the Convention and human rights. Since 2015, the National School has also been cooperating with the Public Prosecution in delivering the *Prosecutors and Hate Crime Training* (PAHCT) programme (4 training cycles have been held to date). In 2015-2016, National School students attended over 20 international training events

concerning various aspects of the Convention, co-organised with foreign partners (the EU, Norway). Furthermore, the National School has been cooperating with the HELP Programme (most recently – since October 2016 – for e-learning training in bioethics).

4) Judges of the voivodeship administrative courts and the Supreme Administrative Court regularly participate in the training conferences in the framework of which issues related to the judicial application of the Convention and the Court's case-law are presented. In recent years, judges of the administrative courts participated in the cycle of seminars organised by the Centre for Europe of the University of Warsaw devoted to the "Application of the European Convention on Human Rights in the Polish legal order".

Vocational (initial) training of future judges and prosecutors

- 1) Within the framework of the so-called general initial training, students of the National School of Judiciary and Public Prosecution participate in classes devoted to the Convention system, in the framework of which its substantive, institutional and procedural dimensions are presented. The specific nature of the Convention as compared to other international treaties, the status of the Convention in the Polish legal system, as well as the role and functioning of the Court are addressed. In addition, cases against Poland are discussed during workshops with a particular focus on the issues related to the length of proceedings, violations of the right to liberty and security, the right to a fair trial and the right to respect for private and family law.
- 2) Subsequently, human rights issues are addressed within the framework of the judicial and prosecutorial trainings. Issues stemming from the case-law of the Court are presented using the case-method. The Polish civil and criminal procedure is presented taking into account where appropriate the Court's case-law. Human rights issues are taken into account during both seminars and practical work under the guidance of patron judges and prosecutors.

Training for the legal professions

- 1) Minimum curriculum standards approved for the European Law section mandatory for third-year advocate trainees by the Presidium of the Polish Bar Council in December 2015 include "proceedings before the ECtHR". The section includes knowledge of rules for drafting an application to be filed with the ECtHR, and responsibilities of plenipotentiaries at the stage of drafting alleged violations of the Convention.
- 2) Themes of human rights and the ECtHR case-law, including admissibility criteria and formal requirements for an application, are also recognised by individual bar councils – both as part of advocate traineeships and the in-service training of advocates. The Commission on Human Rights and the Group for Women of the Polish Bar Council have been both organising conferences on human rights-related issues for the purpose of disseminating knowledge about the Convention standards amongst representatives of legal professions and the general public: in 2015-2016, 4 conferences were held to discuss various aspects of human rights.

- 3) Practical training in drafting pleadings (applications) in proceedings before the Court is provided in the framework curriculum of legal advisor traineeship.

Both the Polish Council of Legal Advisors and its regional councils organise conferences and training concerning human rights and the Council of Europe system for legal advisors and trainees. In 2015-2016, four conferences and seminars dedicated to this subject were held. In addition, classes in 250 schools throughout Poland were organised in the framework of European Lawyers Day and activities of the regional councils, and the functioning of the ECtHR was discussed on this occasion. Moreover, the Legal Education Centre of the National Council of Legal Advisors is engaged in organising a cycle of school classes in cooperation with the Ministry of Justice and the Ministry of the National Education.

- 4) The Polish Bar Council and the Polish Council of Legal Advisors have also been cooperating with the HELP Programme and a number of advocates and legal advisors, among others, have been certified as Polish HELP Programme trainers.

Other awareness-raising and training initiatives for judges, prosecutors and lawyers

- 1) The Polish administrative judiciary participated in the project “European judicial cooperation in the fundamental rights practice of national courts - unexplored potential of judicial dialogue methodology”, supported by the European Commission that was carried out in 2013-2014 with the participation of partner institutions from several countries. The project was based on a broad understanding of European fundamental rights, covering also the Convention standards and the Court’s case-law. In its framework, several international judicial workshops and national preparatory seminars were held devoted to issues of the right of access to court, non-discrimination, freedom of expression and the judicial dialogue with the ECtHR. A concluding conference devoted to the issue of the judicial dialogue on fundamental rights was held at the seat of the Polish Supreme Administrative Court in Warsaw on 23-24 June 2014. The project ended with the preparation of a manual for judges entitled *The Use of Judicial Interaction Techniques in the Field of European Fundamental Rights*. The Polish version of the handbook was published inter alia on the website of the Supreme Administrative Court.
- 2) The Ministry of Foreign Affairs organised three study visits to the Council of Europe and the Court in cooperation with the Council of Europe HELP Programme:
- –in December 2013 – for high-ranking representatives of the Supreme Court, the Constitutional Court, the Supreme Administrative Court and the National Council of the Judiciary;
 - In May 2015 – for penitentiary judges (one from each appellate jurisdiction and from the Ministry of Justice) and for a representative of the Prison Service.
 - In November 2016 – for penitentiary judges (one from each appellate jurisdiction and from the Ministry of Justice) and for a representative of the Prison Service.

In December 2016 and January 2017 the Ministry of Justice organised two study visits for presidents of the majority of Polish regional courts and representatives of the Norwegian justice system.

The visits' programmes included meetings with representatives of the Court's Registry and the Department for the Execution of the ECtHR Judgments, the Polish judge of the ECtHR, participation in a hearing before the Court as well as meetings with the CoE Secretariat, among them the Secretariat of the monitoring bodies.

- 3) Within the framework of cooperation with the European Judicial Training Network (EJTN), the National School of Judiciary and Public Prosecution ensures one-week study visits for judges and prosecutors to the Court each year. The School actively participates in the HELP Programme. Two Polish judges were seconded to the Registry by the EJTN. Since 2015 traineeships at the Court also have been organised by the National School of Public Administration (for one person in 2015 and for one person in 2016). Some courts and other institutions also took the initiative to organise traineeships or study visits to the Court.
- 4) In November 2012 the Prosecutor General organised a seminar devoted to the issue of excessive length of pre-trial detention in Poland in light of the European standards of human rights protection. In view of the complex nature of the problem, the conference gathered not only prosecutors but also representatives of the judiciary and the Polish Bar Council as well as international and non-governmental organisations. The seminar was broadcast live and followed by several hundreds of prosecutors, judges and attorneys all over the country. The participants drafted good-practice proposals aimed at limiting the number of cases of excessive length of detention on remand within the existing legal framework. A collection of these good practices was published and disseminated.
- 5) The National Council of Judicial Officers plans to strengthen in 2015 - in the light of the Brighton Declaration - the training in human rights for judicial officers, provided both by the Scientific and Training Centre operating at the Council, and by the councils of the respective chambers of judicial officers.

More information about the training activities – see paras. 16-42 of the Information on the follow-up by Poland to the recommendations of the Brussels Declaration.

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

University education and professional training concerning the European Convention on Human Rights and the case law of the Court is not a component of the common core curriculum of law degree. We have no further knowledge of curriculum of political and administrative science degrees regarding these matters.

One should clarify that as a rule there is no common core curriculum of law degree or other studies in Poland. As a result of the reforms implemented in 2011, higher education schools were granted wide autonomy to determine the curricula and expected results of the programmes of studies they offer. In consequence, the Minister of Science and Higher Education does not have competences to introduce specific contents or subjects to the curricula and programmes of education provided by higher education schools (some exceptions concern e.g. medical studies – the standards of education in these fields are determined by ministerial ordinances). The topic of the Convention may be incorporated to the curricula by decision of the relevant higher education school authorities.

2. Are they offered as **optional disciplines** to those who wish to specialize?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

University subjects concerning the European Convention on Human Rights and the case law of the Court are mainly the courses in major area of law degree but it might vary on different universities.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

According to the regulation of the Minister of Justice of December 17th, 2015 regarding the issue of detailed terms and manner of conducting the recruitment process for candidates for judicial training and prosecutorial training, as well as the appointment procedure and functioning of a competition team and a competition commission (issued under Article 52 section 1 of Act of January 23rd 2009 on the National School of Judiciary and Public Prosecution) the candidates are selected pursuant two- stage centrally managed competition. Both parts (single choice test, a set of three case studies) include issues related to the “Law of Treaties, international protection of human rights, the Community Law, legal system of the European Communities and the European Union”.

As of 2018 the general initial training will not be organised anymore - as a consequence of the reforms introduced in 2015. The regulation mentioned above was replaced in 2015.

General initial training and further stages of education (judicial legal training and prosecutorial legal training) are carried out in accordance with principles and conditions laid down in curricula adopted by the Programme Board of the National School of Judiciary and Public Prosecution.

Training **programme of general traineeship** (Resolution No 41/2015 of the Programme Board dated January 23rd 2015 issued under Article 10 section 1 (3) of Act of January 23rd 2009 on the National School of Judiciary and Public Prosecution) provides for the necessity to learn and master a wide range of issues concerning the European Convention on Human Rights and the case law of Court. This subject is well

covered by the integrated thematic block “ The human rights in criminal proceedings and its protection. International and domestic standards of fundamental human rights protection. Antidiscrimination legal standards. The case law of the European Court of Human Rights”. Furthermore, there are separate training activities devoted to the case law on jurisdiction in others than criminal matters.

Training programme of judicial traineeship (Resolution No 49/2015 of the Programme Board dated March 20th 2015 issued under Article 10 section 1 (3) of Act of January 23rd 2009 on the National School of Judiciary and Public Prosecution) clearly points to the need of knowledge about settled case law abovementioned Court regarding both criminal and civil law.

In addition, one should mention that judges of the Ministry of Justice (in cooperation with the National School) organise special training for judges directly in the court seats, in the form of workshops and case studies based on the Court judgments adopted in respect of Poland (if possible – those cases are presented that refer to the proceedings conducted by the court concerned). One could say that the project is well attended and appreciated by judges. It is based on the so-called map of violations prepared by the Ministry of Justice (more information about this project and many other in-service training activities for judges and prosecutors conducted by the National School and the Ministry of Justice – see above).

Training programme of prosecutorial traineeship (Resolution No 44/2015 of the Programme Board dated March 19th 2015 issued under Article 10 section 1 (3) of Act of January 23rd 2009 on the National School of Judiciary and Public Prosecution) focuses in this context on ruling practice of the European Court of Human Rights concerning guarantees of respect for the rights of the parties involved in criminal proceedings.

According to the regulation of the Minister of Justice of July 29th, 2016 regarding conducting judicial and prosecutorial examinations issued under Article 52 section 3 of Act of January 23rd 2009 on the National School of Judiciary and Public Prosecution) the candidates for future judges and prosecutors are obliged to solve a set of three case studies of which one may concern the subject of international human rights protection.

The oral part of the examinations includes an obligation to solve a set of three case studies of which one may concern international human rights protection. The regulation mentioned above was replaced in 2016.

The examinations for access to the advocate profession are composed on the basis of a list of obligatory legal acts, such as national legal acts, the Treaty on European Union and the Treaty on the Functioning of the European Union. The European Convention on Human Rights is not on the list.

The Polish Bar Council adopted a resolution on minimum standards of education of the advocate trainees, which includes a training on proceedings before the Court (application forms, admissibility conditions, statement on alleged violations) The European Convention on Human Rights – mainly proceedings before the Court – is per that resolution a component of education of advocate trainees in the majority of District Bar Councils in Poland. However, there are only a few courses available on

that topic during a 3-year period of advocate training. Such courses are no longer than 2 to 12 hours in total.

Trainings for qualified lawyers – advocates – related to the European system of protection of human rights are provided only by a few District Bar Councils. In 2015 they concentrated mainly on detention conditions and the treatment of prisoners (e.g. electronic tagging of prisoners).

More information on the training organised by the Polish Bar Council and the Polish Council of Legal Advisors – see above.

In the opinion of the Human Rights Commission of the Polish Bar Council, the European Convention on Human Rights and the case law of the Court should be included in advocate trainees' education on a regular basis, and introduced by forming a part of workshops on criminal, civil and administrative law.

Additionally – the topic of international obligations of Poland in the area of human rights is part of the legislative traineeship curriculum in accordance with the Ordinance of the Prime Minister – see above.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs? Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

In terms of the above questions it should be noted that the National School of Judiciary and Public Prosecution does not have the information necessary to give a full and accurate information in this regard. It should be noted that the above questions remain in the competence of other authorized bodies (the Police Training Centre in Legionowo or the Central Training Centre of Prison Service in Kalisz, among others).

See above - supplemented and updated information on the training for the Police, Border Guard and Prison Service officials. As indicated there, further efforts have been taken to enhance the human rights training for the officials of those services recently.

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private? Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

The National School of Judiciary and Public Prosecution does not have the information necessary to give a full and accurate answer to this question.

The question is not fully clear. Nevertheless, human rights education is offered on a stable/permanent basis and incorporated to the relevant educational programmes and curricula of, for instance, the National School of Judiciary and Public Prosecution, Police, Border Guard, Prison Service or in the ordinance governing the legislative training. Detailed information can be found above

6. Is training delivered by **persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

Definitely yes. At the National School of Judiciary and Public Prosecution, our lecturers of seminars on Convention concepts and the case law of the Court related issues are well experienced in the field of human rights. One of the lecturers is the Polish Government's Agent before the European Court of Human Rights, the other is a former judge and former head of Human Rights Department in Ministry of Justice. The other lecturer Mr Przemysław Feliga was also seconded to the Ministry of Justice - Section of Proceedings before the European Court of Human Rights in the Department of International Cooperation and Human Rights.

The Head of the Division of Proceedings before the ECtHR at the Ministry of Justice is one of the lecturers of the National School.

The human rights training is conducted also by other well-experienced judges seconded to the Ministry of Justice who are in charge of preparing opinions for the Government Agent on cases pending before the Court.

In turn, Mr Feliga is no longer seconded to the Ministry of Justice. It also seems that there is no need to mention concrete names in this type of document.

