

Council of Europe - HELP Course launch: Judicial Reasoning and Human Rights



Launch Date: 25 April 2023

Duration: 4 months

Format: online tutored course

**Open to: judges and prosecutors from Croatia and
Slovenia**

**Language: English with interpretation (launch event);
Croatian/Slovenian (course implementation)**

**Council of Europe HELP Certificates delivered for
successful participants**

Participation in this training contributes to the goal set by EU **Judicial Training Strategy** in training legal professionals on EU law, by 2024.

Launch of the HELP course on Judicial Reasoning and Human Rights

Concept paper and Agenda

Date	25 April 2023
Location	Ljubljana - Slovenian Judicial Training Centre
Language	English with interpretation to Croatian/Slovenian
Participation	Judges and Prosecutors from Croatia and Slovenia

Background

The **Council of Europe (CoE) Programme for Human Rights Education for Legal Professionals (HELP)**¹ is aimed at supporting the CoE member States in implementing the European human rights standards at the national level, focusing on the European Convention on Human Rights (ECHR), other key CoE instruments, and since 2015, EU law. This is done by raising the capacities of legal professionals to apply those instruments in their daily work.

The objective of HELP is to provide high quality education on human rights to judges, lawyers and prosecutors throughout Europe. Law enforcement authorities such as police and prison staff are also targeted by HELP. Thanks to HELP courses, legal professionals can better protect human rights on a national level and keep up to date with the ever-evolving standards and case law of the European Court of Human Rights (ECtHR). HELP courses specifically designed for EU countries increasingly incorporate relevant EU laws.

HELP is:

1. the only pan-European Network of national training institutions for judges, prosecutors and lawyers in the 46 CoE Member States.
2. an e-learning platform with free on-line courses on human rights.
3. a human rights training methodology for legal professionals.

The HELP in the EU III Project

The joint EU-CoE project 'European Programme for **H**uman Rights **E**ducation for **L**egal **P**rofessionals in the European Union' (**HELP in the EU III**)² is funded by the EU and implemented by the CoE from 1 March 2022 to 31 August 2024. Its overall objective is to enhance EU justice professionals' capacities to effectively and coherently apply European fundamental rights standards at the national level through training, mainly referring to the Council of Europe instruments (the European Convention on Human Rights (ECHR), the (revised) European Social Charter (ESC) etc.) and EU framework (EU Charter on Fundamental Rights, EU Law). It also aims to strengthen the HELP Network in the EU, as well as the capacity of the Network members to effectively implement the HELP methodology and courses and contribute to increasing mutual trust and exchanges between EU practitioners.

¹ For more information on HELP please visit HELP's website: www.coe.int/help

² For more information about the HELP in the EU project, please go to <https://www.coe.int/en/web/help/help-in-the-eu>

The HELP course on Judicial Reasoning and Human Rights

Well-reasoned judicial decisions are not simply a legal obligation; they also serve multiple purposes. Reasoned judgments demonstrate to the parties that their arguments have been **heard and considered**. Through adequate reasoning, parties to the



proceedings can **understand** why and how the judge came to a certain conclusion and, therefore, consider the need for **appeal**. Good reasoning also **facilitates acceptance** of the judgment by the parties and by the general public. Last but not least, well-reasoned judicial decisions are a **safeguard against arbitrary adjudication** and ensure the proper delivery of justice, but also public trust in the judicial system.

In deciding cases at the domestic level, the courts in the Council of Europe member States are usually obliged under domestic law to provide detailed reasoning to their judgments. However, substantial obligations concerning the content of that reasoning stem also from the European Convention on Human Rights (the ECHR), as interpreted by the European Court of Human Rights (the ECtHR) in its case-law.

The obligation of domestic courts to give reasons to their judgments is explicitly stated in the Court's case law under Article 6 of the ECHR, which is the primary - but not the only - source of the obligation of domestic courts to provide for a reasoned judgment. This obligation can also be derived from the positive and procedural obligations stemming from a variety of substantive provisions of the ECHR (for instance, Articles 2, 3, 5, 8-11 of the ECHR). At the EU level, the right to a reasoned judgment is enshrined in Article 47 CFREU, to be interpreted in light of the ECtHR's case-law.

Responsibility of a reasoned decision is a primary responsibility of the drafting **judge**. Other actors (**prosecutors, lawyers**), however, also have a shared responsibility in the protection of human rights at national level.

