

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

DH-SYSC-III(2018)R1  
23/10/2018

STEERING COMMITTEE FOR HUMAN RIGHTS  
(CDDH)

---

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

---

**MEETING REPORT**

---

Strasbourg, 16–17 October 2018

---

**Item 1:     Opening of the meeting, adoption of the draft agenda and election of the Vice-Chairperson**

1.     The CDDH Drafting Group on the follow-up to the Recommendation Rec(2004)4 of the Committee of Ministers to member States on the European Convention on Human Rights in university education and professional training (DH-SYSC-III), held a meeting in Strasbourg from 16 to 17 October 2018 with Ms Vasileia PELEKOU (Greece) in the Chair. The list of participants appears in Appendix I.

2.     It is noted that the holding of a physical meeting has been considered indispensable for a good start of the work (see also CDDH(2018)R89, § 20 *in fine*) and for organising exchanges of views with the invitees.

3.     The Group was welcomed by Mr Alfonso de SALAS, Head of the Human Rights Intergovernmental Co-operation Division and Secretary of the CDDH, who explained the context of the works carried out by the Group and the continuation planned.

4.     The Group adopted subsequently the agenda as it appears in Appendix II and elected Ms Justine LEFEBVRE (Belgium) as its Vice-Chairperson.

**Item 2:     Exchange of views**

5.     The Chair invited Mr Pascal DOURNEAU-JOSETTE, Head of Division at the European Court of Human Rights, to share his experience regarding university education and professional training of lawyers and judges. Mr Dourneau-Josette explained in detail the situation in France in respect of university education and professional training on the Convention system. He provided a lot of information stemming from his personal experience and mentioned also good practices in the field. His presentation, which was appreciated by the Group, was followed by a discussion.

**Item 3:     Exchange of views**

6.     The Chair invited Ms Ana MEDARSKA-LAZOVA, former lawyer within the Court and member of the HELP Unit, to present the programme HELP (European Programme for Human Rights Education for Legal Professionals). Ms Medarska-Lazova presented the programme, its aims and recent developments, while stressing that HELP supplies the main educational platform of the Council of Europe intended for judges, prosecutors and lawyers. Her presentation, which was appreciated by the Group, was followed by a discussion.

**Item 4:     Discussion and work on the update of Recommendation Rec(2004)4**

7.     The Group observed that the principles of the Recommendation (2004)4 remain valid but that the text needs to be updated in order to reflect recent developments, without going into details. That is why it decided to revise the Recommendation by preparing a new structure, by making the basic principles more concrete in Appendix I to the new draft Recommendation and by illustrating these principles with selected good practices which will appear in Appendix II to the new draft Recommendation.

8. The Group engaged in elaborating a preliminary draft of the new Recommendation and of its Appendix I (see Appendix III hereafter).

**Item 5: Organisation of future work**

9. It was agreed that the CDDH will be informed of the result of this meeting of the Group at its 90<sup>th</sup> meeting in November 2018, and that in the near future the works will continue by electronic means, notably in view of selecting good practices which will be included into Appendix II to the draft Recommendation.

10. The Group envisaged to finalise its works by electronic means (see the calendar below), in view of the submission of the draft Recommendation to the DH-SYSC in June 2019 and to the CDDH for discussion and possible adoption at its 92<sup>nd</sup> meeting (November 2019).

- Selection of good practices by the Secretariat on the principles appearing in Appendix I to the preliminary draft of the new Recommendation and which will be included in its Appendix II, drafting of a possible explanatory report: before 16 November 2018
- Deadline given to the Group members for comments, suggestions etc.: 10 December 2018
- Preparation of a consolidated version par the Secretariat: 21 December 2018
- Deadline given to the Group members for comments, suggestions: 25 January 2019
- Preparation of a consolidated version by the Secretariat: 8 February 2019
- Approval by the Chairperson of the DH-SYSC-III and the Bureau: 22 February 2019
- Transmission of the preliminary draft of the new Recommendation and its appendices to the DH-SYSC: with the working documents for the June 2019 meeting

**Item 6: Adoption of the meeting report**

11. The Group adopted the present meeting report.

**Item 7: Other business**

## APPENDIX I

### List of Participants

<b>MEMBERS / MEMBRES</b>
--------------------------

**ARMENIA / ARMENIE**

Ms Anahit HARUTYUNYAN, Assistant to the Deputy Minister of Justice of the Republic Armenia, Department for Relations with the European Court of Human Rights