As regards the Government Agent – one should clarify that in the past she used to deliver occasional lectures presenting the topics related to the Court case-law in respect of Poland but she was not (and is not) formally a lecturer of the National School.

Trainings for advocates are provided mostly by the advocates and representatives of NGOs (e.g. Helsinki Foundation for Human Rights) who are specialists both in the Convention and the case law of the Court. Trainings for advocate trainees are delivered by advocates, in Warsaw, mostly by the members of the Human Rights Commission of the Polish Bar Council. The knowledge of trainers on new professional training techniques is limited, as such the methodology of the trainings is not varied.

Despite the above, a good practice of providing the trainings by both the advocates and the representatives of places of detention should be mentioned. Such training techniques are aimed to highlight and discuss theoretical and practical aspects of the Convention.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

The adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court are the part of systemic training activities, conducted by the National School of Judiciary and Public

Prosecution. Systemic training courses are an important part of the curriculum. They are meant to present specific issues to all interested participants.

The result of systemic training activities on Human Rights conducted by the National School of Judiciary and Public Prosecution is to create the group of specialised judges to whom other judges could apply for advice in case of a problem in their work in this field of law.

Consultants for human rights protection were appointed at every court of appeal in 2016. In 2015-2016, the National School of Judiciary and Public Prosecution held training courses in human rights protection and the Convention system for prosecutors and judges who would be tasked to offer consultation to other prosecutors and judges in the field of conforming to Council of Europe standards, and to take action to disseminate Convention and Court case-law standards amongst practitioners. 64 persons (judges and prosecutors) were trained.

Efforts to train trainers responsible for delivering human rights training are taken in the Border Guard and the Police – see above

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

It is worth mentioning the example of Ph.D. Hanna Machińska – The Director of the Council of Europe Office in Warsaw. She is very active in the field of implementing training activities including study visits in Strasburg. The costs of these training activities are covered by participating judges.

There is a moot court competition organized by an NGO – Zbigniew Hołda Association.

Law students and advocate trainees participate in this competition, where they prepare an application and present it before the Polish Constitutional Court. All of these cases, concern human rights issues.

Zbigniew Hołda Association also organized a “Constitutional week”, during which the lawyers (judges, prosecutors, advocates and others) from all over the country, provided voluntary trainings related to Polish Constitution and human rights. These trainings were provided in public schools.

The methodology of this training and the case law discussed there was prepared by NGOs that specialize in the field of human rights education. 12 800 students participated in the first edition of that training which took place in 2016. That edition took place in 215 schools and was provided by 270 lawyers. The project had no funding.

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

It is quite difficult to assess the effectiveness of Human Rights training after the training event. However it is worth to mention that the Polish Ministry of Justice runs the registry of European Court of Human Rights judgments against the Republic of Poland. There is also the competition for the title of honorary European Judge which aims to promote the highest level of the work of judges, and in particular the case law developing the basic principles of the rule of law and human rights standards.

10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

The National School of Judiciary and Public Prosecution does not have the information necessary to give a full and accurate answer to this question.

PORTUGAL

Extrait du rapport national sur la mise en œuvre de la Déclaration de Brighton

9.c) v. En ce qui concerne les agents des forces de police et de sécurité, on souligne que les écoles et les centres de formation incluent dans leurs programmes le thème de l'application de la Convention et des droits de l'homme et réalisent des actions pour améliorer la connaissance des exigences qui en découlent.

9.c) vi. Comme indiqué au §9.c) iv, le Centre d'Etudes Judiciaires (CEJ), responsable de la formation initiale et continue des magistrats, Juges et procureurs, inclut dans ses programmes les thèmes de la Convention et organise souvent des séances de formation sur la jurisprudence de la Cour dans plusieurs domaines (surtout, le droit à un procès équitable, les questions des enfants et de la vie familiale, la liberté d'expression, les droits de l'accusé, et, plus récemment, le droit au respect de ses biens).

Concernant les avocats, le Barreau (Ordem dos Advogados) inclut dans leur programme de formation initiale des thèmes de déontologie et d'éthique professionnelle. En outre, il faut mentionner l'existence, dans l'organisation interne du Barreau, d'une Commission des droits de l'Homme, qui poursuit son activité en faveur des droits fondamentaux, en promouvant les droits, les libertés et les garanties des personnes, en collaboration avec des organisations civiques et institutionnelles et en dénonçant les situations qui violent ces valeurs.

National contribution received on 9 June 2017

Concerning the initial and continuous training of law enforcement agents, in particular of police forces, the professional training programmes provided by the different Police Academies tend to encompass several subject areas related to criminal law and criminal procedural law that usually include training on human rights.

If we consider the specific training on the European Convention on Human Rights and the case law of the Court it is worth mentioning the seminars organised by the Criminal Investigation Police School [*Escola de Polícia Judiciária*], with the involvement of the Government Agent, in the context of the continuing professional training courses. They are intended to improve the awareness and effective enforcement of the European human rights standards by the criminal police officers.

The lectures usually focus on subject matters particularly relevant to the criminal investigation police activity, including the right to liberty and security, the right to a fair trial (collection of evidence), the right to respect for private life (right to privacy) and inhuman and degrading treatment. The subjects are illustrated by selected case law of the Court regarding the different member states of the Council of Europe.

Furthermore, it seems appropriate to mention that the *Toolkit to inform public officials about the State's obligations under the European Convention on Human Rights* – a tool that was conceived primarily for the use of officials working in the justice system, particularly for those responsible for law enforcement or for the deprivation of a

person's liberty – has been translated into Portuguese and is published *online*. It has been handed out to the competent authorities.

With regard to the professional training of personnel dealing with persons deprived of their liberty, namely prison wardens, and also personnel of immigration services we are in the process of gathering information.

As to the training of legal professions on the European Convention on Human Rights and the case law of the Court, it should be highlighted that the Centre for Judicial Studies (CEJ – *Centro de Estudos Judiciários*), which is the national school for magistrates responsible for the (judicial) training of judges and public prosecutors, provides for trainings both in the initial stages of their professional training and, later on, throughout their careers.

In fact, the CEJ initial training curriculum comprises two relevant disciplines: one on "EU Law", in which there is a section dedicated to the study of the CFREU, and another on the "ECHR and the case-law of the ECtHR".

Regarding the continuous training programmes provided by CEJ for judges and public prosecutors – to which, in some cases, lawyers and other legal professionals (civil servants and other public officials) are granted access – they include several seminars and workshops on human rights, and specifically on the European Convention and the Court's case law.

In recent years, the Centre for Judicial Studies (CEJ) has organised several initiatives aimed at raising awareness to the case law of the Court and its recent developments, promoting the updating of information on the Portuguese cases as decided by the Court, particularly on subjects such as the right to a fair trial and the rights of the accused, the right to respect for family life and children's rights, freedom of expression, and the right of property.

In the period of September 2016 to July 2017 the Centre for Judicial Studies has organised the following seminars and workshops:

- “Tackling Domestic and Gender Violence and FGM (Female Genital Mutilation)”
- “Migrants, Migration, Immigration and Asylum Law in times of Humanitarian Crisis”
- “Rights of Persons with Disabilities”
- “The Multi-level Protection of Social Rights and the Case-law of the Courts and other Institutions who Enforce them (at national and supra-national level)”
- “Personality Rights”
- “Combating the Trafficking in Human Beings”

- “International Family Law”
- “European Labour Law”

It is also worth mentioning the initiative that, together with the HELP network, the Centre for Judicial Studies (CEJ) has launched in January this year (2017): the e-learning course on “Labour Rights as Human Rights”.

This “HELP in the 28” course on "Labour Rights as Human Rights", has been developed under the said CoE project, and adapted to the Portuguese Legal order by the CEJ. This course is hosted in CEJ's e-learning platform.¹⁷

The first edition of this course (Jan 4 – March 31 of 2017) had 30 participants (15 judges + 15 Public Prosecutors).

In 2018 another edition of this course is foreseen, with the participation of 10 judges, 10 public prosecutors, 5 labour inspectors, and 5 experts of the Directorate-General for Employment Issues (DGERT), of the Ministry of Justice.

The Centre for Judicial Studies is also considering the inclusion of the HELP e-learning course on “Introduction to the ECHR and the ECtHR” in the upcoming initial training course for future judges and public prosecutors, starting next September.

Finally, CEJ has published a series of e-books, some of them on human rights, which are available for free download. They include the following titles: “Domestic violence”; “The Fundamental Rights in the Case-Law of the Portuguese Supreme Court of Justice”; “The Case-Law of the ECtHR: Portuguese Cases”; “Asylum Law and Protection of Migrants”; “Mobbing and Sexual Harassment in the Workplace”; “Fundamental and Personality Rights of the Workers”; “Case-Law of the Portuguese Constitutional Court and of the International Courts on Criminal Law and Criminal Procedure Law matters”; “Illegal Immigration and the Trafficking in Human Beings” and “Risk Evaluation and Management in Domestic Violence Cases”.

Regarding the professional training of lawyers, the Portuguese Bar Association includes in the programmes for the initial phase of the professional traineeship, alongside the disciplines on the traditional areas of Law (Civil and Criminal Law, Civil and Criminal Procedural Law) complementary training courses on human rights which comprise information and teaching on the European Convention on Human Rights.

Finally, with regard to university education concerning both the Convention and the Court's case law, the content of the university curricula and the existence and functioning of special structures for teaching and research on human rights law, we are still on the process of gathering information so that we are able to provide you with a more comprehensive picture.

¹⁷ <http://elearning.cej.mj.pt>

ROMANIA/ROUMANIE

Extrait du rapport national sur la mise en œuvre de la Déclaration de Brighton
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Point 9.c. v) - donner aux agents publics les informations nécessaires sur les obligations imposées par la Convention ; et en particulier dispenser aux agents travaillant dans le système judiciaire, responsables de l'application des lois ou des mesures privatives de liberté, une formation sur la manière de remplir les obligations imposées par la Convention

La Boite à outils pour informer les agents publics sur les obligations de l'Etat en application de la Convention européenne des droits de l'homme fut disséminée auprès des institutions publiques, y compris l'Agence Nationale des Fonctionnaires Publics, l'Administration Nationale des Pénitenciers et le Ministère de Affaires Intérieures.

L'Agence Nationale des Fonctionnaires Publics inclut de manière permanente la thématique du respect des droits de l'homme dans la formation continue ; à titre d'exemple, en 2014, trois programmes de formation professionnelle eurent lieu, sur l'égalité de genre, le droit à la non-discrimination et l'égalité des chances dans le développement durable.

Pour ce qui est de la formation des agents travaillant dans le système judiciaire, le programme de formation initiale et continue des policiers, conçu et organisé au niveau de l'Académie de police « Al.I.Cuza » inclut des aspects pertinents sur la jurisprudence de la Cour Européenne. Ainsi, cette discipline est étudiée tant au niveau de la première année d'enseignement, qu'en deuxième année d'études et aux programmes d'études de master et de doctorat. La formation continue des agents de police, déroulée au sein de l'Institut d'études pour l'ordre public et du Centre de formation et de perfectionnement professionnels des policiers, aborde la problématique du respect des droits de l'homme et interdiction de la torture et des mauvais traitements dans l'exécution des mesures privatives de liberté et le traitement des personnes détenues.

Sur la problématique spécifique des conditions de détention et du traitement des personnes détenues, au cours des années 2012-2014, la formation continue des magistrats a visé, parmi d'autres sujets, les mesures alternatives à la détention provisoire, les mesures alternatives à la peine de prison, les voies de recours internes en matière de surpopulation et des conditions matérielles de détention, la pratique judiciaire en matière d'application de la peine avec sursis sous surveillance, les situations dans lesquelles les tribunaux peuvent être saisis sur la base des dispositions de la nouvelle loi d'exécution des peines, des mesures éducatives et des autres mesures non privatives de liberté, les attributions du juge de surveillance de la privation de liberté, la contestation contre les jugements prononcés par le juge de surveillance de la privation de liberté.

A ce type de formation ont participé des juges et des procureurs de tous les niveaux de juridiction, ainsi que des juges délégués auprès les établissements pénitentiaires, des représentants du Ministère de la Justice, de l'Ombudsman, de l'Administration Nationale des Prisons, de l'Inspectorat Général de la Police Roumaine.

Les 17 et 18 mars 2014, à Bucarest, s'est déroulé un séminaire relatif à l'exécution des

arrêts de la Cour européenne des droits de l'homme en matière des conditions de détention, dans le cadre du Fonds fiduciaire pour les droits de l'homme, avec le soutien du Service de l'exécution des arrêts de la Cour européenne et l'INM. Le séminaire a abordé différentes problématiques relatives aux conditions de détention, ainsi que l'exigence du recours interne efficace permettant aux personnes privées de liberté de contester les conditions de détention.

RUSSIAN FEDERATION/FEDERATION DE RUSSIE

Excerpt from the national report on the implementation of the Brighton Declaration
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10. Special attention is paid to education, awareness raising and professional training of judges, prosecutors, investigators, policemen and officials of other competent state authorities in view of the provisions of the Convention, international standards and legal positions of the European Court.

A number of seminars, conferences, practical trainings, advanced training courses for senior officials, etc. have been carried out within the framework of these activities. At that, concrete training programmes related to concrete categories of attendees and problematic issues outlined by the European Court have been developed and implemented. The relevant work has been carried out both in the Russian universities (the Russian State University of Justice, the Academies of the Investigative Committee and General Prosecutor's Office, the All-Russian Advanced Training Institute of the Ministry of the Interior of Russia, etc.) and in the educational centres established in the constituent entities of the Russian Federation, as well as directly in the competent state authorities and their divisions. For example, almost 4000 judges of the general jurisdiction courts (judges of the Supreme Courts of republics, territorial and regional courts, Moscow, Saint-Petersburg and Sevastopol City Courts, courts of autonomous region, autonomous district courts, district (fleet) military courts, as well as of district (town) courts were trained at the Russian State University of Justice in 2015.

