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STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

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

Good national practices illustrating the principles set out in
Appendix I to the revised Recommendation Rec(2004)4

I. General principles

1. Member States should ensure university education and professional training in the system of the Convention which are in line with the needs and expectations of the different categories of public, notably those acting in the human rights field. If necessary, this task should be performed in cooperation with relevant non-State actors.

Good practices:

- *In Norway the Norwegian Court Administration cooperates in training judges with the University of Oslo (PluriCourts).*
- *In several member States law students can make study visits in legal institutions (Armenia, Croatia, the United Kingdom) or traineeships at courts, public authorities or NGOs (Greece, Slovakia).*
- *At the Leuven Catholic University in Belgium, the Human Rights Centre carries out numerous activities, such as research in the field of human rights, lectures, publications; it also responds to public authorities' requests for consultation and lists all human rights' undertakings in Belgium, for the purposes of cooperation with the Council of Europe.*
- *In Bulgaria, Denmark, Netherlands and the Russian Federation, non-profit organisations, respectively "Bulgarian Lawyers for Human Rights", "Association of Danish lawyers", "Platform for human rights education" and "Institute of Law and Public Policy", carry out different training activities on human rights, with a view to familiarising the public with the current case-law of the Court.*
- *In the Russian Federation federal and regional chambers of lawyers hold courses and other educational initiatives on the Convention¹.*
- *In several member States national moot court competitions on human rights issues are organised for students, in cooperation with public foundations and/or national authorities (e.g. in Latvia there are two annual moot court competitions on human rights issues organised by the Ombudsman's office and a public foundation "Dišlera fonds"). The Law Faculty of the University of Strasbourg and the Cassin Foundation organise annually in Strasbourg the European Human Rights Moot Court Competition (René Cassin Competition), at which law students teams from many member States take part.*
- *In many member States national human rights institutions play a key role in disseminating relevant practical information to a large public.*

2. Member States should notably enhance the effectiveness of such university education and professional training by providing each category of public with necessary tools to comply with the obligations stemming from the Convention. To this end, member States should provide quality, targeted and accessible professional training.

Good practices:

- *It has proven to be a good practice to incorporate the HELP Methodology in human rights university education and professional training, given its basic principle of adaptation of model HELP courses to specific national legal and societal context and the specific training needs of legal professionals.*
- *In several member States (Belgium, Czech Republic, Estonia, Ireland, Portugal, Romania, Slovenia) the toolkit prepared by the Council of Europe is disseminated among public officials to inform them about their obligations.*

¹ *The Russian Bar is a professional community of advocates and as an institution of civil society does not belong to the system of state authorities and local self-government bodies.*

- *In the Netherlands, a course on the European Convention on Human Rights is offered by the Academy for Legislation and the Academy for Government Lawyers, which includes in-depth insight into the Convention, the Court's case-law and general theories on fundamental rights protection.*
- *In Poland a programme of targeted training of judges was launched in the appellate and regional courts on the basis of a "map of the violations of the Convention".*
- *In Slovakia regular and systemic training of judges and prosecutors (including future judges and prosecutors) is organised by the Judicial Academy in cooperation with the Agent and co-Agent of the Government of Slovakia and, if possible, also in cooperation with the current and former judges of the Court. It provides information about the application of national law in conformity with the recent case-law of the Court and the Constitutional Court. Moreover, a seminar concerning the admissibility criteria and the system of the Convention is a compulsory part of the professional training of Slovak lawyers.*

II. Targeted public

3. Member States should ensure that university students of law and, as appropriate, of relevant science degrees are offered education concerning the basic elements of the system of the Convention in their common core curriculum. In addition, optional in-depth studies should be offered to those who wish to specialise.