**BELGIUM / BELGIQUE**

Ms Justine LEFEBVRE, Attaché, SPF Justice, Direction générale Législation, Libertés et droits fondamentaux, Service Droits de l'homme

**GREECE / GRECE**

Ms Vasileia PELEKOU, Assesseur au Conseil Juridique de l'Etat, membre du Service de l'Agent du gouvernement grec

**ITALY / ITALIE**

Mme Eleonora MONTANARO, stagiaire, Représentation Permanente de l'Italie auprès du Conseil de l'Europe

**LATVIA / LETTONIE**

Ms Anta RUTKA-KRIŠKALNE, Head of the Government Agent Office, Ministry of Foreign Affairs,

**MONTENEGRO**

Ms Jelena RASOVIĆ, Adviser in Montenegro Office before ECHR

**PORTUGAL**

Ms Ana GARCIA MARQUES, Lawyer within the Office of the Agent of the Portuguese Government before the ECHR

**RUSSIAN FEDERATION**

Mr Stanilav KOVPAK, Ministère de la Justice de la Fédération de Russie, Appareil extérieur

Mr Roman SEDOV, Ministère de la Justice de la Fédération de Russie, Appareil extérieur

**SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE**

Ms Marica PIROSIKOVA, Agent of the Government before the ECHR, Ministry of Justice

<b>PARTICIPANTS</b>
---------------------

Ms Ana MEDARSKA-LAZOVA, Unité HELP, DGI

Mr Pascal DOURNEAU-JOSETTE, Head of Division, Registry of the European Court of Human Rights / Chef de division, Greffe de la Cour européenne des droits de l'homme

**SECRETARIAT**

**DG I – Human Rights and Rule of Law / Droits de l’Homme et Etat de droit  
Council of Europe / Conseil de l’Europe, F-67075 Strasbourg Cedex**

Mr Alfonso DE SALAS, Head of Division / Chef de Division, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l’Homme, Secretary of the CDDH / Secrétaire du CDDH

Ms Dorothee VON ARNIM, Head of the Unit on the system of the European Convention on Human Rights / Chef de l’Unité sur le système de la Convention européenne des droits de l’homme, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l’Homme

Ms Irena MARKOVA, Administrator, Human Rights Intergovernmental Cooperation Division, Secretary of the DH-SYSC-III / Administratrice, Division de la coopération intergouvernementale en matière de droits de l’homme, Secrétaire du DH-SYSC-III

Ms Corinne GAVRILOVIC, Assistant / Assistante, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l’Homme

\* \* \*

**INTERPRETERS / INTERPRÈTES**

Mme Corinne McGEORGE  
Mr Michael HILL

## APPENDIX II

## Agenda

	<b>ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA, ELECTION OF THE VICE-CHAIRPERSON</b>
CDDH-INST(2018)OJ1	Draft agenda
<a href="#">CM/Res(2011)24</a>	Resolution of the Committee of Ministers CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods
<a href="#">DH-SYSC(2018)01</a>	Extracts of the terms of reference given by the Committee of Ministers to the CDDH regarding the work of the DH-SYSC during the 2018-2019 biennium
<a href="#">DH-SYSC(2017)R4</a>	Report of the 4 <sup>th</sup> DH-SYSC meeting (9-10 November 2017)
<a href="#">CDDH(2018)R89</a>	Report of the 89 <sup>th</sup> CDDH meeting (19-22 June 2018)
	<b>ITEM 2: EXCHANGE OF VIEWS</b>
	Exchange of views with Pascal DOURNEAU-JOSETTE, Head of Division, European Court of Human Rights
	<b>ITEM 3: EXCHANGE OF VIEWS</b>
	Exchange of views with Ana MEDARSKA-LAZOVA, HELP Unit, DGI
	<b>ITEM 4: DISCUSSION AND WORK ON THE UPDATE OF RECOMMENDATION REC(2004)4</b>
<a href="#">Recommendation Rec(2004)4</a>	Recommendation Rec(2004)4 of the Committee of Ministers to member States on the European Convention on Human Rights in university education and professional training
<a href="#">DH-SYSC-III(2018)02Rev</a>	Proposals concerning Recommendation Rec(2004)4
<a href="#">DH-SYSC-III(2018)03Rev</a>	Information on the implementation of Recommendation Rec(2004)4
	<b>ITEM 5: ORGANISATION OF FUTURE WORK</b>
	<b>ITEM 6: ADOPTION OF THE MEETING REPORT</b>
	<b>ITEM 7: OTHER BUSINESS</b>