Excerpt from the national report on the implementation of the Brussels Declaration
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15. In the material period great value with a view to implementing the provisions of the Convention and the practice of the European Court was attached to training and professional development of judges and officials of other competent state bodies in accordance with the international standards and the ECHR practice

15.1. The Constitutional Court arranged regular training of the Secretariat staff as part of the advanced training organized on the basis of the Diplomatic Academy and the MGIMO University. The training focused on various aspects of the Convention's issues and the European Court case-law.

15.2. The program of advanced training of Russian judges in the federal budgetary educational institution of higher education "Russian State University of Justice" was supplemented by the issues of the Convention, as well as the case-law of the European Court and its implementation in judicial practice of the Russian Federation.

The appropriate training was organized with assistance of the judges, officials of the Supreme Court and the Office of the Representative at the ECHR. In 2015-2016 D. I. Dedov, the Judge of the European Court elected from the Russian Federation gave speeches before the students.

Since 2001 the Judicial Department has constantly been interacting with the European Court regarding the review by judges of the practice of application of the Convention for the Protection of Human Rights and Fundamental Freedoms. As of 31 December 2016 secondment to the French Republic (Strasbourg, Paris) was ensured for 1086 Russian judges for familiarising with activities of the European Court.

15.3. The bodies of the penitentiary system also gave considerable attention to the training of the penitentiary system staff regarding the human rights protection.

The appropriate training is carried out in several ways: the initial training program, higher education programs and continuing professional education of staff in educational institutions under the jurisdiction of the FSIN of Russia and as part of in-service training of staff in the penal system institutions and bodies.

The basic educational programs of specializations and areas of training of higher education implemented in the educational organizations of the FSIN of Russia included educational disciplines and topics on the protection of human and civil rights in the Russian Federation, the legal status of convicts and persons in custody.

As part of the initial training of the penal system officials, the subject of human rights protection is included in the discipline "Legal and organizational basis of the penitentiary system activities". Training participants learn the peculiarities of the legal status of convicts, conditions and procedures for the detention of suspects and those accused of committing crimes, international standards of treatment of prisoners and persons in custody.

The medical staff of correctional institutions pertaining to documentation and investigation of complaints of torture and abuse, upon taking office obtains the necessary information on the normative legal basis in terms of the order of inspections, examinations of prisoners for injuries, documentation of the identified injuries and participation in the investigation of complaints of torture and abuse.

Programs of the employees' professional retraining and advanced training implemented in educational institutions of the FSIN of Russia provide for updating and improving the participants' knowledge on the application of the Russian and international legislation in the correctional system institutions and bodies, while ensuring the rights of convicts and persons in custody.

The corresponding training programs are regularly updated. Thus, in 2014 following the meeting of the representatives of the Federal Penitentiary Service with R. Komenda, Senior Human Rights Adviser within the UN system in the Russian Federation, the training package "Human Rights and Custodial Facilities" prepared by the UN staff was sent to the educational institutions of the FSIN of Russia to be used in the training of trainees and participants.

During the inspection of the institutions and bodies of the FSIN of Russia the inspecting officials check the employees' knowledge of their functional responsibilities and regulatory legal acts prescribing the penal system activities, as well as their level of training and skills.

15.4. Significant efforts to improve the employees' awareness were carried out by the prosecution authorities.

Thus, regular training of the officials of the prosecution bodies has been organised within the advanced training in the European Studies Institute of the MGIMO University on the subject of "Implementation of constitutional and international human rights guarantees in the Russian law and enforcement practice".

The Office of the Prosecutor General has also arranged a regular seminar for prosecutors, during which various aspects of the most important ECHR judgments are discussed.

Advanced training, professional training of prosecutors including on the issues under consideration is regularly conducted by the Academy of the Office of the Prosecutor General.

Currently, the program of cooperation of the Russian Federation and the Council of Europe on implementation of the program of Human Rights Education for Legal Professionals (HELP program) is carried out in Russia. The Academy of the Prosecutor General's Office is included in the co-participants of the project "European Program of

Human Rights Training of Lawyers, Judges, Prosecutors and Attorneys (HELP Program, Phase II), provided for in the List of Priorities of Cooperation between the Russian Federation and the Council of Europe for 2013 -2017.

The officials of the Academy of the Prosecutor General's Office of the Russian Federation participated in the training sessions on the said program (Moscow, 8 October 2015; Skolkovo, 3-6 February 2016). A representative of the Academy of the Prosecutor General's Office of the Russian Federation took part in the regional conference on the subject of "Professional Training of Judges and Prosecutors: the Council of Europe's Approach" (HELR), held in Minsk on 28-29 April 2016.

15.5. The Investigative Committee arranged the adoption of successive steps on staff training, with regard to the provisions of the Convention and of the European Court.

Thus, based on the training centres of the North-West, Volga, Siberian, Far East, South and Ural Federal Districts, studies on the following subjects were systematically organized and conducted: "Basic Human Rights Standards" and "Preparation, Forwarding, Execution of Requests for Legal Assistance", etc.

As part of ongoing additional professional programs - advanced training programs at the Advanced Training Institute of Federal State Budgetary Educational Institution of Higher Education "Academy of the Prosecutor General's Office of the Russian Federation", training sessions are regularly held on the subject: "European Legal Standards", including those focusing on the European Court's practice and procedure.

15.6. In order to raise awareness of the employees of the Ministry of Internal Affairs of the Russian Federation have organised the discussion of issues of territorial, personal and temporal jurisdiction of the European Court, including the recommendations of the Brussels Conference in respect of the implementation of the Convention and the European Court's decisions based on its provisions in the Russian legal system.

The relevant discussions in the period under review took place during the in-service training, seminar and international research and science conference with the participation of heads and employees of departments of the central bodies of the MVD of Russia, the territorial departments of the MVD of Russia, educational and research organizations of the system of the Ministry of Internal Affairs of the Russian Federation.

16.1.2. Under the auspices of the Constitutional Court, a number of forums on the problems of interaction between the national and supranational justice took place. The objectives of these activities were expansion and optimization of cooperation between the Council of Europe's bodies, monitoring compliance with the Convention, and the states- parties to this agreement, including the ECHR's dialogue with the higher national courts, as well as cooperation between public authorities at national level.

Thus, on 22-23 October 2015, in the Constitutional Court the international high-level conference "Improvement of National Mechanisms for the Effective Implementation of the European Convention on Human Rights" was held, organized by the Constitutional Court and the Council of Europe.

The conference on the Russian part was attended by judges of the Constitutional and Supreme courts, members of the Federation Council, heads and other representatives of the competent public authorities and representatives of the legal community, etc., on the part of the Council of Europe it was attended by the Secretary General, judges of the ECHR and officials of the European Court Secretariat, representatives and experts of the Council of Europe working bodies (the Council of Europe Steering Committee for Human Rights, groups on the European Court reform,

on legal cooperation, etc.) In addition, the representatives of the Court of the Eurasian Economic Community, as well as prominent Russian and foreign scientists, etc. were actively involved in the conference.

During the said conference a productive exchange of views on the full range of issues set out in the Brussels Declaration took place. Currently, the preparation of the conference proceedings materials is being finalised.

16.1.3. On 17 May 2016 as part of the VI St. Petersburg International Legal Forum, the International Conference "Contemporary Constitutional Justice: Challenges and Prospects" was held.

The Conference was attended by more than 100 prominent scientists and experts from more than 30 countries. Among them there were the chairmen and judges of the Constitutional and Supreme Courts of Austria, Albania, Algeria, Azerbaijan, Armenia, Belarus, Belgium, Bulgaria, Bosnia and Herzegovina, Germany, India, Indonesia, Spain, Kazakhstan, Kyrgyzstan, Korea, "The former Yugoslav Republic of Macedonia", Mongolia, Morocco, Peru, Portugal, Romania, Serbia, Tajikistan, Thailand, Uzbekistan, Finland, France, Montenegro, Switzerland, Estonia, as well as the judges of the European Court of Human Rights and the President of the Venice Commission of the Council of Europe.

Russian and foreign experts discussed topical issues of the constitutional review, the role of constitutional courts in protecting the rights and freedoms of citizens, including in relation to the ECHR's practice, as well as issues of judicial independence.

16.2. Serious attention to the international contacts issues is paid by the Supreme Court of the Russian Federation.

16.2.1. As it was mentioned above, since the adoption of the Brussels Declaration the practice of secondment of the judges of the Russian Federation and employees of the Judicial Department to the Republic of France (Strasbourg, Paris) has continued. As of 31 December 2016, 1086 Russian judges were seconded to the European Court.

During these secondments the judges of the Russian Federation were present during the hearings of cases by the Grand Chamber of the European Court, got acquainted with the ECHR's structure and operation, participated in meetings and discussions with the European Court's judges and lawyers.

16.2.5. On 5-6 October 2015, the Supreme Court representative participated in the Round Table of the Council of Europe organized in Strasbourg on the problems of the national practice of renewal of trial in civil and criminal proceedings. The Supreme Court representative presented the positive practice of Russian courts on the discussed issues (this positive practice will be described below in item 19 of the present Report).

16.3. On 2 June 2016, Conference "Integration Processes in Europe and Eurasia: Role of the Council of Europe's Conventions" was held in Moscow, organized by the Institute of Legislation and Comparative Law at the Government of the Russian Federation, and the Council of Europe.

The conference was attended by representatives of the European Court, the Council of Europe bodies, the Federal Assembly of the Russian Federation, the Supreme Court, the Ministry of Foreign Affairs, judges of the Eurasian Economic Union, representatives of the scientific community of Russia, France, Portugal, etc.

During the event substantive debate took place on the complexities of integration processes in Europe and Eurasia, including the role of the Council of Europe and the European Court in these processes.

16.5. On 20-21 January 2016 in Moscow the Round Table on the subject of "Protection of Asylum-seekers and Refugees in the Challenging Security Context " took place, organized by the MFIMO University in cooperation with the UN Office of the

High Commissioner for Refugees in Russia and the Council of Europe's Rule of Law and Refugees Rights Directorate General.

The event was attended by B. Wak-Woya, Representative of the UN High Commissioner for Refugees, C. Giakoumopoulos, Director of the Directorate for Human Rights, Migration Coordinator of the Council of Europe, lawyers of the European Court and the Committee of Ministers, representatives of the competent public authorities: the Supreme Court, the FSSP of Russia, the MVD of Russia, the Federal Migration Service of Russia, the Office of the Prosecutor General, the Office of the Representative at the ECHR etc.

The subjects of discussion included topical issues related to increase of migratory flows, protection of refugees and internally displaced persons and enforcement of their rights in relation to the international standards and the ECHR's practice

16.6. In April 2016 the Ministry of Justice in cooperation with Tomsk State University (in Tomsk, Russia) held a conference on law enforcement monitoring on the subject of "Implementation of Judgments of the Constitutional Court of the Russian Federation and the European Court of Human Rights in the Criminal Procedure Legislation and Legal Proceedings of Russia." The representatives of scientific community discussed, among other things, the possible ways to improve the Russian criminal procedure legislation in terms of the ECHR case-law.

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

The information regarding the ECHR and the case-law of the ECtHR is included in the courses on the international law or so called "European humanitarian law" (европейское гуманитарное право) within the frame of university education for lawyers. The number of hours allocated to it is quite limited and does not allow to study the case-law in detail.

2. Are they offered as **optional disciplines** to those who wish to specialize?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

A mention of the ECHR law can be met within the general international law courses (obligatory). More in-depth study of ECtHR standards is possible through optional disciplines. The Russian State University of Justice, for example, offers a "European humanitarian law" course - 30 hours of lectures and seminars with a pass/fail exam. Some universities provide for additional optional courses based on the interactive methodology (including moot-courts).

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Limited number of hours devoted to the ECHR is included into the programme of continuous education for judges. This number will be enlarged following HELP initiatives supported by the Russian State University of Justice administration and staff. Some ECtHR standards are covered by continuous education for members of the bar. Both groups are however interested in practical knowledge they can use in their daily work.

For those who are interested a number of workshops is conducted by ABA ROLI and HELP programme together with bar chambers. An audience of these workshops is growing.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

6. Is training delivered by **persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

Yes, trainings are delivered by persons with a good knowledge of the Convention concepts and the case law of the Court.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

HELP programme training of trainers, ABA ROLI trainings are the examples of such initiatives.

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

There is no any impact assessment of the effectiveness of Human Rights education/training in Russia.

10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

Irkutsk university law institute conducted a course “Introduction to the ECHR and admissibility criteria” for students, Ulyanovsk State University - a course on Family law for social workers in cooperation with HELP programme in 2016. There are plans to continue this cooperation.

SERBIA/SERBIE

Excerpt from the national report on the implementation of the Brighton Declaration
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09c(iv), 09c(v) and 09c(vi) Permanent and continual training and education concerning the application of Articles and standards of the Convention

With the aim to train and educate all state bodies applying the Convention on Human Rights, seminars, training courses and instructions are continually organised by the relevant state and other international and domestic organisations.

Activities of the Judicial Academy

In co-operation with the Council of Europe, OSCE, the Commissioner for Protection of Gender Equality and AIRE Centre from London, the Judicial Academy has been implementing a series of programmes with the aim to train judges and prosecutors on human rights. Let us mention the following training courses, dealing with and covering various topics:

- The Council of Europe and the European Convention on Human Rights Concerning Articles 6 and 13 of the Convention (core seminars), organised for judges of basic and high courts. Also, several seminars were held concerning Articles 5, 8 and 10 of the Convention, as well as seminars concerning Article 1 of the Protocol no. 1 to the Convention. Eleven seminars were held in total in different towns of Serbia.
- Refugees' Rights - International and Domestic Standards - These seminars (3 of them were held in total) were organised in co-operation with UNHCR and the Belgrade Centre for Human Rights. The seminars were primarily intended for misdemeanor judges, and topics regarding the rights of refugees and asylum rights were addressed.
- *Prohibition of Discrimination* - At these seminars (5 of them were held in total) organised for judges of High Courts and Courts of Appeals the topics regarding the issue of discrimination were addressed, as well as the cases from the case-law and international standards, while special attention was paid to the standards of the European Court of Human Rights.