Good practices:

- *HELP courses are provided as additional materials in several universities' educational curricula (e. g. Glasgow and Liverpool Universities in the United Kingdom, Timisoara University in Romania, Belgrade Law School in Serbia). Letters of cooperation may be exchanged with universities to deepen the cooperation with the HELP Programme (e.g. the Russian Federation).*
- *Many universities from all the EU member States participate in offering the European Master's Programme in Human Rights and Democratisation (EMA), organised by the European Inter-University Centre for Human Rights and Democratisation (EIUC).*
- *In Bulgaria a working group was 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, including the introduction of a new basic course of human rights.*
- *In most countries, optional disciplines are offered to students at bachelor (the Russian Federation)² and/or master / postgraduate level (Albania, Armenia, Belgium, Bulgaria, Croatia, Czech Republic, France, Georgia, Greece, Hungary, Latvia, Luxembourg, Malta, Moldova, Netherlands, Portugal, the Russian Federation, Serbia, Slovakia, Slovenia, Switzerland, North Macedonia and the United Kingdom).*

4. Taking into account the diversity of domestic situations, member States should ensure that a large variety of professionals are offered quality and targeted professional training in the system of the Convention, and that, if possible, such training is accessible in the language(s) of the member State. In particular, attention should be paid to the initial and continuous training of:

² *Issues related to the application of the Convention and the work of the Court are covered by different academic disciplines in both bachelor's degree and master's degree programmes (Kutafin Moscow State Law University, European Studies Institute of the MGIMO, Russian State University of Justice and others).*

judges, prosecutors, lawyers; legal translators; law enforcement personnel; specialised journalists; personnel dealing with vulnerable groups.

Good practices:

- *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 form part of such training.*
- *By December 2018, HELP courses were launched and implemented in 32 Council of Europe member States.*
- *All HELP courses launched in the Republic of Moldova in cooperation with the National Institute of Justice are systematically incorporated in its training curriculum for either initial or continuous training.*
- *In Poland, a multi-annual project of systemic training in human rights and the Convention is designed for judges and prosecutors, and includes Council of Europe manuals translated into Polish.*
- *In Sweden, the Judicial Training Academy produces online training sessions for judges and non-judges within the courts.*
- *In Armenia trainings are held for relevant law enforcement agencies and officials in the judicial system on how to fulfil the requirements under the Convention each time a judgment is delivered by the Court in respect of Armenia. Moreover, CPT standards are taught on a compulsory basis at the Police Academy.*
- *Thematic trainings are often offered to professionals concerned, such as anti-discrimination training in Montenegro (special project with OECD); training on hate crimes for policemen in Greece and Poland (special project with OECD); training of policemen on anti-discrimination and anti-racism legislation, treatment of children and minors, diversity management and intercultural dialogue, control of violence in Belgium; training of judges and policemen on anti-racism and anti-Semitism legislation, organised in France by École Nationale de la Magistrature; training of policemen and prosecutors on treatment of victims, hate crimes and positive obligations of the State under Articles 2,3 and 8 of the Convention, in Slovakia; and special classes on Articles 3 and 8 of the Convention provided to employees of the Immigration and Naturalisation Service in the Netherlands.*
- *In Slovakia basic information concerning the Convention system including admissibility criteria and Rule 47 of the Rules of the Court and press releases concerning the judgments of the Court against Slovakia are published on the website of the Ministry of Justice; an activity report of the Government Agent is submitted to the Government every year by the end of March.*
- *In the Netherlands and Sweden, post-graduate training is offered to legal professionals by universities.*
- *In Latvia, the Centre of continuous legal education and professional development, as part of the Law Faculty of the University of Latvia, provides specialised courses, including on human rights, to legal professionals. The content of the courses is prepared taking into account the specific requests of the auditorium. Thus, for example, a series of lectures on human rights issues were organised specifically for lawyers in all regions of Latvia with the participation of the Government Agent. Furthermore, the Centre organised training courses for prosecutors and officials of the Internal Security Bureau of the Ministry of Interior.*

- *In Spain, since 2017, the HELP course on Introduction to the Convention and the Court is compulsory for every new judge; the Spanish Judiciary School incorporates a number of HELP courses in its regular training (asylum, data protection, anti-discrimination, medicrime, etc.) and promotes their Spanish versions in Latin-American countries. Furthermore, the Spanish Judiciary School (as well as the Bar Council) takes full organisation and financial coverage to ensure participation of Spanish judges, prosecutors and lawyers in the launch of HELP courses.*

III. Specialised lecturers and trainers

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

Good practices:

