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STEERING COMMITTEE FOR HUMAN RIGHTS  
(CDDH)

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

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**DRAFTING GROUP III  
ON THE FOLLOW-UP TO THE RECOMMENDATION Rec(2004)4  
(DH-SYSC-III)**

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**Proposals concerning Recommendation Rec(2004)4 on the European  
Convention on Human Rights in university education and  
professional training**

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## Context

1. The Recommendation Rec(2004)4 on the European Convention on Human Rights in university education and professional training (“Recommendation (2004)4”) was adopted by the Committee of Ministers on 12 May 2004, at its 114th Session.
2. The Committee of Ministers had the opportunity to underline the importance of Recommendation Rec(2004)4 within the framework of its reply to Parliamentary Assembly Recommendation (2039)2014 on “the European Convention on Human Rights: the need to reinforce the training of legal professionals”. As noted by the Committee of Ministers, “the declarations adopted at the Interlaken (2010), Izmir (2011) and Brighton (2012) High-level Conferences on the Future of the Court also emphasised this issue”.
3. The key role of the training of legal professionals in the implementation of the Convention was underlined and put into perspective by the Brussels Declaration (2015) which calls on States to: “increase efforts at national level to raise awareness among members of parliament and improve the training of judges, prosecutors, lawyers and national officials on the Convention and its implementation, including as regards the execution of judgments, by ensuring that it constitutes an integral part of their vocational and in-service training, where relevant, including by having recourse to the 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” (B. 1. b)).
4. Finally, the Copenhagen Declaration, adopted last April by the High Level Conference, calls upon the States Parties to continue strengthening the implementation of the ECHR at the national level, in particular by “giving high priority to professional training, notably of judges, prosecutors and other public officials, and to awareness-raising activities concerning the Convention and the Court’s case-law, in order to develop the knowledge and expertise of national authorities and courts with regard to the application of the Convention at the national level.”
5. According to its terms of reference for the biennium 2016-2017 (see DH-SYSC(2016)003), the Committee of experts on the system of the European Convention on Human Rights (“DH-SYSC”) was invited to submit, if appropriate, proposals to the Committee of Ministers regarding the Recommendation (2004)4, along with the development of guidelines on good practice in respect of human rights training for legal professionals (deadline: 31 December 2017).
6. In accordance with the decisions taken at the 2<sup>nd</sup> DH-SYSC meeting in November 2016 (see Item 7, §§ 27-31 of the meeting report of the DH-SYSC, doc. DH-SYSC (2016)R2), the Secretariat prepared a compilation (doc. DH-SYSC(2016)012), containing information provided by member States in the framework of their national report concerning the implementation of the Brighton Declaration, regarding in particular its paragraphs 9 c (iv) – (vi)<sup>1</sup>, as well as information

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<sup>1</sup> “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

received from members of the HELP network on the basis of a questionnaire prepared by the HELP Secretariat<sup>2</sup> with regard to the implementation of Recommendation (2004)4.

7. At its third meeting in May 2017, the DH-SYSC examined this compilation DH-SYSC(2016)012 as well as the working document DH-SYSC(2017)001 containing proposals concerning Recommendation (2004)4 and a first analysis by the Secretariat of the information on the implementation of the Recommendation (2004)4 gathered in the above compilation. In light of the developments achieved in the area of training, both in terms of content and methodology, and taking into account the remaining challenges in the implementation of the Convention, it decided that work should be undertaken to update the recommendation in the next biennium. The updated recommendation could furthermore be accompanied by a compilation of good practices that could be a useful source of inspiration at national level (see DH-SYSC(2017)R3, § 22).

8. It was suggested and endorsed by the DH-SYSC that the Recommendation (2004)4, as amended, should not only focus on considering students and legal professionals as recipients of the training on human rights but also on the possibility that they may be, while learning, active agents in the enhancement of the Convention system. For example, they could provide, as part of their training, translations of convention related materials into national languages under the supervision of their tutors. These measures could significantly contribute to the application of the Convention and its case-law by national judges, prosecutors, lawyers and civil servants, who may not have access to them if not available in their mother tongue (see DH-SYSC(2017)R3, § 23).

9. At its 87<sup>th</sup> meeting, the CDDH approved the DH-SYSC decision to proceed to the update of the Recommendation (2004)4 (see CDDH(2017), R87, § 21).