Activities of the Office for Human and Minority Rights of RS

In respect of the issue of discrimination and promotion of measures against discrimination, the Office for Human and Minority Rights of RS, in co-operation with the German Foundation for International Legal Co-Operation organised at the end of December 2013 the Conference on Implementation of European Anti-Discriminatory Standards presenting the handbook under the title of *Practical Introduction into European Standards against Discrimination* mentioning the cases of discrimination before the European Court of Human Rights, with a special review of the rights of LGBT persons.

Within the framework of the programme of *Promotion of Tolerance and Equality with*

the Aim of Improvement of Status of Vulnerable Social Groups, through a public tender in March 2014 the Office supported the Ouga Association project of *Promotion of Equality Principles in Rendering Social Services to LGBT Persons and Their Families* as one of the best projects, the aim of which is to present to large public and to LGBT persons and their families the programme of *Reply of Social Care System to Needs of LGBT Persons and Their Families*.

In accordance with the Strategy for Prevention and Protection against Discrimination within the framework of IPA 2011Project, 2 training courses were organised in March 2014 for police instructors, which were attended by 51 police instructor from 30 local self-government units, as well as the head of the Uzice Police Directorate and the representatives of the Police Directorate, border police, traffic police and the Directorate for Professional Education, Qualifications, Advancement and Science. Within the same project, the Criminal Police Academy conducted the research under the title of *Opinions of Criminal Inspectors about Discrimination*, which presents the first research of this topic conducted so far. A series of promotional and preventive activities in 11 local self-government units is conducted within this project, which include, inter alia, holding of round tables dedicated to fight against graffiti containing speech of hate.

Also, in March 2014 the Conference on *Guidelines for Treatment of LGBT Persons and Their Families within Social Care System* was held, presenting the results of training of employees of social welfare centres conducted by the Office for Human and Minority Rights and Duga Association, under the approval of the Ministry of Labour, Employment and Social Policy, and in accordance with the accredited programme of *Guidelines for Activities with Social Minorities in Social Care System*. The above mentioned activity means making concrete the measures contained in the Strategy for Prevention and Protection against Discrimination and it is in accordance with the recommendations of the Committee of Ministers of the

Council of Europe under the title of *Fight against Discrimination Based on Sexual Orientation and Gender identity*. 35 training courses were organised from September 2013 to May 2014 in 13 towns across Serbia, which were attended by 736 persons from 131social welfare centres.

Within the Pride Week from 22 to 29 September 2014 the Pride was held in Belgrade.

In addition to the Law on Prohibition of Discrimination, in October 2014 the Government of Serbia adopted the Action Plan for implementation of the Strategy for Prevention and Protection against Discrimination rendering a concrete and comprehensive plan defining priorities, necessary activities and their contractors, deadlines for their implementation, indicators, and also containing a mechanism of early warning about possible challenges in the implementation of measures.

Under the support of the Kingdom of Norway, the implementation of two-year project of *Creation of Tolerance and Understanding for LGBT Persons in Serbian Society* started at the Office for Human and Minority Rights. Within this project, campaigns to raise public awareness about problems faced by LGBT persons will be conducted, followed by training courses for journalists about ethics of reporting on LGBT population and for strengthening of police capacities, social welfare centres, judiciary bodies for adequate treatment of LGBT persons.

Information received from the HELP Network

1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

The European Convention on Human Rights and the case law of the EctHR are a component of an optional subject Human Rights at the Faculty of Law, University of Belgrade, and a component of the obligatory subject at the Faculty of Law, University Union in Belgrade.

The ECHR and EctHR practice are also taught at the Faculty of Political Sciences within the master program Human Rights. The master program Human Rights encompassing also the ECHR and EctHR practice is also available at the private Faculty of Law, University Union. In some LLM programmes of Faculty of Law, Belgrade University also offer courses on ECHR and ECtHR.

2. Are they offered as **optional disciplines** to those who wish to specialize?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

As mentioned in the answer to the question one state funded Faculty of Law offers an optional discipline (subject) Human Rights which encompasses ECHR and EctHR practice. However, the difficulty is that not every student is familiar with the importance of the ECHR and international human rights law in general as this is only an optional discipline. Similarly, for example Master of European Integration offers as an optional course Human Rights and Non-Discrimination Law, covering also the ECHR.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

For barristers, prosecutors and judges, a judicial exam (bar exam) is obligatory in order to be enlisted in the Bar Association and it is a prerequisite for the election of judges and prosecutors. Prior to passing this exam a legal professional should have 2 years of traineeship in a law office, court or prosecution office or 4 years working experience in the field of law in general.

There is no obligatory preparation program for passing the judicial exam. There are some optional and hardly affordable preparatory programs to this exam at Faculties of Law which do not give enough insight in human rights issues in general. These programs do not encompass any special course on the ECHR and its implementation.

When it comes to the judicial exam, it is comprised of two components: the writing part and oral exams. The writing part is comprised of criminal and civil matters. There are 7 parts in the oral exam: civil law, criminal law, administrative law,

constitutional law, company law, labor law and international private law. This exam requires rather memorizing legal provision than understanding core principles of some branches of law and does not require at all any knowledge of the ECHR or EctHR practice.

The Judiciary Academy provides continuous training for judges and prosecutors whereas the Bar Association offers trainings for barristers.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Professional training is offered to personnel in other sectors responsible for law enforcement mostly by international organizations (OSCE, CoE, UNHCR, IOM etc) and NGOs.

The Center for Education of Employees within the Directorate for the Execution of Criminal Sanctions organizes vocational training for staff members dealing with persons deprived of liberty. Immigration services, namely the Asylum Office, was trained within the twinning project by Swedish partners..

NGOs are offering ad hoc trainings to law enforcement professionals on selected topics, such as prohibition of torture, inhuman and degrading treatment and punishment, treatment of LGBT persons, prohibition of discrimination, etc.

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

No information available.

6. Is training delivered **by persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

Judges are more receptive to judges as trainers, even when it is obvious that other lecturers have significantly more expertise in a certain field, e.g. scholars from abroad or experts associated with NGOs.

Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

The Belgrade Centre for Human Rights (BCHR) has been conducting such training for judges, prosecutors, and law enforcement officers for ten years. These activities were funded by foreign donors. Besides, the BCHR organizes on annual basis Human Rights

school aiming to target target young law professionals and students as future trainers. The major difficulty encountered is finding funds for this activity.

The Judiciary Academy has trainings for trainers.

7. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

Several NGOs have project/programs aimed at raising awareness about the convention including trainings for judges and other legal professionals, for students, for NGO activists, for law enforcement agencies, as well as production of training materials, manuals and commentaries, and translation of books by foreign authors into Serbian. These are all *ad hoc* as it is very difficult to secure funding for such activities. Donors have significantly decreased funding for this type of activities. Besides, moot court competitions are conducted within Faculties of Law.

8. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

No systematic impact assessment to our knowledge.

9. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

Law Faculties, both state funded and private, organize law clinics in different fields such as: civil law, family law, refugee law, labor law, rights of persons deprived of liberty etc. Within this law clinics students can gain additional practical knowledge and improve their professional skills in terms of legal representation and provision of legal counseling.

SLOVAK REPUBLIC/RÉPUBLIQUE SLOVAQUE

Excerpt from the national report on the implementation of the Brighton Declaration
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09c(v) [States] providing public officials with relevant information about the obligations under the Convention; and in particular training officials working in the justice system, responsible for law enforcement, or responsible for the deprivation of a person's liberty in how to fulfil obligations under the Convention;

The training of officials working in the judicial system is contained in the education curricula of the Judicial Academy. It is described below (09c(vi)).

09c(vi) [States] providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors;

In Slovakia, the organisation responsible for the education of judges and prosecutors, as well as for the judicial and prosecutor trainees, is the Judicial Academy of the Slovak Republic, which has been found in September 2004. It is an educational institution with nation-wide coverage, an independent legal entity and non-profit budgetary organization under the Ministry of Justice of the Slovak Republic. It manages funds specifically allocated in the state budget for the purpose of education of judges, prosecutors and court officials.

The case-law of the Court is an integral part of the obligatory education of the judicial and prosecutor trainees. The Judicial Academy further regularly organizes seminars and workshops for the judges and prosecutors concerning the application of the judgments of the Court, focusing on problems specifically highlighted in the most recent judgements of the Court. The lecturer is the Government Agent, alternatively the Co-Agent. For the last ten years, for example, the Government Agent has set up training projects in conjunction with the Judicial Academy, the Slovak Bar Association and NGOs, funded by allocations from the European Social Fund. The Government Agent's 570-page volume entitled Comments on Selected Articles of the Convention for the Protection of Human Rights and Fundamental Freedoms was published and distributed to seminar participants free of charge. The interpretation and selection of the Convention articles included in this volume are geared to the topics addressed during the seminars; it also highlights those decisions of the Court that are of significance to the Slovakian legal system. The comments on each article, which include interpretations of major principles and legal reasoning, are based on the Court's decisions and supplemented with the relevant case-law of national courts, particularly the Constitutional Court. Also the volume Human Rights- Selected Decisions of the European Court of Human Rights and European Union Courts was published and distributed to the participants of seminars. Further, the Government Agent cooperates with the Slovak Bar Association and regularly, in the framework of the obligatory education for the advocate pupils, provides training concerning the functioning of the Court, possibilities of lodging an application and admissibility criteria of an application. Moreover, the Government Agent publishes the articles concerning the case-law of the Court and regularly takes part in different conferences and other seminars, organised by

the domestic authorities and non-governmental organisations, to increase the awareness of rights and freedoms guaranteed by the Convention.

The general information on the case-law of the Court is provided through publication of judgments in the journal for judicial practice named “The Judicial Revue” (Justičná revue) the publisher of which is the Ministry of Justice. This journal publishes the Slovak translations of all the judgments and selected admissibility decisions against the Slovak Republic, as well as the Slovak translations of selected judgments against other states significant from the point of view of evolution of the Court’s case law. Depending on the nature of the violation of the Convention, the judgments against the Slovak Republic are further disseminated to domestic courts with the circular letter of the Minister of Justice of the Slovak Republic, as well as to Constitutional Court, different Ministries or Public Prosecutor Service. Furthermore, the Government Agent drafts an activity report by the end of March each year, which the Minister of Justice submits to the Government. In addition to outlining his or her activities during the previous year and providing statistical data on applications filed against the Slovak Republic, in the report reference is made to important decisions by the Court and the situation with regard to the execution of judgments and also suggests possible solutions at national level. The report is subsequently published on the Government Office and Ministry of Justice websites, featuring among others brief descriptions of judgments against Slovakia delivered by the Court in the previous year. It also gives the Government Agent an opportunity to point out problematic issues highlighting shortcomings in terms of respect for human rights at national level.

Excerpt from the national report on the implementation of the Brussels Declaration
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b) 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 Human Rights Education for Legal Professionals (HELP) programme of the Council of Europe, as well as to the training programmes of the Court and to its publications;

In Slovakia, the organisation responsible for the education of judges and prosecutors, as well as for the judicial and prosecutor trainees, is the Judicial Academy of the Slovak Republic, which has been found in September 2004. It is an educational institution with nation-wide coverage, an independent legal entity and non-profit budgetary organisation under the Ministry of Justice of the Slovak Republic. It manages funds specifically allocated in the state budget for the purpose of education of judges, prosecutors and court officials.

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As far as advocates and advocate pupils are concerned, see also point 1. a) above.

c) promote, in this regard, study visits and traineeships at the Court for judges, lawyers and national officials in order to increase their knowledge of the Convention system;

The Judicial Academy of the Slovak Republic is directly responsible for the promoting of study visits and traineeships of the judges. In the framework of its international activities, the Judicial Academy of the Slovak Republic has become a member of the international associations of judicial schools i.e. the Lisbon Network within the Council of Europe and the European judicial training network (EJTN) - acting in the European Union. External relations of the Academy are built on the basis of intensive cooperation with national and foreign partners in the particular field of training of judges and prosecutors as well as project activities related to the development of Judicial Academy. To the framework of the successful collaboration belong also contacts with the Court of Justice of the European Communities, the Council of Europe and the European Court of Human Rights, particularly in the implementation of number of visits, study visits and internships of the Slovak judges and prosecutors in these institutions. In order to create relations with the international partners the Judicial Academy of the Slovak Republic particularly uses business trips within the European Union and on the other hand receives visits from different countries, whereas the primary goal is mutual cooperation and exchange of knowledge, that help to develop the mission of the Academy. The offers concerning study visits and traineeships for the judges and prosecutors are published on the website of the Judicial Academy, which promotes and encourages judges and prosecutors take advantage of these options, however, they are subject to approval of their superior.

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

At Slovak universities, the human rights are educated as follows:

1. Education concerning the European Convention on Human Rights and case law of the Court at the Law Faculty of Pavol Jozef Safarik University in Kosice:

a) Bachelor degree: “International Public Law II.” – core subject, one semester, session concerning citizenship and legal status of foreigners, especially refugees and stateless person;

- “Fundamentals of Antidiscrimination Law” – elective course, one semester (Introduction to the national and international antidiscrimination legislative with the accent on the European Convention on Human Rights and case law of the Court);

- “Introduction to the Study of Human Rights” – elective course, one semester;

b) Bachelor and master degree:

- “Street law clinic” – elective course, two semesters;

- “Asylum law clinic I., II.” – elective course, two semesters.