- *In many member States (e. g. Bulgaria, Estonia, Finland, France, Germany, Latvia, Liechtenstein, Monaco, Netherlands, Russian Federation, Slovakia, Slovenia), former or current judges of the Court participate in the professional training of judges. This may also be the case of university professors in some countries (e.g. Bulgaria, Czech Republic, Estonia, Latvia, Netherlands, Slovenia, United Kingdom).*
- *In Armenia, professional training within the Justice Academy is ensured by tutors of particular courses related to the Convention, the Court and its case-law, who are members of the Government Agent's office, namely the Department for Relations with the European Court of Human Rights. Trainings of trainers are also periodically conducted, with a view to improving trainers' skills to work particularly with the targeted groups of the Justice Academy.*
- *In Bulgaria a network of consultants / specialised trainers was established, composed of judges formerly seconded to the Court.*
- *In the Czech Republic, a practical seminar on the case-law and proceedings before the Court is given, at the Law Faculty of Masaryk University in Brno, by members of the Office of the Government Agent.*
- *In France, there are specific workshops organised by 'École nationale de la magistrature' in which trainee judges are called to work on case studies which are then corrected by members of the Court's Registry.*
- *The Judicial Training Centre of Latvia provides topical courses for judges, on e.g. family law or application of security measures. The trainers of these specialized courses are selected to provide lectures from the academic perspective of national law (professors), the professional perspective on application of national law (judges of supreme and/or regional courts) and the perspective of applicable international standards (the Government agent).*
- *In Poland, competent prosecutors and judges are tasked by the National School of Judiciary and Public Prosecution 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.*
- *In the Russian Federation, former and current judges and/or lawyers of the Court as well as the Government Agent give university courses and lectures.*

- *In Slovakia, the Government Agent and the Co-Agent regularly participate in the professional training of judges, prosecutors, social workers and lawyers. The Government Agent also actively participates, by explaining the recent case-law of the Court, at the International Conference organised every year by the Constitutional Court and the Law Faculty of Pavel Jozef Šafárik; the contributions to the Conference are published and available online for free.*
- *In some member States, HELP courses are replicated by the national training institutions using HELP certified trainers (e.g. the Lithuanian National Courts' Administration replicated the course on Data Protection and Privacy Rights with the existing HELP certified trainers). In several member States (North Macedonia, Serbia, Spain, Ukraine) HELP courses are tutored by current or former lawyers of the Registry of the Court.*

IV. Contents of the university education and professional training

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

Good practices:

- *In South-East Europe countries, the European Human Rights Database Project, implemented by the AIRE Centre in cooperation with the Agents and Judicial Training Centres of the respective member States, aims at improving the application of the Court's case law by national courts in the region.*
- *In Bulgaria, a handbook on the relevant case-law and a practical guide are published (in Bulgarian) and disseminated to judges.*
- *In many member States (e.g. Armenia, Czech Republic, Estonia, Finland, France, Germany, Latvia, Poland), information notes or analyses of the Court's case-law are published and disseminated through the ministries or superior courts.*
- *In Germany, Greece and Monaco, practical guides on admissibility prepared by the Court are distributed to lawyers and trainee lawyers.*
- *In several member States (Estonia, Latvia, Netherlands, Poland, Sweden, Switzerland), manuals and thematic guides are designed for civil servants, policemen and border guards.*
- *In Portugal, e-books on human rights are published by the Centre for Judicial Studies and are available for free download on its website. They collect a series of lectures and articles where the relevant case-law (namely selected examples of the Court's case-law) is mentioned and/or commented upon.*
- *In Slovakia, translations of the Court's judgments and also academic articles concerning the case-law of the Court are published in different journals issued by professionals, for example the Ministry of Justice, the Slovak Bar Association or the Supreme Court. Moreover, the Bulletin of the Supreme Court, which is freely available online, features Slovak translations of the Court's selected factsheets, and the Bulletin of the Slovak Bar Association, available in printed version as well as online (<https://www.sak.sk/blox/cms/sk/sak/bulletin>), features articles on admissibility criteria, focusing on aspects relevant for lawyers' practice, and summaries of recent selected judgments of the Court, which are prepared by the International Relations Director acting as HELP InfoPoint at the Slovak Bar Association.*
- *In the Republic of Armenia the country-specific case law as well as the Court's leading cases are available on the official legal website "Legal Information System" (<https://www.arlis.am/>), where all the legal acts (international treaties, laws, government*

decrees, decisions of the Constitutional Court and of the Supreme Court) are disseminated, as well as on the website of the Government Representation of the European Court of Human Rights (<http://agent.echr.am/en/home.html>).