10. At its fourth meeting in November 2017, the DH-SYSC decided to set up a new Drafting Group, DH-SYSC-III, to update the Recommendation (2004)4. It agreed that the Group will hold its meetings in 2018 through electronic means in combination with the use of written contributions and, if appropriate, in the form of video-conferences. Ms Vasileia PELEKOU (Greece) was elected Chair of this Drafting Group<sup>3</sup> (see DH-SYSC(2017)R4, §§ 16-18).

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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 fulfil 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 [...]"

<sup>2</sup> The HELP Network consists of representatives from national training institutions for judges/prosecutors and Bar associations of the 47 CoE member States: HELP Focal points and Info points. 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. Info points liaise between the HELP Secretariat and the national Bar associations.

It is a peer-to-peer European Human Rights Training Network, which gathers annually to share best practices, provide advice and adopt a roadmap with priority topics to be developed in future HELP curricula and materials.

<sup>3</sup> Members of the Group are: Armenia, Belgium, Greece, Italy, Latvia, Montenegro, Portugal and Slovakia.

11. The CDDH endorsed the decision of the DH-SYSC to set up a new Drafting Group DH-SYSC-III. It noted that the Group will organise its work in 2018 through video-conferences with the help of written contributions which will be made available by electronic means (see CDDH(2017)R88, § 10).

12. According to the specific task v) of its terms of reference for 2018-2019, the DH-SYSC is invited, “[c]oncerning university education and professional training in human rights, [to] update Recommendation Rec(2004)4 in light of important developments taken place over more than 10 years in the field in the 47 member States of the Council of Europe, notably as a result of the European Programme for Human Rights Education for Legal Professionals (HELP) of the Council of Europe (deadline: 31 December 2019)”.

13. As a basis for the work of the Drafting Group DH-SYSC-III, the compilation of relevant national information provided by member States in the framework of the report on the implementation of the Brighton Declaration and by the HELP Secretariat<sup>4</sup> was revised in January and March 2018 (see document DH-SYSC-III(2018)03). The Appendix to the present document, based on the document DH-SYSC(2017)001, contains an analysis by the Secretariat of the information gathered, including examples of good practices mentioned by member States.

### ***Initial stocktaking***

14. The Recommendation (2004)4 refers to three complementary types of action, namely:<sup>5</sup>

i. incorporating adequate education and training on the Convention and the case-law of the Court (a) into the university curriculum of law and, as appropriate, political and administrative science degrees, (b) into the preparation programmes of examinations for access to the various legal professions as well as into the initial and continuous training provided to judges, prosecutors and lawyers and (c) into 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;

ii. enhancing the effectiveness of university education and professional training, which implies in particular stable structures, knowledgeable and competent teachers and a proper training for teachers and trainers;

iii. encouraging non-State initiatives for the promotion of awareness and knowledge of the Convention system.

15. Alongside the efforts made by the State Parties and other bodies of the Council of Europe, the HELP Programme was set up as a response to the abovementioned recommendation and conducted within the framework of the HELP network. National training institutions are increasingly incorporating the courses developed by HELP into their national

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<sup>4</sup> Upon an initiative of the CDDH Secretariat, in February 2018 the HELP questionnaire had been re-sent to the HELP Focal and Info Points in Hungary, Moldova, Latvia, Lithuania, Turkey, Romania, Iceland, Italy and San Marino. Contributions were received from Hungary, Moldova and Latvia.

<sup>5</sup> See paragraph 4 of the Appendix of the Recommendation.

curricula<sup>6</sup>. The work conducted over recent years demonstrates some important developments in the following areas:

- Developments in the area of training, both in terms of content and methodology, as shown notably by the following facts and examples:
  - The catalogue of more than 20 HELP courses has gradually been expanded with new courses designed following increased demands from HELP Network members.<sup>7</sup>
  - Regarding methodology, HELP courses merge knowledge and skills and are developed “by legal professionals for legal professionals”, taking into consideration their busy schedule and difficulties of balancing learning and working. Once the master course is ready (usually in English), HELP courses are adapted to national legislation and are translated into national languages in collaboration with national training institutions and Bar associations. HELP Network members are also increasingly demanding Training-of-Trainers (ToT) sessions, in order to enlarge the pool of certified HELP tutors able to pilot the courses launched at national level. In 2016, a joint ToT was organised with the French *Ecole Nationale de la Magistrature*. Such joint HELP/national training institutions’ events are good practices worth replicating.
  - The HELP Network is continuously expanding, with new requests to become members or partners every year. It is to be noted that until 2014, HELP had raised more interest from non-EU member States of the Council of Europe. Then, in 2015, the EU entrusted HELP with the largest training programme on fundamental rights for legal professionals in the EU, and EU member States became also increasingly involved.