2. Education concerning the European Convention on Human Rights and case law of the Court at the Faculty of Social and Economic Science of Comenius University in Bratislava:

b) “Research centre for human rights” of the Faculty has been established, covering research, education and training in following courses and projects:

a) “Human rights” course;

b) “Protection of human rights in EU” course;

c) “International law” course;

d) “Policy concerning gender equality” course;

e) “Multicultural education” course;

f) “International organization” course;

g) “The protection human rights in case-law of the Court” course (2015/2016);

h) “Ethnicity, nationalism and state” course;

i) “Institutions of EU” course ;

j) “International protection of human rights” course (2016/2017);

c) Student’s competition and model sessions of UN (Model United Nations Riga: 26.3. – 30.3.2015, Model United Nations Praha: 8.2. – 13.2.2015, Model United Nations Olomouc: 22.11. – 28.11.2015, Slovak Model United Nations, Bratislava: 4.11. – 8.11.2015;

- d) Regional UN Academy – Working session Szeged: 15. – 19.9.2015
- e) UNESCO chair for human rights education is replaced to the university level from 1 January 2016. The UNESCO chair is operated as the university education and training centre, covering cooperation between Faculty of Arts, Faculty of Social and Economic Sciences and Faculty of Law. More information available here: <http://uniba.sk/o-univerzite/fakulty-a-dalsie-sucasti/unescobre/>;
- f) Conferences (for example, “International conference: Human rights and developing cooperation” on 10 December 2015, “International conference: Domestic institutions of protection of human rights” on 8 December 2016).

At the Faculty premises, UNESCO Chair/Centre for human rights education has been established. Together with FSES involvement in MUN and RAUN (HRC, ECOSOC, UN SC), the FSES can be seen a source of good practice. UNESCO Centre has its proper budget and can thus finance human rights focused activities that would not be prioritized in the university budget. FSES PhD Students with human rights oriented topics of dissertation theses gather under UNESCO Centre although they are properly paid by the Faculty. Since January 2016, UNESCO chair for human rights education is replaced to the university level. The UNESCO chair is operated as the university education and training centre, covering cooperation between Faculty of Arts, Faculty of Social and Economic Sciences and Faculty of Law. More information available here: <http://uniba.sk/o-univerzite/fakulty-a-dalsie-sucasti/unescobre/>.

3. Education concerning the European Convention on Human Rights and case law of the Court at the Law Faculty of University in Trnava:

- g) The system of the human rights under the Convention is taught during obligatory “International Law” and “Constitutional Law” courses;
- h) “Jurisdiction of the European Court of Human Rights” course, “Religious freedom cases at the Court” course, “EU Gender Equality Law” course, “European Migration Law” course, “International protection of human rights” course and “International protection of minorities” course are optional;
- i) the practical education is has been realized through “clinics” – for example, “Clinics of the children’s rights protection”, “Clinics of the international protection of children”, “Clinics of asylum law”, “Clinics of human rights”, “Clinics of antidiscrimination law”, “Law clinics for communities”.

2. Are they offered as **optional disciplines** to those who wish to specialize? Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

During university studies, the law students have variety of topics concerning human rights they can choose from – see question No. 1.

3. Are they a **component of the preparation programs** of national or local **examinations for access to the various legal professions** and of the initial and

continuous training provided to judges, prosecutors and lawyers? Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Courses concerning the Court's case-law are part of obligatory training of judicial and prosecutor trainees on the basis of "Conception of education of Judicial Academy", approved by the Council of Judicial Academy.

The education of trainee lawyers is organized by the Slovak Bar Association, an independent self-administrative professional organization, currently associating cca 4100 lawyers and 1220 trainee lawyers. The educational preparation of trainee lawyers lasts five years, during which the obligatory seminars are held. The seminars concerning the functioning of the Convention system and the Court's case-law is theme of the one of them. Otherwise, the content of the lectures and seminars offered to the lawyers by the Bar vary, there are no predefined curricula, the topics are chosen by the Bar Council upon the suggestions of the Bar Training Commission. Voluntary continuous training of lawyers reacts to actual needs and changes to the legislation.

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4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to

personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs? Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Police academy offers a bachelor degree semi-obligatory course on general human rights protection. As for the police staff or other personnel, it is again rather by the way of sporadic projects such as Ministry of Interior of the SR, Norwegian fund and SR Government Office project CBC 01017 Improvement of technical and educational capacities aimed at speeding up the process at the common Slovak-Ukrainian border.

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private? Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

6. Yes. The Institutions responsible for the education of legal professionals are Judicial Academy and Slovak Bar Association Is training delivered **by persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**? Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

Once the courses are part of the study programs, the lecturers are competent, committed and have good knowledge of the Court's case-law. As an example of good practice may serve the educational and publication activities of the current Agent of the Government, which cooperates with Judicial Academy and the Slovak Bar Association and regularly, provides training concerning the Convention system and the case-law of the Court. Moreover, the Agent regularly publishes the articles concerning the case-law of the Court, takes part in different conferences and other seminars, organised by the domestic authorities and non-governmental organisations, to increase the awareness of rights and freedoms guaranteed by the Convention.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

There is a possibility to apply for a doctorate or PhD studies in human rights topics. For example, UNESCO Centre for human rights educations at Faculty of Social and Economic Sciences, Comenius University, Bratislava, is the institutionalized forum for human rights research by PhD students.

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

In Slovak republic, there are number of non-state initiatives dealing with the protection of human rights. For example, CVEK as a Centre for research of ethnicity and culture (<http://www.cvek.sk>) focuses on issues of discrimination, police violence, sexual and reproductive rights, human rights education and activism. The NGO „Citizen, Democracy and Accountability” primarily focus on the realisation of a right to human

dignity for all, protection against discrimination, and women's human rights. Substantial component of its activities is direct involvement in law-making and public policy-making. The organization provides comprehensive accredited training courses to the public and private sector, on (anti)discrimination and gender equality in particular.

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

No.

10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

The cooperation between legal professional and university education is mainly performed by the organization of conferences and events. For example, the Faculty of Law of Comenius University in Bratislava organizes a number of conferences in pursuance of its scientific and research activities where such conferences represent an effective platform for the academics to meet each other and for the academic community to meet other experts and legal practitioners. The Faculty annually organizes two most significant Slovak academic conferences with international participation (Bratislava Legal Forum and Milestones of Law in Central Europe). Moreover, the Faculty regularly organizes conferences in co-operation with either the Antimonopoly Office of SR or different law firms. Furthermore, a number of other partial academic conferences with a particular focus as well as specialized conferences dealing with current issues and challenges organized at either the Faculty or departmental level. The Faculty has lately organized the conferences like "Transformations of Constitutional Law", "Medicine and Law" and "Data Protection". As other good example may be highlighted the international scientific conference "Trnava Days of Law" organized every two years by Trnava University, Faculty of Law.

Furthermore, as an example of the cooperation between universities and legal professionals may be mentioned the possibility to take part in a traineeship at the domestic institutions or non-governmental organization for university students (for example Supreme Court, Ministry of Justice of the Slovak Republic, Ministry of Foreign Affairs of the Slovak Republic, etc.). The time spent at the traineeship equates to the graduation of the one voluntary course at the relevant university.

SLOVENIA/SLOVÉNIE

Excerpt from the national report on the implementation of the Brighton Declaration
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Paragraph 09c(v): Providing public officials with relevant information about the obligations under the Convention; and in particular training officials working in the justice system, responsible for law enforcement, or responsible for the deprivation of a person's liberty in how to fulfil obligations under the Convention.

In 2009 Slovenia published an updated edition of the Short Guide to the European Convention on Human Rights by Donna Gomien - in the Slovene language and distributed it free of charge inter alia to all judges, state attorneys, state prosecutors, attorneys at law, Ministries, the Police, law faculties and Members of the National Assembly. The obligation of the Republic of Slovenia is also to provide the text of Slovenia's judgments of the European Court for Human Rights in the Slovene language. Most of the substantive judgments are published in the Slovene language on the website of the State Attorney's Office ("Driavno pravobranilstvo"): <http://www2.gov.si/dp-rs/escp.nsf>.

In addition we are currently finalising the translation of the Toolkit to inform public officials about the State's obligations under the European Convention on Human Rights. Information on the translation will be transmitted accordingly to officials working in the justice system, those responsible for law enforcement and deprivation of liberty.

Paragraph 09c(vi): Providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors.

The Judicial Training Centre (JTC) organised within the Ministry of Justice of the Republic of Slovenia is responsible for continuous training of judges, state prosecutors, state attorneys as well as for training of other court personnel. The training is performed mainly in the form of lectures, seminars and workshops.

Recently, in March 2013, the judge of the European Court of Human Rights (elected in respect of Slovenia), prof. dr. Bostjan M. Zupancic, made a presentation entitled "Essence" of Human Rights and prof. dr. Galic (Law Faculty of Ljubljana) a presentation of the recent case law of the ECHR regarding procedural guarantees in civil proceedings in the framework of civil law training for judges and other court personnel organised by the JTC.

Last year (2014) a partner declaration form was signed for the project "Support in the implementation of the HELP in 28" with the JTC being an associate partner. Labour rights were chosen as one of three topics for the future cooperation of our experts.

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

At the Faculty of Law University of Ljubljana, there is an optional subject European Law of Human Rights for the third year students which cover case law of ECtHR. Every year, students enrolled in this subject visit the ECtHR and have a chance to talk to judges etc. Other core subjects (e. g. Criminal Procedure, Civil procedure) cover major ECtHR case law also within their subjects. The Faculty of Law organizes every year since 2005 the competition of Slovenian students in the presentation of the judgments of the ECtHR "Rubicon". A student moot court team of the Faculty of Law is also a regular competitor on René Cassin moot court competition and has received good success in those competitions (in 2002, overall 6th place and 1st place for the written memorandum for the plaintiff, in 2009: overall 4th place; 2010 overall 10th place). However, University of Maribor Faculty of Law does not hold any subject regarding European law of Human Rights in its curriculum.

In the curriculum of Faculty of Administration (University of Ljubljana) we can also find a subject entitled International aspects of human rights protection which is an optional subject. According to the curriculum this subject also covers some aspects of ECtHR case law. Faculty of Political Science also holds some subjects regarding ECHR in its core curriculum. Human Rights Policy is a core subject for the second year Politology students, while the subject International Protection of Human Rights is a core subject for the second year International Relations students.

The Judicial Training Center does not have obligatory subjects. The subjects are chosen according to the needs of the judiciary. Subjects related to human rights are continually included into our trainings.

2. Are they offered as **optional disciplines** to those who wish to specialize?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

As far as it can be concluded from the Faculties' curricula students cannot specialize in this area but either have subjects covering ECtHR case law as a part of mandatory curriculum (Faculty for Political Science) at least for some of their different studies, while law students can only choose subjects which cover ECtHR case law in detail as optional. However, there is no doubt about the fact that a lot of core ECtHR decisions are studied inside the major obligatory subjects during the law studies.

The Judicial Training Center does not provide specialized trainings on human rights.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

There are some preparation programmes organized by Judicial Training Centre (JTC) of the Ministry of Justice for Bar examination.

They are included into preparatory seminars for court experts, appraisers, interpreters, enforcement officers etc.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

In accordance with the Courts Act the Judicial Training Center is only responsible for carrying out trainings for judicial authorities. However, the Judicial Training Center does implement initial trainings for refugee counsellors. The Judicial Training Center is not responsible for training other law enforcement agencies.

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?
Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

Yes, they are incorporated into continuous trainings for judicial authorities. We carry out a presentation of the HELP program and a lecture on human rights related case law at every larger (over 100 participants) training event.

6. Is training delivered by **persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?
Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

Yes, highly qualified experts on each subject matter deliver our trainings. Currently, there are two certified HELP lecturers as well as several Supreme Court Judges, European Court of Human Rights judges, Constitutional Court judges and law faculty professors that provide lectures on human rights related case law.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

The Judicial Training Center does not carry out such initiatives.

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

Answer ad 1. and 2.

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

Answer ad 1. and 2.

10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

Law faculty professors participate in human rights related trainings and through our organization take part in HELP working groups (e.g. prof. Barbara Kresal PhD, member of the working group on labor rights).

SPAIN/ESPAGNE

Excerpt from the national report on the implementation of the Brighton Declaration
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09c(v) [States] providing public officials with relevant information about the obligations under the Convention; and in particular training officials working in the justice system, responsible for law enforcement, or responsible for the deprivation of a person's liberty in how to fulfil obligations under the Convention.

Chaque fois que la Cour européenne des droits de l'homme rend un arrêt portant sur l'Espagne, son contenu est communiqué et les autorités compétentes en sont informées et invitées à améliorer les pratiques administratives afin de mieux s'adapter à son contenu.

09c(vi) [States] providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors.

Nous renvoyons aux réponses précédentes. Les fonctions et la jurisprudence de la Cour européenne des droits de l'homme sont examinées obligatoirement, tant dans la formation, que dans les examens d'entrée officiels aux professions d'avocat, juge, procureur et autres professions juridiques.

Information received from the HELP Network
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Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

In the list of subjects of the examinations to become a judge or a prosecutor, there is an important component of Human Rights. Candidates to become a judge or a prosecutor must have a deep knowledge of the following topics:

The Universal Declaration of Human Rights. Other United Nations treaties on fundamental rights. The European Convention on Human Rights. The European Court of Human Rights: constitution, powers and procedure. The effectiveness of their sentences. Charter of Fundamental Rights of the European Union. Doctrine derived from the 39 judgments of the European Court of Human Rights in the field of criminal proceedings.

