



The 'Strasbourg Workshops' project of the Italian School for the Judiciary

1. Introduction

The Italian School for the Judiciary (Scuola Superiore della Magistratura), the institution entrusted with the training of the Judiciary, is strongly committed to the theme of fundamental rights, as part of the initial and the permanent judicial training programmes, representing the fil rouge of the School's courses catalogue.

In addition to reports and insights included whenever the opportunity arises, specific courses are devoted to issues pertaining to the protection of fundamental rights from a supranational perspective.

Always at Conventional law level, the School is a member of the contact points network of the European Human Rights Lawyers' Training Programme (HELP) and has been using the Council of Europe's methodology and programmes since 2012, in continuation with the work of the CSM (Consiglio Superiore della Magistratura).

Specific initiatives have been taken and gradually enriched for the dissemination of the ECtHR Case Law.

To this end, information spots in Italian on the use of the HUDOC databases have also been made in cooperation with the Strasbourg Court¹ and two specific sections of the School's newsletter² are dedicated to the case law of the European Court of Human Rights and the Council of Europe.

The commitment developed over the years on these issues emerges crystal clear from the analysis of the research on the School's first 10 years of activity³ and the document on fundamental rights training⁴.

2. The "Strasbourg Workshops" project: a new format

In the context of the six-month Italian Presidency of the Committee of Ministers of the Council of Europe, after the course on judicial ethics broadcasted in streaming for all countries in the Council of

¹ <https://www.scuolamagistratura.it/web/portalesm/videocorsi>

² https://www.scuolamagistratura.it/web/portalesm/studi-e-pubblicazioni?p_p_id=P_GESTIONEDOCUMENTIWEB&p_p_state=normal&p_p_mode=view&P_GESTIONEDOCUMENTIWEB_javax.portlet.action=Loadgestionedocumenti&p_r_p_comefrom=homepage&p_auth=PFsKGpPN&p_p_lifecycle=0

³In Italian: https://www.scuolamagistratura.it/documents/20126/1750902/ssm_q12_v1.pdf. In English: https://www.scuolamagistratura.it/documents/20126/1750902/ssm_q12_ve.pdf

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https://www.scuolamagistratura.it/documents/20126/642080/Scuola+superiore+della+magistratura+e+formazione+sulla+Convenzione+europea+dei+diritti+dell%E2%80%99uomo_DEF.pdf

Europe with English translation⁵ and included in the official programme of the Presidency, the School decided to explore a new approach to the topic of training on fundamental rights.

In particular, the idea was to build permanent training opportunities where magistrates from every district of Italy (Appeal courts and Court of Cassation) could discuss simultaneously and in a targeted fashion controversial issues on the application of the European Convention on Human Rights and the protection of fundamental rights, just for the purpose of reaching all the judicial realities of the territory -which so far has been mainly experienced with the courses dedicated to trainee magistrates- and, above all, magistrates specifically involved in the issues under discussion.

This organisational scheme constituted an innovation with respect to the usual training models, which, as a rule, provide for a participation to the School's sessions open to all judges and prosecutors interested in the topics covered by the scheduled courses, at their specific request and regardless of the subject matter of their competence, given that refresher training constitutes a parameter for assessing the professionalism of Italian magistrates. Indeed, an open training approach has the twofold aspect of broadening the horizons of the judiciary's knowledge but also that not always all the judicial realities on the territory or the judicial formation specifically dedicated to the subject matter of the course are represented.

The organisational format usually followed takes these aspects into account and, in order to encourage the interaction between the participants and the combination of theoretical reflections and practical and operational solutions, is, due to that, divided into plenary sessions dedicated to theoretical elaboration and small working groups for practical discussions.

Through the "Strasbourg Workshops" project, put in place in dialogue with the Permanent Representation of Italy to the Council of Europe, it was intended to add a further format, proposing in-depth thematic seminar-type discussions in relation to controversial issues on the application of the European Convention on Human Rights and the protection of fundamental rights.

From a methodological point of view, the seminar was conceived in two sessions: a guided plenary debate, preceded by contributions providing a general overview of the main issues on the subject in the national and international framework, and a second session consisting of parallel working groups with approximately twenty judges per group, coordinated by two facilitators representing the national and European dimensions of the topic in question.

The participants play a particularly active role in the workshop, being indicated by the heads of the judicial district offices and composing a selected audience, ideally representative of all or a significant part of those who, throughout the country, deal on a daily basis with the topics covered by the sessions.

The intention is to create an osmosis between the national and international dimensions, bringing out from the discussion useful elements, good practices, guidelines and other operational tools to overcome critical issues on the topics covered by the seminar and improve the justice response to the protection of fundamental rights. The broadest possible representation of judicial offices in the territory aims just to ensure that the outcomes of the workshop are then reported and spread by the participants within each district.

At the end of the workshop, a summary report gives account of the most significant elements emerged from the debate and, above all, of possible solutions.

⁵ <https://www.scuolamagistratura.it/web/portalesm/judicial-ethics>

The School, believing such a formulation to be particularly effective, is also moving in this direction for other areas of specialised training such as corporate crisis law, immigration and asylum litigation or banking and finance law, for the latter which, for example, similar workshops in collaboration with the Bank of Italy will be held.

3. The first two workshops: child protection and gender violence

In May, the first thematic “Strasbourg workshop” was held on the topic of rights of access and parental protection⁶, which raises several issues in Strasbourg (in addition to the issue of ‘mild’ adoption) and is subjected enhanced procedure against Italy (Terna v. Italy). The event was attended by representatives of the 29 Juvenile and Family Courts, Court of Cassation and General Prosecutor Office at the Supreme Court, Italian Permanent Representative in the Council of Europe, Council of Europe, European Court of Human Rights, Ministry of Justice and Social Services.

The report is published on the School's website⁷.

The second workshop, with the same format, is focused on the topic of *'The prevention of and fight against violence against women and domestic violence'* and has been scheduled on 24-25 October 2022 in Naples Castel Capuano.

⁶ <https://tinyurl.com/n8m88ddu>

⁷ <https://www.scuolamagistratura.it/documents/20126/1d11c6f9-f3de-f100-5462-c3cc7050426e>