➤ Implementation of permanent training structures for judges and prosecutors: The establishment of national training institutions (NTIs) for judges and prosecutors can be considered as achieved in all member States of the Council of Europe<sup>8</sup>.

➤ New methods of open training: The exponential increase in the number of users of the HELP platform reveals the growing importance of online open training. Such training offers flexibility, takes into consideration the workload of legal practitioners and facilitates reaching out to larger audiences, particularly important for vast countries (i.e. Russian Federation) or training institutions for lawyers.

### ***New developments and challenges***

16. Since the adoption of the Recommendation (2004)<sup>4</sup> there have been important developments in the area of human rights university education and professional training. However, important challenges still remain in this area:

- The objectives of the Recommendation (2004)<sup>4</sup> remain valid but their implementation is lagging behind. Authorities need to adopt incentive measures to facilitate legal training, including online training (i.e. recognising credits for online training). It is crucial for

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<sup>6</sup> Good examples to mention are the incorporation of the online HELP course on Introduction to the ECHR for new entry lawyers in Paris and for new entry Spanish judges (the latter as of 2018).

<sup>7</sup> Recently, new courses have been added in the areas of child-friendly justice and children rights, combating trafficking in human beings, international cooperation in criminal matters and violence against women and domestic violence. Courses are available free of charge at the [HELP e-learning platform](#).

<sup>8</sup> The most recent Judicial School was set up in Cyprus.

national authorities to (i) allocate sufficient human and financial resources and (ii) demonstrate political will by the incorporation of human rights education in the initial and continuous education/professional training.

- It is necessary to become familiar with European human rights standards already at the university level, i.e. before the professional career, with a view to fostering future legal professionals' sensitivity to human rights issues that may arise in any legal area and building their capacity to identify such issues at an early stage (creating a so-called "human rights reflex"). At the same time there is often a lack of a transversal/horizontal approach in human rights education. Universities are mostly free to define their curriculum and human rights are frequently taught as part of (public) international law. It is thus important not only to incorporate human rights education into the curriculum of law schools in general (as already stated in the Recommendation), but also to integrate a compulsory human rights component in all courses on national law (e.g. substantive and procedural criminal law, substantive and procedural civil law, family law course and others)<sup>9</sup>. Otherwise, there is a risk of human rights being perceived as a separate and general matter and therefore disregarded. The Convention and other Council of Europe standards are not to be perceived as an external source of law but rather as applicable domestically.
- While it is true that university education and, in particular, professional training should not be limited to the transmission of theoretical knowledge and should also focus on practical application of the Convention and case-solving skills, the importance of the general principles underlying the Convention is not to be overlooked. Understanding these principles is indeed necessary for acquiring an appropriate working methodology and deciding on new issues.
- The connection between university training and professional training (or the lack thereof) should be highlighted since the first is a *sine qua non* prerequisite for the second. It is clear that the level (or lack) of education on human rights at university will have a positive (or negative) impact on the work of legal practitioners in protecting human rights and their interest in pursuing professional training on human rights throughout their career.
- It is important to provide professional training on human rights already at the earliest stages of the professional life (initial education) of legal professionals and law enforcement officers and then throughout their professional careers with a view to them having/developing a "human rights reflex", without the need for them to become a human rights expert *per se*.
- There is a need for quality, targeted and accessible professional training that will take into consideration the workload of legal professionals.<sup>10</sup> In this regard, online training in general (e.g. Massive Open Online Courses - MOOC) and, in particular, HELP distance-learning courses and self-learning resources available at the [HELP e-learning platform](#)

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<sup>9</sup> See also *Effective use of national remedies in domestic legal proceedings in the Balkan region and the subsidiary role of the European Court of Human Rights*, Council of Europe, June 2016, p. 9 (also available at <https://rm.coe.int/16806f159f>).