Regarding initial training for prosecutors, the following topics related to Human Rights are included in the training programme:

- Preliminary proceedings and instruction. Fundamental rights in criminal proceedings.
- Jurisdictional Protection of Fundamental Rights of civil law: the right to honor, to family privacy and self-image.

- The prosecutor as guarantor of Fundamental Rights: administrative law, criminal law, civil law and social law.

In the continuous training programme for prosecutors, there are several activities related to Human Rights every year, not only promoted by the CEJ but also by other European institutions and where Spanish prosecutors take part in.

International activities:

- Language training on the vocabulary of Human Rights' EU Law.
- Study visits to the ECtHR.
- Long term exchange in the ECtHR.
- Independent seminars related to Human Rights (some examples):
 - AEAJ Training on Conflict of Norms in the Application of Fundamental Rights
 - Fundamental rights of the accused: minimum European standard
 - The Charter of Fundamental Rights of the European Union: assessing and responding to the training needs of legal practitioners and public officials.
 - Effective remedies, lengthy proceedings and access to Justices in the EU: ensuring the right to a fair trial under the Charter of Fundamental Rights of the EU and the European Convention on Human Rights.
 - Human Rights and access to Justice in the EU.
 - Second forum for Justice and Human Rights.
 - International Protection of Human Rights
 - Human Rights and Civil Law
 - Operating Manual for the European Convention on Human Rights
 - Guarantees of access to justice in the doctrine of the European Court of Human Rights
 - Effective remedies, lengthy proceedings and access to Justice in the EU: ensuring the right to a fair trial under the Charter of Fundamental Rights of the EU and the European Convention on Human Rights
 - Final Conference of the Human Rights Project
- National activities (some examples of seminars):
 - The evidence in civil proceedings and the protection of fundamental rights. Electronic evidence. New technologies and access to the process.
 - European Justice. Preliminary questions. The Court of Justice of the EU and its jurisprudence. Reference to the Charter of Fundamental Rights and incidents in courts.
 - Protecting Human Rights in the European space: the Court of Justice of the EU and the ECtHR.
 - Universality of Human Rights and Immigration

Is training delivered **by persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

All the trainings, national and international, initial and continuous, are delivered by professionals with a good knowledge of the Convention concepts and the case law of the Court. The selection is made according to their CV and professional experience in the field of Human Rights. In addition, their experience as trainers is well valued.

Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

The CEJ participates every year sending prosecutors to international seminars focused in the training on Human Rights for EU Judicial Trainers. These are a day-and-a-half trainings on the most recent developments in the case-law of the European Court of Human Rights, the application procedure before the Court and the execution of its judgments, led by current and former ECtHR officials.

Spanish prosecutors specialised in Human Rights also take part in the HELP project activities aimed to training of trainers.

Moreover, in 2014, the CEJ organised a Seminar of 5 days in Cartagena de Indias (Colombia) about Human Rights protection addressed to 25 judges and prosecutors specialised in Human Rights.

SWEDEN/SUÈDE

Excerpt from the national report on the implementation of the Brighton Declaration
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[09c(v)] States providing public officials with relevant information about the obligations under the Convention; and in particular training officials working in the justice system, responsible for law enforcement, or responsible for the deprivation of a person's liberty in how to fulfil obligations under the Convention

The Government recently instructed Uppsala University to develop and carry out a general training programme on human rights for public service employees. The aim of the programme is to raise the employees' level of knowledge about human rights, e.g. the Convention, to enable employees to recognise rights-related issues in their area of practice. The programme will be open to employees at various levels in relevant authorities.

Additionally, introductory staff training in human rights in general, follow-up lectures and seminars are offered by many authorities, including the Government Offices, several county administrative boards (*länsstyrelser*), the Swedish Social Insurance Agency (*Försäkringskassan*) and the Swedish Migration Board (*Migrationsverket*).

Training in human rights, including the Convention, is part of the curriculum for the police education and training programme. Respect for everyone's equal worth is one of the core values of the Swedish Police. In 2013 the National Police Board updated its action plan on equal treatment, which aims to raise awareness and further strengthen the concept of equal treatment as a fundamental principle for all police personnel in their daily work.

In the Swedish Prison and Probation Service, training in human rights begins in the introductory course for all employees and continues throughout their later training. The focus in basic training is the judicial perspective on human rights and how the legislation governing the correctional system is influenced by, *inter alia*, the Convention.

In order to increase case officers' awareness of the Convention standards and to ensure the application of the Convention, the Swedish Migration Board publishes links to much of the Court's jurisprudence on its website (<http://lifos.migrationsverket.se/>). *Lifos* is the Board's database for legal and country-of-origin information and is accessible to case officers and the general public. A review (*referat*) is published of all judgments concerning Sweden and of many of the judgments concerning other countries, if deemed to be of interest to Swedish case officers.

Links to the judgments are published with a comment from the Legal Department. In addition, most legal comments and guidance notes issued by the Swedish Migration Board, as well as relevant chapters of the Board's 'Handbook for case officers', refer to jurisprudence from the Court and the Convention standards. The legal comments and guidance notes are published on the Migration Board's website and are used in internal seminars and discussions.

[09c(vi)] States providing appropriate information and training about the

Convention in the study, training and professional development of judges, lawyers and prosecutors

The Judicial Training Academy (*Domstolsakademin*), which was set up by the National Courts Administration (*Domstolsverket*) in 2009, offers training to all permanent judges. The Judicial Training Academy also has the primary responsibility for training non-tenured Swedish judges (*fiskaler*) and other lawyers in the court system. Since 2013 the Judicial Training Academy has also been responsible for training law clerks. The overall aim of the training programme is to give each judge the knowledge and skills needed to meet high demands in the exercise of their judicial capacity. Education on the Convention is part of the curriculum in the initial courses offered to newly appointed judges and also of the continued education programme offered to all judges in both the administrative and the general courts. In the training programme for newly appointed judges, the Judicial Training Academy has integrated the courses on fundamental rights and freedoms with the different subject areas, for example family law, asylum law, etc. The Judicial Training Academy also offers advanced courses at several levels for judges who need in-depth knowledge. The training is individualised and based on each newly appointed judge's background and knowledge base. There is also a series of courses on the role of the judge. As part of this series, judges can participate in study visits to institutions in the European Union.

Training on the Convention and EU Law (including the Charter of Fundamental Rights) is mandatory for non-tenured Swedish judges. In addition, the National Courts Administration organises study visits for non-tenured Swedish judges inter alia to the Court and the Council of Europe. Swedish judges can also work as a trainee at the Court for a six- month period.

Human rights issues, including the Convention, are part of the basic training for prosecutors. Over a period of several years, the Swedish Prosecution Authority (*Åklagarmyndigheten*) has spent large sums on developing further training in the prosecution service and increasing the skills of Swedish prosecutors. Training on human rights has therefore been improved and is a mandatory part of the training of prosecutors.

Under Swedish law, only members of the Swedish Bar Association may use the professional title '*advokat*'. To become a member of the Swedish Bar Association, the applicant must, inter alia, pass the Swedish Bar Examination after completing the mandatory training courses. Education on the Convention is part of the curriculum in one of the mandatory training courses.

In addition, the general training programme on human rights for public officials which was mentioned above (see [9c(v)]) is obviously intended for judges and prosecutors as well as other public service employees.

SWITZERLAND/SUISSE

Extrait du rapport national sur la mise en œuvre de la Déclaration de Brighton
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v) donner aux agents publics les informations nécessaires sur les obligations imposées par la Convention ; et en particulier dispenser aux agents travaillant dans le système judiciaire, responsables de l'application des lois ou des mesures privatives de liberté, une formation sur la manière de remplir les obligations imposées par la Convention ;

Les agents de police ainsi que le personnel pénitentiaire suivent des cours de droits de l'homme lors de la formation initiale et continue.

L'institut suisse de police (ISP) coordonne la formation des policiers en Suisse.¹⁸ En matière de police, il existe une collaboration étroite avec l'Association pour la prévention de la torture, qui avait, sur mandat de l'ISP, élaboré un manuel de formation, intitulé « Police et droits de l'homme ». La formation se base sur cinq piliers. Les recrues reçoivent une formation dans le domaine « éthique et droits de l'homme », qui fait partie de l'examen professionnel pratique. En ce qui concerne les sous-officiers, les aspects des droits de l'homme sont intégrés dans la formation en matière de tactique policière.

La formation de base du personnel pénitentiaire couvre quatre matières principales dont le droit. Dans ce contexte, l'accent est mis sur les droits constitutionnels et conventionnels des prisonniers ainsi que sur les principes respectifs élaborés au sein du Conseil de l'Europe. Une autre branche principale concerne la psychologie à l'intérieur des établissements pénitentiaires afin de réduire le risque d'escalade de violence. Ces aspects sont bien évidemment approfondis lors des cours pour les cadres.¹⁹

vi) veiller à ce que des informations et une formation appropriées sur la Convention soient intégrées dans la formation théorique et pratique et dans le développement professionnel des juges, des avocats et des procureurs ;

Les droits de l'homme internationaux, intégrés dans la formation de base (niveau « Bachelor »), donnent lieu à des cours spécifiques depuis quelques années. En plus, toutes les universités offrent des cours de spécialisation (niveau « Master »). Souvent les droits de l'homme font également partie d'autres cours thématiques tels que le droit international humanitaire, le droit constitutionnel, le droit de la procédure pénale, la migration internationale, la lutte contre le terrorisme. Plusieurs universités participent au concours Renée Cassin : de plus, l'université de Fribourg organise son propre concours Moot Court depuis 2005. Et plusieurs des cours interdisciplinaires couvrent des thèmes comme le suicide assisté, la recherche sur les cellules souches, les effets de la guerre sur l'environnement etc.

La Fédération suisse des avocats (FSA²⁰), pour sa part, a mis en place un comité d'experts permanent des droits de l'homme. Ce dernier traite des questions des droits de

¹⁸ <http://www.institut-police.ch/fr>

¹⁹ Des informations détaillées sont disponibles sur le site du Centre suisse pour la formation du personnel pénitentiaire : <http://www.prison.ch> > CSFFP

²⁰ <https://www.sav-fsa.ch>

l'homme sur le plan interne et international. Tous les deux ans, se tient le Congrès des avocats. Son but est de mettre au courant les membres de la FSA des développements dans tous les domaines juridiques, notamment celui des droits de l'homme. La Fondation pour la formation continue des juges suisses²¹ a, dès les années 1990, organisé des séminaires dont plusieurs portaient sur des questions des droits de l'homme. Il n'y a toutefois pas eu de séminaires consacrés exclusivement aux droits de l'homme. La fondation préfère aborder les questions de droits de l'homme dans le cadre de séminaires thématiques, ce qui permet de les traiter de manière mieux ciblée.

²¹ <https://www.iudex.ch>

“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”/”L’EX-
REPUBLICUE YOUGOSLAVE DE MACEDOINE”

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

The syllabus for International Law for Human Rights at the Master Programme of the Faculty of Law Iustinianus Primus (State University Ss. **Cyril** and Methodius University) covers topics related to the European Court of Human Rights and its case law.

2. Are they offered as **optional disciplines** to those who wish to specialize?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

At the Faculty of Law Iustinianus Primus in Skopje there is an optional course “Hate Speech and Hate Crimes in International Law” that also covers the relevant jurisprudence of the European Court of Human Rights.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

The European Convention on Human Rights and the case law of the Court are an integral part of the programmes for the initial and continuous training within the **Macedonian Academy for Judges** and Public Prosecutors. In the framework of the continuous training, certain articles of the Convention together with the corresponding case law of the domestic courts, as well as of the European Court for Human Rights and the comparative practices of other states, each year are being envisaged to be addressed. Such consultations are organized either by the Academy, or in cooperation through various projects. Support in regard with the implementation of the Convention is received also by the HELP Programme of the Council of Europe. Furthermore the Convention is promoted via numerous publications and translations of relevant CoE decisions, which are used as educational materials. In the framework of the initial training, the Convention and the Court’s case law are part of the following courses: International Law and the EU Law.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

In accordance with the 2017 Annual plan for the training of the prison personnel, two trainings were conducted at the Training Centre in the Idrizovo Prison in April this year

for 36 persons in total with a plan to continue with such trainings in the following months. The trainings were delivered by two representatives from the Office of the Agent of “The former Yugoslav Republic of Macedonia” before the ECHR and were dedicated to the following topics: “International and national standards in the area of execution of standards” and “Human Rights in Prison Conditions”.

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?
Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

6. Is training delivered **by persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?
Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

The trainings at the Academy for **Judges** and Public Prosecutors of “The former Yugoslav Republic of Macedonia” related to topics dedicated to the Convention (both during the initial and the continuous training) are delivered by representatives of the Office of the Agent of “The former Yugoslav Republic of Macedonia” before the ECHR, judges, public prosecutors, law professors, lawyers, NGO representatives, as well as a former ECHR judge from “The former Yugoslav Republic of Macedonia” and experts from CoE, TAIEX and other projects. All trainers have attended trainings for trainers.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

Trainings for trainers are organized by the Academy for **Judges** and Public Prosecutors in relation to certain articles of the Convention. The Academy is making efforts through various projects to provide such trainings in continuity. The trainings are organized in cooperation with TAIEX, Council of Europe, especially in regard to the domestic application of the European Convention for Human Rights, freedom of expression and Article 10 of the Convention, domestic application of the Convention with a special focus on the allegations for ill treatment and the length of the domestic procedures, but also for the preparation of a methodology for conducting of trainings – distance learning (e-learning). In the upcoming period a training for articles 3, 5 and 6 of the Convention should be organized in cooperation with the Horizontal Facility project of the Council of Europe, as well as a training for trainers for the HELP Programme. In cooperation with the British Embassy in “The former Yugoslav Republic of Macedonia” a training for legal reasoning was organized, and together with the Centre for Legal Researches a training for sharing the practical experiences of the European Court for Human Rights vis a vis the practical experiences of the case law of “The former Yugoslavian Republic of Macedonia” sections is being planned.