Course outline

This online course provides a comprehensive overview of judicial reasoning and justice quality standards relating to criminal and civil proceedings, case-law and good practices.

The course is interactive and composed of **7 substantive modules**:

- Introduction
- Judicial reasoning and fair trial
- Judicial reasoning in criminal proceedings – Pre-trial stage
- Judicial reasoning in criminal proceedings – Trial, Appeal and Enforcement of Judgments

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- Judicial reasoning in non-criminal proceedings – General Principles
- Judicial reasoning in non-criminal proceedings – Thematic Issues I
- Judicial reasoning in non-criminal proceedings – Thematic Issues II

The online launch

The activity is organised under the EU-CoE HELP in the EU III Project. The **launch event will be held in Ljubljana**. The travel and accommodation of participants will be covered by the Council of Europe (selected participants will be contacted directly by the CoE for their travel arrangements). Its main goal is to introduce participants to the HELP platform and the course page on which the group will follow the course with the assistance of their respective national tutors. The working language of the launch event will be **English**, but interpretation will be provided. Participants will then be able to go through the tutored course in their respective national language.

The course preparation and implementation

Before the online launch event, participants should create an account on the [HELP e-learning platform](#)

For creating your HELP account, please follow these steps:

- go to this link and fill in the form (it takes about 2 mins):
<https://help.elearning.ext.coe.int/login/signup.php>
- once submitted, you will receive an activation link on the email you used for creating the account
- go to your email inbox and click on the link to activate your account.

VIDEO TUTORIAL
how to create a HELP account

During the launch event, the participants will be registered on their course page, prepared in advance by their respective national tutors. Over the following weeks and based on the planning set by the tutors, the participants will go through the **online course**, complemented by the additional materials and resources prepared by their respective national tutors.

The participants who have successfully completed the course and passed the evaluation set by the tutors will receive **certificates issued by the HELP Programme of the Council of Europe**.

Registration

Interested participants should:

- be available to **attend the launch event**;
- undertake to **follow and complete the online tutored course** (approx. 1-2 hours of work per week);
- **register** for the event through their national institution;
- **have the necessary knowledge of English** to follow the launch event;
- have a laptop/tablet/smartphone available for accessing the HELP e-learning platform.

Further information

For any information, do not hesitate to **contact the project team**:

Content related issues, speakers, agenda: Oana Gîrlescu – Project Coordinator (oana-georgiana.girlescu@coe.int)

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Organisational and administrative issues: Konstantinos Vratisidas – Project Assistant (konstantinos.vratisidas@coe.int)

Indicative Agenda

9:15 - 9:30	Registration of participants
9.30 – 9.45	Welcome address <i>Miodrag Đorđević, HELP Focal Point for Slovenia and President of the Supreme Court of the Republic of Slovenia</i> <i>Mr. Tomislav Briški, Secretary General, Judicial Academy, Croatia</i>
9.45 – 10.30	Presentation of the HELP Programme and the 'HELP in the EU III' Project <i>Oana Girlescu, 'HELP in the EU III' Project Coordinator, HELP Programme, Council of Europe</i>
10.30-11.00	Presentation of the HELP platform and walk through <i>Oana Girlescu, 'HELP in the EU III' Project Coordinator, HELP Programme, Council of Europe</i>
11.00-11.30	Break and group photo
11.30-12.15	How to write a good civil judgement and why? <i>Mateja Končina Peternel, Judge of the Supreme Court of Slovenia</i>
12.15-12.30	Presentation of the HELP course on Judicial Reasoning and Human Rights <i>Jasna Rodes, HELP Programme, Council of Europe</i>
12.30-14.00	Lunch break
14.00-14.45	The provision of evidence in Croatian and European case law - open issues <i>Vlado Skorup, Judge and President of the County Court of Rijeka</i>
14.45-15.15	Judicial reasoning - comparative perspective <i>HELP tutors - Primož Gorkič (Slovenia), Tomislav Krušlin (Croatia)</i>
15.15-15.45	Break
15.45-16.15	The implementation of the course: tour de table, presentation of the course pages, planning, evaluation - Separate sessions by groups moderated by the HELP Course Tutors <i>Primož Gorkič - Slovenian group</i> <i>Tomislav Krušlin - Croatian group</i>
16.15-16.30	Q/A session, conclusions and closure