<sup>10</sup> At the same time, legal practitioners should be motivated by emphasizing that knowledge of the Convention and the Court's case-law is an advantage, and not an extra burden, and can be easily gained by the use of existing resources, in particular the translated case-law (see *op. cit.* above, p. 9).

could be specifically mentioned in the Recommendation (2004)4. Notably HELP curricula are drafted on a tailor-made basis, meeting participants' specific training needs and learning pace, allowing flexibility.

- Multi-professional training could also be encouraged, where judges, prosecutors and lawyers would all come together, exchange experience and be given an opportunity to harmonise their understanding of the human rights standards, thus ensuring a common understanding of the Convention and its more harmonised/uniform application at all levels and in all areas of law<sup>11</sup>.
- In general, a reference should be made in the updated version of Recommendation 2004(4) to the European Programme for Human Rights Education for Legal Professionals (HELP), which supports the Council of Europe member States in implementing the Convention at the national level. The advantages for both universities and national training institutions to use and promote free HELP courses on human rights accessible online should be recalled.
- The Court itself has developed a lot of information and learning material (case-law guides, thematic factsheets, case-law information notes and other publications)<sup>12</sup> over the last years which is freely accessible online and which can be used either for self-learning or for trainings. Moreover, Judges and Registry members regularly offer their expertise at case-law training events both at the Court and in member States.<sup>13</sup> The Recommendation 2004(4) could thus also refer to the Court's role in providing human rights training.
- Permanent national training structures for judges and prosecutors should now exist in all Council of Europe member States. In some countries, however, they still encounter difficulties in carrying out their work. The importance of their role should therefore be underlined in the Recommendation (2004)4.
- Legal professionals who received training on human rights should become active agents in the promotion of the Convention system (see paragraph 7 above) and should be able (after having followed ToT, if possible) to ensure cascade training. Good practices related to such peer-to-peer training, which might be better received by legal professionals, could thus be highlighted.

### ***The way forward: updating the Recommendation***

17. The principles laid down in the Recommendation (2004)4 are still of high relevance today since they aim at improving the implementation of the Convention at national level, in line with the declarations adopted later at the high-level conferences in Interlaken (2010), Brighton (2012) and Brussels (2014) and in light of the importance attached to the follow-up to the latter by the Committee of Ministers.<sup>14</sup> To this end, it is necessary to strengthen the capacity of judges, prosecutors and lawyers in the member States to apply the Convention standards in their daily work, in particular through quality training. All member States should continue to

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<sup>11</sup> See op. cit. above, pp. 9 -10.

<sup>12</sup> See also paragraph 4 of the operative part of the Brussels Declaration.

<sup>13</sup> See also the [Court's Annual Report 2017](#), pp. 149-150.

<sup>14</sup> See the decisions taken at the 125th session of the Committee of Ministers, 19 May 2015.

reexamine and develop appropriate practices and initiatives, and facilitate and encourage access to available trainings.

18. In its work on updating the Recommendation 2004(4), the DH-SYSC-III may thus want to focus on the elements and challenges previously mentioned. The Recommendation 2004(4) could be updated notably by appending to a guide of good national practices (to be chosen from those mentioned in the Appendix to the present document). Such document should serve as a tool to facilitate the implementation of the Recommendation 2004(4).

Appendix

**Preliminary analysis of the information provided by the member States  
on the implementation of Rec(2004)4**

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 member States, the European Convention on Human Rights and the case law of the Court are at least to some extent a component of university curriculums. Such education is generally available at the faculties of law, at least as an optional discipline or at the post-graduate level. In several member States, the Convention and the Court's case-law are approached horizontally, i.e. within different law disciplines, which should help understanding that they form an integral part of the domestic law. Sometimes, however, teaching is rather theoretical, which is probably due to the lack of documentation available in national languages and of specialised teachers. Lack of initial knowledge creates difficulties in the subsequent professional training.

Not much information was given regarding the question whether adequate training and education in the European Convention on Human Rights and the case law of the Court are a component of the common core curriculums of political and administrative science degree.