- In Latvia, the Judicial Training Centre offers a course for judges on how to make correct references to national and international law. As a part of this training, the Government agent provides thematic lecture on how to use HUDOC to find the most appropriate Court's case law and how to make correct references to the Court's case law in the rulings of national courts.

7. Member States should also encourage access by relevant professionals to continuous and specialised training concerning the system of the Convention.

Good practices:

- In Austria, a special curriculum "Fundamental Rights" is compulsory for all future judges and prosecutors, including a study visit at the Court.
- In Ireland, a professional Diploma in Human Rights and Equality is offered by the Institute of Public Affairs.
- In the Netherlands, advanced training programmes on the Convention (such as a six-part video-training on the Convention), including the so-called continuous training, are provided by the Training and Study Centre for the Judiciary responsible for training prospective prosecutors, judges and support staff; a more general training course on the Convention and a course that focuses on the Convention and family law are also offered.
- In Slovakia, governmental ministries provide specialised seminars for their employees.

V. Learning and training methods

8. Member States should ensure accurate translations of selected Court's case-law, in line with Recommendation Rec(2002)13 of the Committee of Ministers to member States on the publication and dissemination in the member States of the text of the European Convention on Human Rights and of the case-law of the European Court of Human Rights. Such translations should be easily accessible and free of charge. To strengthen the dissemination of the judgments of the European Court of Human Rights, member States should be encouraged to use automatic translation, if possible, as unofficial translation, in order to reduce the impact of language differences.

Good practices:

- In a big majority of member States, judges, other legal professions and the general public have (mostly online) access to the Court's judgments concerning their country that are translated into their national languages (e.g. the Czech Republic, Germany, Greece, Latvia, Poland, Portugal, Russian Federation, Slovakia).
- In several member States (e. g. Czech Republic, Georgia, Greece), a more general database of the Court's case-law in national languages is available online for free. Some make available their translations or summaries of relevant judgments and decisions of the Court in the HUDOC database.
- In Finland, information on the Convention and the Court, including summaries of the Court's judgments since 1960, are available in Finnish and Swedish in the Finlex database, which is public, free of charge and available to everyone, for instance in public libraries.
- In 2016 the Human Rights Centre of the Supreme Court of Georgia translated about 200 judgments of the Court and released three studies on the Court's practice.

Comment [MI1]: Proposal by Slovenia, subject to comments (see DH-SYSC-III(2019)02).

- *In Portugal, the Centre for Judicial Studies (CEJ) has recently started publishing a series of newsletters containing summaries of selected case-law of the Court, as a result of a partnership between the CEJ and the judge elected in respect of Portugal as well as members of the Registry of the Court. This monthly newsletter can be freely downloaded on the CEJ's website.*
- *In the Russian Federation, summaries of the Court's judgments are provided in quarterly judicial reviews of the Supreme Court.*

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

Good practices:

- *Contact persons for promoting the HELP Programme have been appointed in almost all Council of Europe member States.*
- *In Armenia and the Russian Federation³, discussions with the Council of Europe experts, on the Court's recent judgments were organised by means of video-conferencing.*
- *In the Netherlands, coordinators for European law ("GCE"), appointed within each specific court, are responsible for keeping their colleagues informed about relevant developments in the case law of the European courts.*
- *The University of Utrecht in the Netherlands and the Catholic University of Leuven in Belgium developed MOOC courses available online.*
- *In Georgia, the HELP platform and courses are disseminated among trainers of the Training Center of Justice.*
- *Many HELP courses have been tested and launched in the Russian Federation; these courses are often integrated into the programmes of training institutions and HELP trainings are systematically used for trainers.*
- *In Armenia, distance learning system and several courses for judges and prosecutors have been developed at the Justice Academy.*
- *In Slovakia, the Slovak Bar Association appointed its International Relations Director as HELP InfoPoint and participates in the CoE HELP network since 2015, two Slovak tutors (IT law expert and HELP InfoPoint) were trained by the HELP Secretariat to enable the Slovak Bar Association to implement HELP e-learning courses for lawyers since 2016.*

³ *In 2017, a pilot video conference on "Application of the European Convention on Human Rights in forensic activities" was organized in the Russian State University of Justice for the students of the Forensic Enquiry programme for the first time with the participation of a Court lawyer.*