### APPENDIX III

**Draft recommendation Rec(2019)...  
of the Committee of Ministers to member states  
on the system of the European Convention on Human Rights in university education and  
professional training**

*(adopted by the Committee of Ministers on ... 2019,  
at its ... Session)*

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

1. Reaffirming the commitment to the Statute of the Council of Europe and the latter's aim to achieve a greater unity between its members, inter alia, by promoting common standards and carrying out activities in the field of human rights and fundamental freedoms;
2. Recalling the essential role of the system of the Convention for the Protection of Human Rights and Fundamental Freedoms in the effective protection of human rights in Europe, the system including not only the Convention and the case-law of the European Court for Human Rights but also the proceedings before the Court and the execution of its judgments;
3. Bearing in mind the important developments in university education and professional training in human rights in the 47 member States of the Council of Europe, resulting from valuable efforts by both the member States and the Court as well as from the European Programme for Human Rights Education for Legal Professionals (HELP) of the Council of Europe;
4. Considering that there is, therefore, a need to update Recommendation Rec(2004)4 of the Committee of Ministers to member States on the European Convention on Human Rights in university education and professional training;
5. Recalling the subsidiary character of the supervision mechanism set up by the Convention, which implies, in accordance with its Article 1, that the rights and freedoms guaranteed by the Convention be protected in the first place at national level and applied by national authorities;
6. Taking into account that the Convention, as an integral part of the domestic legal order of all member States, has a direct effect in their domestic law, and that there is therefore a need to provide specific university education and professional training in the system of the Convention;
7. Stressing the fundamental role played by university education and professional training in the system of the Convention for preventing violations and promoting human rights;
8. Considering that it is of major importance for university education and professional training in the system of the Convention that accurate translations of selected Court's

case-law are available in member States, in line with Recommendation Rec(2002)13 of the Committee of Ministers to member states on the publication and dissemination in the member states of the text of the European Convention on Human Rights and of the case-law of the European Court of Human Rights, adopted by the Committee of Ministers on 18 December 2002;

9. Recalling, in this context, the Parliamentary Assembly Recommendation (2039)2014 on “The European Convention on Human Rights: the need to reinforce the training of legal professionals”, adopted on 7 March 2014, as well as the Brussels (2015) and Copenhagen (2018) Declarations adopted at the respective High Level Conferences, emphasizing the importance of the training of legal professionals;
10. Underlining the necessity to provide also targeted university education and professional training responding to the specific needs and expectations of other relevant professional sectors;
11. Recalling the conclusions of the Seminar on the role of governments agents in ensuring effective human rights protection, held on 3–4 April 2008 in Bratislava, and recognising the role of government agents, as well as that of national training institutions, in providing, notably, professional training in the system of the Convention ;
12. Recalling the role played by various actors of the civil society, in particular by the national institutions for the promotion and protection of human rights and by non-governmental organisations, in the field of university education and professional training in the system of the Convention;
13. Taking into account the diversity of traditions and practice in the member states as regards university education, professional training and its methods, as well as awareness-raising regarding the system of the Convention;
14. Recommends that the governments of member states:
  1. ascertain that the university education and professional training concerning the system of the Convention comply with the principles set out in the Appendix I to this recommendation;
  2. ensure, by appropriate means and action – including, where appropriate, translation - a wide dissemination of this recommendation among competent authorities and stakeholders;
  3. examine, within the Committee of Ministers, the implementation of this recommendation five years after its adoption.



## **Appendix I to Recommendation**

### 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.

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.

### 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.

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

### III. Specialised teachers 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 teachers and trainers. These may include, among others, former judges and lawyers of the Court, judges and lawyers of supreme domestic courts, as well as government agents and members of their offices.

6. 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.

### IV. Contents of the university education and professional training

7. 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, other information sources).

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

V. Learning and training methods

9. 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.

10. 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.