<b>Training included in university curriculums in general</b>	<b>Training forming an integral part of law degrees</b>	<b>Horizontal training within different law disciplines</b>
<i>Armenia Belgium Ireland Latvia Luxembourg Moldova Netherlands Slovakia Slovenia Switzerland</i>	<i>Albania Austria Azerbaijan Estonia France Georgia Germany Luxembourg Netherlands Norway Russian Federation Serbia Slovakia Switzerland United Kingdom</i>	<i>Bulgaria Croatia Czech Republic France Georgia Hungary Latvia Malta Montenegro Poland Russian Federation Slovenia Switzerland</i>

**Good practices:**

- Pluridisciplinary group in the field of human rights (Université Libre de Bruxelles, Belgium)
- Centre of interdisciplinary research “Fundamental Rights and social link” (Université Notre-Dame de la Paix, Belgium)
- Human Rights Centre – research, documentation, consultation, conferences (Université Catholique de Louvain, Belgium)
- Development and update of some university curriculums in cooperation with HELP (memorandum of understanding, Georgia)
- Practice of the proceedings before the Court – a practical seminar on Strasbourg case-law taught by the members of the Office of the Government Agent (Law Faculty of Masaryk University in Brno, Czech Republic)

**Difficulties:**

- Lack of documents available in national language (Armenia, Bulgaria)
- Lack of well-specialised teachers (Azerbaijan, Bulgaria)
- Lack of thorough and practical teaching
- Lack of access by universities to online libraries and online programmes that provide advanced and updated information on the Convention, access to foreign scientific publications (Albania)

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 general, there are optional disciplines offered for those who wish to specialize (Albania, Armenia, Belgium, Bulgaria, Croatia, Czech Republic, France, Georgia, Hungary, Latvia, Luxembourg, Malta, Moldova, Netherlands, Russian Federation, Serbia, Slovakia, Slovenia, Switzerland, “The former Yugoslav Republic of Macedonia” and United Kingdom). Only a few member States report not having any such optional courses or masters available.

**Good practices:**

- European master in human rights and democratisation, organised by several EU universities

**Difficulties:**

- Area of law perceived as too general to attract future lawyers

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 **any difficulties** encountered.

The Convention and the case law of the Court are not systematically included in the preparation programmes of examinations for access to the various legal professions, provided that such

programmes or examinations exist. Relevant knowledge is rarely tested during examinations only in certain countries (judges: Albania, France, Greece, Ireland, Lithuania, Poland, Spain, United Kingdom; lawyers: Austria, France, Ireland, Russian Federation, United Kingdom).

The Convention and the case law of the Court are included in the initial and continuous training provided to judges, prosecutors and lawyers in almost all member States in various modalities. These modalities often consist of courses and seminars on the Convention and the Court organised by the national bodies responsible for the training of future and practicing judicial professionals (judicial schools, academies or institutes of justice). In several member States, study visits or secondments to the Court and the Council are part of such training. Sometimes the training of judges is also organised by domestic courts, the office of the government agent or by ministries. In Eastern Europe and in the Balkans, projects are often set up by the Council of Europe, the European Union (EJTN), OECD or various donors with a view to improving the application of the Convention standards by domestic courts. Furthermore, several States mention cooperation with HELP (seminars, thematic lectures, e-learning).

Moreover, in the vast majority of countries judges and other legal professions have access to translations into their national language of the Court's judgments concerning their country. Sometimes, manuals, analyses and notes on the case-law are drawn up and distributed by national authorities, or documents prepared by the Court (factsheets, guides on admissibility) are translated and distributed.

New methods of learning are emerging, such as a horizontal approach in the professional training of judges (human rights education included in standard courses on different law disciplines) (Bulgaria, Latvia, Sweden) or "blending learning" (e-learning combined with standard seminars) (Croatia).

Concerning lawyers (barristers), training is mostly offered by Bar associations or by specialised training centres<sup>15</sup>.

<b>Training included in the preparation programmes</b>	<b>Component of initial and continuous training provided to judges and prosecutors</b>	<b>Component of training provided to barristers</b>
<b><i>For future judges (and/or prosecutors):</i></b> <i>Croatia</i> <i>Czech Republic</i> <i>France</i> <i>Georgia</i> <i>Greece</i> <i>Latvia</i> <i>Norway</i> <i>Slovakia</i> <i>Spain</i> <i>Sweden</i>	<i>Albania</i> <i>Armenia</i> <i>Austria</i> <i>Azerbaijan</i> <i>Bosnia-Herzegovina</i> <i>Bulgaria</i> <i>Croatia</i> <i>Czech Republic</i> <i>Estonia (continuous training)</i> <i>France</i> <i>Georgia</i> <i>Germany</i> <i>Greece</i>	<i>Albania</i> <i>Andorra</i> <i>Armenia</i> <i>Cyprus</i> <i>Estonia</i> <i>France</i> <i>Georgia</i> <i>Germany</i> <i>Ireland</i> <i>Latvia</i> <i>Luxembourg</i> <i>Malta</i> <i>Netherlands</i>

