

## Regional Council of Europe HELP online launch of the course on

### Judicial Reasoning and Human Rights

20 February 2024, 14h

Join Zoom Meeting

[https://coe-](https://coe-int.zoom.us/j/61882174308?pwd=K2hsZmxwL3FNRSSt4S3hjeG1FY1FBZz09)

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Meeting ID: 618 8217 4308

Passcode: 046329



*Concept paper and agenda*

<b>Link</b>	<a href="https://coe-int.zoom.us/j/61882174308?pwd=K2hsZmxwL3FNRSSt4S3hjeG1FY1FBZz09">https://coe-int.zoom.us/j/61882174308?pwd=K2hsZmxwL3FNRSSt4S3hjeG1FY1FBZz09</a>
<b>Language</b>	English, Albanian, Bosnian/Montenegrin/Serbian, Macedonian (remote simultaneous interpretation)
<b>Participation</b>	Justice professionals from the Western Balkans
<b>Registration</b>	Through a call by Justice Training Institutions/Judicial Academies from Bosnia and Hercegovina, Kosovo, Montenegro and North Macedonia

## Course Background and Aim

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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.

Watch a (4min) presentation video by ECtHR President, Judge Robert Spano at <https://vimeo.com/afpservices/council-of-europe-help-president-spano>.

"Bringing the European Convention on Human Rights home means creating a community of European human rights judges who act as 'Strasbourg' judges at the domestic level when faced with disputes raising Convention rights.

An efficient, impartial and independent judiciary is the cornerstone of a functioning system of democratic checks and balances."

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## Course outline

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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**
  - **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**
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## Target audience

The course is primarily addressed to **all legal professionals** (judges, prosecutors, lawyers or court staff). It can also be used by other **public authorities**, including national human rights institutions, public administration staff, parliamentary staff, etc. It can also be a great resource for **university students** or **civil society organisations**.

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## Development of the course

This HELP online course was developed by the joint European Union/Council of Europe Action [Strengthening the effective legal remedies to human rights violations in Serbia](#), jointly with [the Council of Europe HELP Programme](#). The Action is implemented within the joint programme [Horizontal Facility for the Western Balkans and Turkey 2019-2022](#). The views expressed herein can in no way be taken to reflect the official position of the European Union.

**The course was published in 2022.**

## The online launch

The activity is organised in cooperation with the Judicial Training Institutions/Judicial Academies from Bosnia and Hercegovina, Kosovo\*, Montenegro and North Macedonia. The **launch event will be held online, by web conference**. Its main goal is to introduce participants to the HELP platform and the course pages on the national group of participants will follow the course with the assistance of a national tutor. The working languages of the launch event will be English, Albanian, Bosnian/Montenegrin/Serbian and Macedonian. The working language of the tutored course will be in a national language. Selected participants will receive from the HELP Secretariat a link allowing them to access the web-conference, based on which they can follow the event on their computer or mobile devices (tablet/smartphone).

## 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.



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** in the following 8 weeks (approx. 1-2 hours of work per week)
- **register** for the event through their national institution
- 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: [Jasminka.perunicic-allen@coe.int](mailto:Jasminka.perunicic-allen@coe.int)

Organisational and administrative issues: [irena.kotarska@coe.int](mailto:irena.kotarska@coe.int)

## Agenda

13.45 – 14.00	<i>Online connection</i>
14.00 – 14.10	<p><b>Welcoming address</b></p> <p><b>Ana Maria TELBIS</b>, <i>Head a.i. of the Justice and Human Rights Training Division, Council of Europe</i></p>
14.10 – 14.30	<p><b>Presentation of course modules</b></p> <p><b>Ivana ROAGNA</b>, <i>Working Group Coordinator</i></p>
14.30 – 15.00	<p><b>The Council of Europe Programme for Human Rights Education for Legal Professionals and the HELP in the Western Balkan project: presentation</b></p> <p><b>Jasminka PERUNICIC ALLEN</b>, <i>Project Coordinator, HELP in the Western Balkans, Council of Europe</i></p>
15.00 – 15.30	<p><b>HELP online course on Judicial Reasoning and Human Rights: practical aspects of its implementation</b></p> <ul style="list-style-type: none"> <li>- <i>presentation of the tutors and their role</i></li> <li>- <i>enrolment to the course</i></li> <li>- <i>registration to the CoE HELP platform</i></li> <li>- <i>clarification of participants' tasks</i></li> <li>- <i>adaptation to the domestic legal context.</i></li> </ul> <p><b>HELP tutors</b></p>
15.30 – 15.50	<p><b>Discussion</b></p> <p><b>All participants</b></p>
15.50 – 16.00	<p><b>Closing remarks</b></p> <p><b>Jasminka PERUNICIC ALLEN</b>, <i>Project Coordinator, HELP in the Western Balkans, Council of Europe</i></p>