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

As one example, the participation of a team from the University American College Skopje School of Law (private university) at the FUTURA Regional competition for European Human Rights Moot Court, could be mentioned.

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

The effectiveness of the trainings of the Academy for **Judges** and Public Prosecutors is assessed through evaluation questionnaires. During the continuous training the questionnaires are distributed at each training and are answered anonymously by the participants. In cooperation with the Office of the Agent of “The former Yugoslav Republic of Macedonia” before the ECHR, an evaluation of the judge’s knowledge dealing with cases related to article 10 of the Convention was undertaken. A new methodology for an assessment of the trainings is being prepared with an aim to evaluate the result of the attended training.

Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

TURKEY/TURQUIE

Excerpt from the national report on the implementation of the Brighton Declaration
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09c(v). Providing public officials with relevant information about the obligations under the Convention; and in particular training officials working in the justice system, responsible for law enforcement, or responsible for the deprivation of a person's liberty in how to fulfil obligations under the Convention

09c(vi). Providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors

Projects Carried Out for the Development of Human Rights

1- Project on Freedom of Expression and Media in Turkey

It was announced in November 2011 that a project on “Freedom of Expression and Media in Turkey” would be initiated with the General Secretariat of the Council of Europe about the freedom of expression; and the Project was officially commenced on 1 May 2012. The duration of the Project, which has been carried out in cooperation with the Ministry of Justice, the High Council of Judges and Prosecutors, the Court of Cassation and the Supreme Administrative Court, is two years.

Within the scope of the Project; it was planned that three study visits would each be made to the United Kingdom, Germany and Spain with a view to protecting the freedom of expression and media. This Project, which was commenced with the cooperation of the Council of Europe and has a budget of EUR 1.200.000, includes training of 420 judges and prosecutors, study visits, regional seminars, user guides and the study on finding solutions to problematic fields. The first two of the study visits under this Project were made to Germany with the participation of a total of 29 judges and prosecutors.

Under the Project, with the purpose of ensuring more effective implementation of the ECHR in the Turkish legal system and having exchange of ideas with national and foreign experts to that end, round table meetings were held in Istanbul, Ankara, Izmir and Erzurum with the participation of three hundred (300) judges and prosecutors.

Moreover, a “High Level Conference on Freedom of Expression and Media in Turkey” was held under the coordination of the Human Rights Department of the Directorate General for International Law and Foreign Relations at JW Marriot Hotel on 5 February 2013 within this Project which is conducted in cooperation with the Court of Cassation, the Council of State, the High Council of Judges and Prosecutors, the Council of Europe and the Ministry of Justice and aims to remove the obstacles to the freedom of expression and media in Turkey in accordance with the standards laid down in the ECtHR case-law. Mr. Thorbjorn JAGLAND, the Secretary General of the Council of Europe, and Mr. Sadullah ERGİN, the Minister of Justice, presidents and members of high courts, judges and public prosecutors, senior representatives of relevant institutions and organisations, non-governmental organizations and members of press participated in the Conference.

With this Conference, the practical status of freedom of expression and media in Turkey was discussed with valuable contributions of the national and foreign debaters, a detailed analysis was made on the problematic fields and suggestions for solutions were made in this respect, the effects of the recent reforms made in this area were evaluated, and the need to continue the reform process for the settlement of some problems resulting from the legislation and practice was emphasized.

2. Project on Improving the Efficiency of the Turkish Criminal Justice System

“Project on Improving the Efficiency of the Turkish Criminal Justice System” is implemented by the Ministry of Justice and Turkish Justice Academy with the support of the European Union and the Council of Europe. The main purpose of the Project is to improve the conditions under which the European standards applicable to the criminal justice could be fully applied by the judicial and administrative institutions falling under the criminal justice system. It is aimed, as a result of this, to reduce the number of applications lodged with the European Court of Human Rights and to reduce the number of violations in respect of administration of the criminal justice.

The Project in question covers a variety of subjects including organized crimes and cybercrimes, which are the most fundamental issues of criminal justice, fighting against corruption, private investigation procedures, evaluation of forensic medicine reports and the judicial protection measures (search, seizure, placement under custody, detention etc.).

3. Project on Raising the Awareness on Human Rights in Justice

The purpose of this Project, which is projected to be implemented in 2011-2012, is to raise awareness on the freedom of expression, and to prepare pre-service and in-service training curriculum and materials on the subject.

Within the scope of the Project, first of all, it has been planned to conduct a field study to ascertain the perception and awareness levels of the judges, prosecutors and prospective judges and prosecutors on the freedom of expression.

4. Project on Raising the Awareness of Judges and Prosecutors on the European Court of Human Rights Judgments (2012 -2014)

With a view to achieving the human rights objectives set in the Strategic Plan covering the period of 2012-2016, which was adopted by the General Board of the High Council of Judges and Prosecutors on 14 March 2012, the Project on Raising the Awareness of Judges and Prosecutors on the European Court of Human Rights Judgments was developed in order to be implemented between 2012-2014.

The purpose of the Project is to ensure that the assessments and the case-law of the European Court of Human Rights concerning the rights and freedoms guaranteed by the ECHR are taken into account by the judges and prosecutors during the proceedings.

The main target group and beneficiaries of this Project are the judges and prosecutors working for the first instance courts under the judicial and administrative justice and the

rapporteur judges and prosecutors of the Court of Cassation and the Supreme Administrative Court. The Turkish Justice Academy, the Human Rights Department under the General Directorate for International Law and Foreign Relations and high judicial bodies are the indirect beneficiaries of the Project.

5. Project on Enhancing the Role of the Supreme Judicial Authorities in Respect of European Standards

The purpose of the Project is to contribute to enhancing the role of the higher judiciary in Turkey in initiating further changes in the nominative framework and its implementation in line with the rights and freedoms guaranteed by the European Convention on Human Rights and the European Social Charter as well as in compliance with the EU Acquis and other European standards.

UNITED KINGDOM/ROYAUME-UNI

Excerpt from the national report on the implementation of the Brussels Declaration
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b) 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 Human Rights Education for Legal Professionals (HELP) programme of the Council of Europe, as well as to the training programmes of the Court and to its publications;

In England and Wales, all lawyers are required to complete an academic study in the field of law. Schedule 2 to the Joint Statement on Qualifying Law Degrees, prepared jointly by the Law Society and Bar Council, and approved by the Lord Chancellor, indicates that human rights is a key element which must be covered. It is a requirement for students undertaking legal vocational training to demonstrate a thorough understanding of the Human Rights Act 1998, which reflects the Convention in domestic law.

Training of the judiciary of England and Wales is the responsibility of the Lord Chief Justice and is delivered through the Judicial College. Where there are major changes brought about by new legislation the College will consider whether specific and designated judicial training is required. The introduction of the Human Rights Act

1998 was considered to be just such an occasion as it had the potential to bring significant changes across all the different jurisdictions. Accordingly the Judicial Studies Board (as it was then called) undertook a comprehensive training exercise for all levels of judiciary during 1999/2000. Now that human rights are embedded in United Kingdom law, the subject does not feature as a stand-alone topic for training but of course aspects may arise within training courses across all jurisdictions as part of a wider topic.

The Lord President is the Head of the Scottish Judiciary and delegates responsibility for judicial training to the Judicial Institute, of which he is President. The Judicial Institute is responsible for all aspects of training judicial office-holders including promoting and identifying the needs of the Scottish Judiciary. The Judicial Institute also provides a contact point with government and other interested parties.

In Northern Ireland, the Judicial Studies Board (JSB), led by the Northern Ireland judiciary, provides programmes of practical studies and disseminates information to the judiciary. The JSB facilitates a variety of training events designed to meet the needs of judiciary at all levels. Members of the judiciary are also invited to attend courses organised and run by the Judicial College in England and Wales and the Judicial Institute in Scotland.

The United Kingdom currently has a member on the Consultative Board of HELP, Simon O'Toole, a senior legal professional. He is the United Kingdom Information

contact point and the United Kingdom national trainer for the Business and Human Rights, and Data Protection and Privacy Rights courses. He recently helped to launch the HELP Business and Human Rights Course in the United Kingdom at a high level event on 29 September 2016, which was open to lawyers, prosecutors and judges.

c) promote, in this regard, study visits and traineeships at the Court for judges, lawyers and national officials in order to increase their knowledge of the Convention system;

The Judicial College, Judicial Institute and the Judicial Studies Board play active roles in the European Judicial Training Network (EJTN) which allows judges, prosecutors and national officials to familiarise themselves with the work of the courts or judicial training institute of a European country other than their own. The EJTN also has programmes in which they all participate that include study visits to the European Court of Human Rights and the Court of Justice of the European Union. These visits are designed to increase their knowledge of the Convention system.

The Convention or human rights standards more generally, may be dealt with as appropriate in other forms of professional training. For example, the basic principles of human rights relating to all of those in custody are dealt with on the entry-level course for prison service staff, and the Prison Service receives ad hoc training on human rights issues both from Government legal advisers and officials which again help to increase knowledge of the Convention.

Information received from the HELP Network
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1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

The enactment of the Human Rights Act 1998 and the Scotland Act 1998 required students to be aware of the ECHR as the Act introduced new grounds for challenging executive action (and legislation). The HRA (and indirectly, Strasbourg case law) are now invariably included in level 1 coursework in Constitutional Law, and level 2 in Administrative LAW. The subject is ‘embedded’ in these curricula; other courses at advanced level focus upon the subject as a ‘stand alone’ option. At level M, dedicated Human Rights programmes exist across the UK.

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Best practice: eg University of Glasgow [stand-alone, skills-based course specifically on the ECHR].

Difficulties: in E&W, the law programme is only 3 years, and there may be a problem accommodating extra specialisms into the curriculum.

2. Are they offered as **optional disciplines** to those who wish to specialize?

See above: compulsory at 'basic' level of the UG curriculum across the UK; advanced options at UG level will vary; but high numbers of PGT programmes in the UK focus upon human rights.

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Yes: but as indicated, often this may occur only at year 3/4 of the UG programme. Real specialization is widely possible at PG level, including human rights taught as an interdisciplinary subject.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

In Scotland, yes: this is a prescribed part of Public Law subject requirements. (in exams for the entry in a professional organization, there is always at least one question on human rights in the examination paper for those seeking entry to the profession via examination / intra EU transfer test).

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Law schools are 'monitored' ('accredited') by professional bodies: the curriculum is monitored.

At Glasgow, students completing professional training qualification may opt to take a course on human rights. This is taught by lawyers practicing in the area. Most opt for this. This is also the practice elsewhere in Scotland.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

The Scottish Police College appears to teach human rights as an aspect of law studies.

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

Yes: the Scottish Human Rights Commission has focused upon this work, at least in respect of the public sector. See

<http://www.scottishhumanrights.com/ourwork/actionplan>

6. Is training delivered by **persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

At Glasgow: Yes, but UG teaching will mainly focus upon cases across UG teaching, whereas the practicalities of admissibility, etc will feature more in specialised courses or at professional training.

Best practice: level 4 course in Glasgow

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

Best practice: level 4 course in Glasgow

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

Best practice: level 4 course in Glasgow. There are many other university initiatives, and NGO activities.

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

No information but the ultimate test may be the number of legal challenges at domestic level; and the subsequent (low) level of applications to the Court.

10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

Many academics are directly involved in 'update' sessions for legal professionals, judges, etc.

The Law Society of Scotland's response

1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

We cannot comment on political and administrative science degrees. By the end of the LLB programme (the academic element of the route to qualification as a Scottish solicitor, a student should display a fundamental knowledge and understanding of the purpose and sources of law, and the main elements of public and private law in the context of the UK, EU and wider international law through study of: the profession of law, legal systems and institutions affecting Scotland; human rights; freedoms and protections; persons; property; obligations; commerce; and crime. Human rights is taught pervasively. The ECHR and the case law of the court is taught at the appropriate points.

In the PEAT 1 stage of the route to qualification (the vocational element of the route to qualification as a Scottish solicitor): Regarding human rights legislation, and its effects on practice, it is assumed that students will understand the implications of such legislation as regards areas of practice studied in PEAT 1, and that such implications will form part of the resources to be made available to students. These include such matters as relevance of Convention rights, relevant EU and HR case law, whether parties may bring proceedings and under which conditions, and the range of remedies a party may invoke.

2. Are they offered as **optional disciplines** to those who wish to specialize?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Universities deliver the programmes but at both Foundation and PEAT 1 level there are options for individuals to specialise or elect certain courses.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

Yes – both solicitor and advocate in Scotland.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?

Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.

N/A

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

Yes (as described above). All providers are to be accredited.

6. Is training delivered by **persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.

Yes. We leave who teaches what on the LLB and Diploma to the discretion of the universities.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

None that we are aware of (and not by us).

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

None that we are aware of. We feel that you may get a better (and fuller) response from the universities directly.

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

We plan to do this next year.

10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

N/A

Additional information from the expert member of Committee of Experts on the system of the European Convention on Human Rights (DH-SYSC)
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Response from the England and Wales Solicitors' Regulation Authority (SRA) and Bar Standards Council

1. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?

In England and Wales, all solicitors are required to complete an academic stage of training (through a Qualifying Law Degree (QLD) or Graduate Diploma in Law (GDL)), a professional stage of training (through a Legal Practice Course) and a work based stage of training. QLDs and GDLs must include a course of study of Human Rights and the Law of the European Union.

All barristers are similarly required to complete an academic stage of training as above, a vocational stage (through the Bar Professional Training Course), and a professional/work-based stage (currently pupillage). So when students commence the Bar Professional Training Course (BPTC) they should already be familiar with the Convention. One would expect the ECHR to be part of the English Legal System, and Administrative and Constitutional Law modules at undergraduate (typically year 1) and at GDL level.