<sup>15</sup> See also, for information about lawyers' training systems in the EU Member States: [https://e-justice.europa.eu/content\\_lawyers\\_training\\_systems\\_in\\_the\\_member\\_states-407-en.do](https://e-justice.europa.eu/content_lawyers_training_systems_in_the_member_states-407-en.do)

<p><b>For barristers:</b>  France  Ireland  Moldova  Poland  Slovakia  Sweden  United Kingdom  (England and Wales)</p>	<p>Ireland  Latvia  Moldova  Monaco  Montenegro  Netherlands  Norway  Poland  Portugal  Romania  Russian Federation  Serbia  Slovakia  Slovenia  Spain  Sweden  “The former Yugoslav Republic of  Macedonia”  United Kingdom  Ukraine</p>	<p>Poland  Portugal  Serbia  Slovakia  United Kingdom</p>
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- Good practices:**
- Discussion by means of video-conferencing with Council of Europe experts about recent judgments of the Court (Armenia)
  - Special curriculum “Fundamental Rights” compulsory for future judges and prosecutors, including a study visit at the Court (Austria)
  - Contact persons appointed to promote the HELP programme among judges and lawyers (Azerbaijan)
  - 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
  - Publication by “Institut des droits de l’homme de Bruxelles” of ‘Revue trimestrielle des droits de l’homme’ intended to judges and lawyers (Belgium)
  - European Human Rights Database for South East Europe Project (Bosnia-Herzegovina)
  - Professional Diploma in Human Rights and Equality offered by the Institute of Public Affairs (Ireland)
  - Anti-discrimination training offered to professionals concerned (Montenegro, Serbia)
  - Project implemented by the Supreme Court of Montenegro in cooperation with the AIRE Centre (London) aimed at building capacities of the domestic courts to bring their practice in line with the European law in the field of human rights (Montenegro)
  - Multi-annual project of systemic training in human rights and the Convention offered to judges and prosecutors, including CoE manuals translated into Polish (Poland)
  - Programme of targeted training in the appellate and regional courts launched on the basis of a “map of Convention violations” (Poland)
  - Seminar organised by the Prosecutor General on the issue of excessive length of pre-trial detention in light of the European standards of human rights protection, broadcasted

live all over the country & collection of good practices drawn up by the participants, published and disseminated (Poland)

- E-books on human rights available for free download (Portugal)
- Database of Strasbourg case-law in Czech available online for free (Czech Republic)
- Online training sessions for judges and non-judges within the courts produced by the Judicial Training Academy (Sweden)

**Difficulties:**

- Extent and complexity of the case-law (Bosnia-Herzegovina)
- Language barriers (Bosnia-Herzegovina)
- Lack of specialised national trainers (Bulgaria, Croatia)
- Lack of interest on the part of possible participants – barristers (Bulgaria, Ireland)
- Insufficient financial resources (Croatia, Greece)
- Workload of judges and prosecutors (Greece)
- Lack of prior knowledge (Montenegro)

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 **any difficulties** encountered.

The Convention and the case law of the Court are 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 numerous member States. The training of police forces seems to be the most common (Armenia, Belgium, Czech Republic, Estonia, Finland, France, Georgia, Ireland, Latvia, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Sweden, Switzerland, United Kingdom, Ukraine), followed by training offered to personnel of penitentiary services (Austria, Belgium, France, Georgia, Germany, Ireland, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Russian Federation, Serbia, Sweden, Switzerland, “The former Yugoslav Republic of Macedonia”, United Kingdom and Ukraine) and to civil servants responsible for law enforcement (Austria, Bulgaria, Estonia, Finland, Malta, Netherlands, Norway, Poland, Romania, Russian Federation and Sweden). Training may be organised by national schools of public administration (Albania, Poland), by ministries (Finland, Monaco, Russian Federation) or by universities (post-graduate education) (Latvia, Netherlands, Sweden). Sometimes the training is focused on the case law of the Court that relates specifically to the State in question, or on the special needs of the personnel concerned.

In several countries, information notes/newsletters on the Court’s case-law or on the relevant judgments are disseminated to the authorities concerned (Czech Republic, France, Poland, Spain, Sweden), or the Court’s factsheets and guides are disseminated by the authorities (Austria, Estonia, Germany, Poland). The Council of Europe toolkit to inform public officials about the State’s obligations under the Convention is also of use in some countries (Belgium, Czech Republic, Estonia, Ireland, Portugal, Romania, Slovenia). In several countries, manuals and thematic guides are available to civil servants, policemen and border guards (Estonia, Latvia, Netherlands, Poland, Sweden, Switzerland).

Executive and legislative authorities receive relevant information mostly through annual reports issued by government agents, ombudspersons, ministries or national human rights institutions.

**Good practices:**

- Trainings held for relevant law enforcement agencies and officials in the judicial system on how to fulfil the requirements under the Convention after every delivery of a judgment in respect of the member State (Armenia)
- CPT standards taught at the Police Academy (Armenia)
- Anti-discrimination training for professionals concerned (OECD project)
- Training on hate crimes for policemen (special project with OECD in Poland)
- Training of policemen on anti-discrimination and anti-racism legislation, treatment of children and minors, diversity management and intercultural dialogue, control of violence (Belgium)
- Judicial trainings, notably on racism and anti-Semitism, accessible to policemen, customs officers and other personnel (France)
- Human resources development programme on human rights for State employees, developed and implemented by the Uppsala University (Sweden)
- Training offered to mixed groups (judges, policemen, administrative assistants) on subjects of common interest (Bulgaria)

**Difficulties:**

- Frequent changes in personnel of public administration (Albania)

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 **difficulties encountered**.

All States have higher education institutions, like various universities within the country, offering human rights education.

Professional training is generally provided by permanent training structures designed mostly for (future) judges and prosecutors and which should now exist in all member States in the form of national judicial schools or training centres, institutes of justice, justice academies, etc. Training can also be organised by ministries of Justice, councils for the judiciary or (supreme) courts themselves<sup>16</sup>.

Lawyers' training is mostly provided by Bar associations or by specialised training centres.

No specific good practices or difficulties were mentioned.

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 **difficulties encountered**.

Training is usually delivered by experts on the Convention and the case law, who include qualified judges and lawyers, international experts and organisations, lawyers of the office of the Government agent (e.g. in the Czech Republic two members of the Office of the Government

<sup>16</sup> See also, for EU member States:

[https://e-justice.europa.eu/content\\_national\\_training\\_structures\\_for\\_the\\_judiciary-406-en.do](https://e-justice.europa.eu/content_national_training_structures_for_the_judiciary-406-en.do)

Agent are certified HELP Trainers and members of the office give lectures on Strasbourg case-law), supreme courts' judges, former and current lawyers of the Court Registry, former seconded judges, university professors, national experts and legal professionals, NGOs or donors organisations.

Only a few States mentioned that national trainers had followed adequate training of trainers sessions (Albania, Bulgaria, Croatia, Latvia, Slovenia, "The former Yugoslav Republic of Macedonia").

**Good practices:**

- Participation of (former or current) judges of the Court in the professional training of judges (Bulgaria, Estonia, Finland, France, Germany, Liechtenstein, Monaco, Netherlands, Russian Federation, Slovenia)
- Network of consultants / specialised trainers composed of judges formerly seconded to the Court (Bulgaria)
- Case studies submitted to trainee judges corrected by members of the Court Registry

**Difficulties:**

- Need to improve qualification of university professors by means of continuous training on the developments of the case-law (Bulgaria)
- Judges more receptive to judges-trainers than to university teachers and NGO experts with more experience
- Knowledge of foreign languages, access to information, the recognition of the importance of knowledge regarding the Convention of Human Rights and related case-law (Albania)

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

Many of the countries work together with the Council of Europe and HELP or "HELP in the 28" (Albania, Armenia, Croatia, Czech Republic, Estonia, Finland, France, Moldova, Montenegro, Poland, Russian Federation, Spain, "The former Yugoslav Republic of Macedonia", Ukraine). Trainings offered by the UE, EJTN, FRONTEx and ERA were also mentioned (Azerbaijan, Bulgaria, Czech Republic, Estonia, Finland, Spain), as well as those supported by foreign donors and embassies (Montenegro, Serbia, "The former Yugoslav Republic of Macedonia").