The Convention is also treated as a pervasive subject that crops up throughout the compulsory modules of the BPTC. It is addressed specifically at several points on the Criminal Procedure, Sentencing and Evidence syllabus. In the Professional Ethics module it provides background and context for the Code especially in the context of upholding the Rule of Law and the Administration of Justice.

2. Are they offered as **optional disciplines** to those who wish to specialize?

As stated above, these are compulsory courses. In addition, many universities offer further courses of study or degree programmes in Human Rights or European Law. These can be modules within degrees, undergraduate degrees or postgraduate degrees.

3. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?

There is no separate judge or prosecutor qualification in England and Wales. Judges and prosecutors qualify first as a solicitor or barrister. The subjects are part of the examinations which all solicitors must take.

There are separate, examined courses in these subjects in the QLD and GDL. And EU and Human Rights law is also taught on the Legal Practice Course, although it is embedded in relevant practice areas rather than taught as a standalone subject.

4. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?

In England and Wales, the post-qualification study a solicitor must take is not specified by the SRA. Instead, solicitors are required to do the training which is needed to ensure they are competent to practice in their particular area. So it is expected that solicitors dealing in relevant areas (such as criminal and prison related work) keep up to date in human rights law.

Likewise the Bar Council does not specify the post-qualification study for barristers, but it is expected that barristers dealing in relevant areas consider how to further their knowledge in human rights law and this might form part of their programme of continuous professional development (CPD).

5. Are human rights education and training incorporated into **stable/permanent structures** – public and private?

Neither the SRA nor the Bar Council understand this question.

6. Is training delivered **by persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?

In England and Wales, there are no set qualification requirements for people doing this training.

7. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.

Please see answer to question 6. There is no regulatory involvement by either the SRA or Bar Council in the training of teachers in this field.

8. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?

Many universities carry out activities in these areas, over and above what is specified by the SRA and Bar Council. Examples of non-state initiatives include some of the specialized degree programmes in Human Rights.

9. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?

The SRA are reviewing the effectiveness of legal education in general at the moment, through the ‘Training for Tomorrow programme’, but not Human Rights education specifically.

The Bar Council are also reviewing legal education for barristers, through the ‘Future Bar Training’ programme, but not Human Rights education specifically.

10. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?

There are many universities who offer short courses in human rights law. These often involve a mixture of legal academics and legal professionals, both as teachers and students.

UKRAINE

Excerpt from the national report on the implementation of the Brighton Declaration

09c(v) [States] providing public officials with relevant information about the obligations under the Convention; and in particular training officials working in the justice system, responsible for law enforcement, or responsible for the deprivation of a person's liberty in how to fulfill obligations under the Convention

Provisions of the Convention and case-law of the Court are included into training programs of all the officials dealing with law-enforcement or matters concerning deprivation of liberty (judges, prosecutors, police and penitentiary officers).

Thus, the National Academy of Prosecution of Ukraine within the framework of master program and advance training programs for prosecutors teaches the number of disciplines, such as “European standards of the prosecutors’ activities in the criminal proceedings”, “European standards of the prosecutor’s activities outside of criminal justice”, “Problems of repayment (compensation) of damages caused by a criminal offence” and others.

Furthermore, the Academy’s scholars have drawn up the textbooks which refer to the case-law of the European Court of Human Rights, in particular: “Maintenance of Public Prosecution by a Prosecutor”, “Important Issues of Criminal Procedure in Ukraine”, “Procedural Management of the Pre-Trial Investigation by a Prosecutor”, “International Cooperation during the Criminal Proceedings” and others. Also, the Academy informed about the preparation of the guidelines on the European Standards of Prosecution Activities in the Framework of the Criminal Proceedings.

National Academy of Prosecution of Ukraine cooperates closely with Council of Europe institutions on questions of professional training. Huge amount of work in that regard was carried out within the projects in the framework of the Council of Europe Action Plan for Ukraine 2011-2014 (1.2.1 – Reinforcing the fight against ill-treatment and impunity; 1.2.2 – Strengthening professional training on the ECHR – European Programme for Human Rights Education for Legal Professionals (the HELP Programme-II); 1.2.4 – Ensuring the effective national implementation of the European Convention on Human Rights by key groups of legal professionals).

National Academy of Prosecution informed the Government that the following international activities were organized in order to facilitate the implementation of the Convention:

- (i) an international workshop for the prosecutors “Ukraine’s integration and reform of criminal justice in accordance with the European standards” where, in particular, the issues of the activities of the Court and compliance with the Convention in the course of criminal proceedings were examined;
- (ii) an international conference within the HELP Programme “From good training to good judgments: challenges, methodologies and perspectives”. The event was dedicated to the important issues of implementation of the Convention. In the framework of the above project the Academy’s staff, together with the Council of Europe’s experts, are

developing two educational courses for Ukrainian judges, prosecutors, other legal professionals on the following topics: Counteracting tortures in accordance with the requirements of the Convention for the Protection of Human Rights and Fundamental Freedoms and Pre-trial investigations in accordance with the requirements of the Convention. Development of those educational courses is going to be completed shortly and they will be introduced into the teaching process;

(iii) with the assistance from the Council of Europe Office in Ukraine, the National Academy of Prosecution of Ukraine conducted the train-the-trainer seminar for the Ukrainian prosecution authorities on the topic “Application of the Code of Criminal Procedure in accordance with the standards of the Convention for the Protection of Human Rights and Fundamental Freedoms;

(iv) the meeting with the program manager of Department of policy on human rights of the Directorate of human rights of the Council of Europe Mr Tigran Karapetyan. During the meeting, the parties discussed the ways of cooperation on a new joint project of the European Union and the Council of Europe “Strengthening of implementation of standards of the Council of Europe concerning human rights in Ukraine”.

Ministry of Interior of Ukraine also provides the number of disciplines within the framework of bachelor and master courses and advance training courses of law-enforcement officers, which include the questions of application of the Convention and of the relevant Court’s case-law (for example, “Combating torture and other cruel, inhuman or degrading treatment or punishment”; “Organization of crime investigation, technique and methods of its implementation, including in cases regarding ill-treatment of detainees, as well as examinations of these complaints” etc.).

During November 2012 - April 2015 the series of relevant trainings were conducted for police officers, such as the seminar “The European Law and European legal education - a priority ways of national legal experts training” (2014); conference “The European standards of criminal justice” (2013); permanent scientific workshop on the topic “The features of detection and investigation by the law-enforcement units of Ukraine of crimes against person’s life and health” (2012).

09c(vi) [States] providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors

The education for domestic courts’ judges and staff is provided by the National school of judges of Ukraine (hereinafter- the School). According to the information provided by the School, since 2012, 187 lectures and 374 training seminars/workshops were conducted for the judges and the courts’ staff on the application of the Convention and the Court’s case-law.

The questions of application of the Convention and the Court’s case-law were also included into particular educational programs for judges, for example on the application of the New Criminal Procedure Code of Ukraine; on the powers of the investigative judge, including as regards the examination of cases under the new CPC of Ukraine; and on application of the European court’s case-law in the criminal proceedings.

Programs of judges' professional training, which the school publishes on its web-site, show that the issues of the application of the Convention are constantly covered by the programs of trainings and workshops for judges of the local, regional and highest courts.

It should be said that the School closely cooperates with the Council of Europe programs (for example, the HELP Programme) and projects (summarized below) dealing with the application of the Convention and the Courts' case-law at the national level.

Coordinating center for legal aid (hereinafter- Coordinating center) informed the Government that during the period starting from 2012 and until the present the following trainings and educational programs on application of the Convention were organized for lawyers providing secondary legal aid:

a) in the framework of the OSCE Project "Promoting legal aid system in Ukraine" a series of trainings were conducted in certain regions of Ukraine for lawyers providing free legal aid. The trainings included the topic "The European Convention on Human Rights in the lawyers' practice";

b) in the framework of cooperation with the Council of Europe the Coordinating center works on the development of network of lawyers-trainers on the exchange of experience between lawyers. The group of such lawyers/trainers was organized in 2013 and underwent the 58-hour train-the-trainer workshop organized within the Council of Europe project "Support to the criminal justice reform in Ukraine". Such workshop included questions of implementation of the new criminal procedural law in the light of the Convention and the Court's case-law;

c) During the September-November 2013 a series of cascade trainings on actions of the defense counsel in situations when person is detained on suspicion of having committed a criminal offense, and during the imposition of a preventive measure, its extension, cancellation or replacement, were held in 24 regions of Ukraine, Crimea, Kyiv and Sevastopol for the lawyers providing free legal aid. The trainings addressed the issue of implementation of the Convention, particularly in the context of the right to liberty and to a fair trial, and the relevant Court's case-law;

d) In 2014, the following three trainings were conducted for lawyers-trainers: "Actions of the defense counsel in the proceedings", "Actions of the defense counsel as to application of measures to ensure criminal proceedings, challenging the decisions, actions or inactivity of the investigator, prosecutor and the investigative judge, judicial review of decisions", "The actions of the defense counsel in criminal proceedings on the basis of agreements on the application of specific measures of criminal law, on ensuring access to adequate medical care".

In the framework of these trainings the questions of the application of the Convention, in particular the requirements of Articles 2, 3, 5, 6 and relevant case-law of the Court, were examined.

Moreover, Coordinating center informed the Government that in cooperation with certain regional legal aid centers 8 trainings on effective defense in criminal proceedings were held within the project "Strengthening of the legal profession in Ukraine, a component of training on CPC standards for lawyers, including lawyers

providing free legal aid” for more than 300 lawyers. Court’s case-law on principles of criminal proceedings was examined during such trainings.

In 2015 Coordination Centre plans to organize together with All-Ukrainian Charity Foundation “The Right to Protection” 13 trainings for Ukrainian lawyers, particularly those providing free legal aid, on the topic of “Application of the Convention for the Protection of Human Rights and Fundamental Freedoms in cases of expulsion, extradition and denial of protection to asylum seekers” in the framework of the project “Advocacy and Government Capacity Building in Migration”.

Additionally, it is necessary to note about the CoE, OSCE, EU and other projects which are currently being implemented in Ukraine and anyhow deal with training of practicing lawyers or their awareness-raising:

- 1) CoE Project “Support to Criminal Justice Reform in Ukraine” is mainly focused on training of prosecutors, police officers and judges on the criminal proceedings according to the European standards, namely the provisions of Convention and the case-law of the Court;
- 2) CoE Project “Strengthening the System of Judicial Accountability in Ukraine” - is being implemented in partnership with the Office of the Government Agent before the ECHR and is aimed at assisting national authorities in implementing the judgments of the Court in the case of “*Olexander Volkov v. Ukraine*” and group of cases “*Salov v. Ukraine*”. Among other things, the Project is focused at the cooperation with judges and other stakeholders for ensuring the right to a fair trial.
- 3) European Union Project “Support to Justice Sector Reforms in Ukraine”. General aim of the Project is to facilitate the strengthening of the rule of law in Ukraine. The project is divided into six key elements, which are managed by the domestic and international experts: 1. Support to police reform and to law enforcement authorities with the investigative powers; 2. Support to prosecution reform; 3. Access to justice and the right to protection; 4. Independence of the judicial system; 5. Prevention and combating corruption; 6. Development of the general justice sector reform.
- 4) OSCE Project “Safeguarding Human Rights through Courts” is aimed at increasing human rights protection in the courts through: (i) strengthening the capacity of judges and other legal professionals to apply the Convention and the case-law of the Court in their practice; (ii) development of training courses, programmes and establishment of national pool of experts; (iii) strengthening capacity of Ukrainian civil society to monitor the application of the Convention and the case-law of the Court by judiciary.

Also, CoE/EU Joint Programme “Reinforcing the fight against ill-treatment and impunity” (Armenia, Azerbaijan, Georgia, Moldova, Ukraine), Coe project “Strengthening the independence, efficiency and professionalism of the judiciary in Ukraine” and others had been implemented in Ukraine by 2015. All of them to some extent included trainings of the relevant actors on the application the provisions of the Convention and the Court’s case-law.

APPENDIX

Questionnaire sent to the members of the HELP Network on the implementation of Recommendation Rec(2004)4 on the European Convention on Human Rights in university education and professional training

10. Are adequate university education and professional training concerning the European Convention on Human Rights and the case law of the Court a **component of the common core curriculum of law** and, as appropriate, political and administrative science degrees?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.
11. Are they offered as **optional disciplines** to those who wish to specialize?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.
12. Are they a **component of the preparation programmes** of national or local **examinations for access to the various legal professions** and of the initial and continuous training provided to judges, prosecutors and lawyers?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.
13. Are they a **component in the initial and continuous professional training** offered to personnel in **other sectors responsible for law enforcement** and/or to personnel **dealing with persons deprived of their liberty**, as well as to personnel of immigration services, in a manner that takes account of their specific needs?
Please indicate the **modalities** as well as examples of **good practice** or **possible difficulties** encountered.
14. Are human rights education and training incorporated into **stable/permanent structures** – public and private?
Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.
15. Is training delivered **by persons with a good knowledge of the Convention concepts** and the case law of the Court as well as with an adequate knowledge of **new professional training techniques**?
Please provide examples of **good practice** in this field and indicate any **difficulty encountered**.
16. Please provide examples of **initiatives** aimed at the **training of specialised teachers and trainers** in this field. Please also indicate any **difficulty encountered**.
17. Could you provide **examples of non-state initiatives for the promotion of awareness and knowledge of the Convention system**, such as the establishment of special structures for teaching and research in human rights law, moot court competitions and awareness-raising campaigns?
18. Is there any **impact assessment of the effectiveness** of Human Rights education/training in your country? How is this ensured?
19. Could you provide **examples of cooperation/connection** between Human Rights training for legal professionals and university education?