There are also courses and trainings for trainers held across the member States, mostly organized by different authorities such as national bar associations (France), judicial training institutions (Poland, Serbia, "The former Yugoslav Republic of Macedonia"), the prosecutor's office (Georgia) or the police (Poland).

**Good practices:**

- Workshops for trainers on modern teaching techniques regularly organized by the Judicial Academy (Croatia, "The former Yugoslav Republic of Macedonia")
- Training of "consultants" - prosecutors and judges tasked to offer consultation to other prosecutors and judges in the field of the Council of Europe standards and to disseminate the Convention and the Court case-law standards – by the National School of Judiciary and Public Prosecution (Poland)
- Candidates (prosecutors) for ToT tested by trainers, the best involved in pilot and then cascade trainings (Georgia)

**Difficulties:**

- Language barriers in respect of trainings organised within “HELP in the 28” (Bulgaria)
- Lack of financial resources (Albania, Bulgaria, Serbia)

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 several member States, student organisations such as ELSA, non-governmental organisations and local or regional branches of foreign organizations (OECD, UN) take initiatives promoting awareness and knowledge of the Convention system. There exist across the member States several regularly held moot courts and other pleading competitions, mainly held by universities and student organisations but also to some extent by non-governmental organisations. Other initiatives include strategical litigation, legal assistance, publications, training, monitoring, reporting, etc. EU, Council of Europe and HELP projects were also mentioned.

**Good practices:**

- Center of interdisciplinary research “Fundamental Rights and social link” (Université Notre-Dame de la Paix, Belgium)
- MOOC on the Coursera platform developed by University of Utrecht (Netherlands), MOOC about the EU and human rights developed by the Catholic University of Leuven (Belgium) on the basis of the FRAME Project
- European René Cassin Competition on Human Rights (France)

**Difficulties:**

- Lack of financial resources, decrease of foreign donations (Serbia)

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

There is no systematic assessment carried out in any member State.

University teaching can be assessed by students at the end of their studies (Albania).

In a few member States professional training of judges is assessed through evaluation forms filled in by judges after the training (Bulgaria, Czech Republic, Estonia, Georgia, Latvia, “The former Yugoslav Republic of Macedonia”). In the framework of certain projects, the impact of the training on the judicial practice may be incidentally evaluated (Bulgaria, Georgia). Feedback forms used by the HELP programme have been mentioned (Russian Federation).

**Good practices:**

- Working group set up by the Minister of Justice in 2015 to assess the current state of law education, identify existing weaknesses and propose possible amendments to the Regulation on the Uniform State Requirements to the University Degree in Law and the Professional Qualifications of Lawyers (Bulgaria)

- Effectiveness of human rights training offered by the Judicial Academy assessed by the Ombudsman who has the authority to recommend additional training or highlight areas that need extra attention (Croatia)
- Joint study of the Council of Europe and European Union “Application of the Standards of the European Convention on Human Rights by the Common Courts of Georgia” (2013-2016)

**Difficulties:**

- Necessity to put in place objective quantity indicators (Bulgaria)

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

It is not unusual that some aspects of university education include participation from working legal professionals, for example as teachers in some courses or as participators in workshops and seminars. On the other hand university professors are often invited to intervene in the professional training of judges (Bulgaria, Czech Republic, Estonia, Latvia, Netherlands, Slovenia, United Kingdom) or to design together with judges human rights manuals (Bulgaria).

University and legal professionals are also connected through various conferences, forums, discussions, research (Albania, Armenia, France, Ireland, Warsaw Human Rights Seminars in Poland, Russian Federation, Slovakia). In several member States students can make study visits in legal institutions (Armenia, Croatia, United Kingdom) or traineeships at courts, public authorities or ONG (Slovakia). In many states, moot courts are hosted by universities and student associations, sometimes with judges being played by practicing judges (Greece, Georgia, France, Latvia, Norway, Russian Federation, Serbia, Slovenia, Switzerland, “The former Yugoslav Republic of Macedonia”, United Kingdom); legal clinics at law faculties were also mentioned (Albania, Belgium, France, Georgia, Serbia, Slovakia).

**Good practices:**

- “A Day with a Judge” initiative – university students spend one day at a court working with a judge, observing his/her work and court hearings (Lithuania)
- Cooperation between the Norwegian Court Administration and the University of Oslo (PluriCourts) (Norway)

No specific difficulties were mentioned.