European Programme for Human Rights Education for Legal Professionals

"HELP in the 28"

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Strasbourg, 14 May 2016
Overview

• Introduction
• Council of Europe virtuous cycle
• HELP methodology
• HELP in the 28
Why HR education is important?

• To prevent
• To protect
• To build culture of HR
What is HELP?
European Programme for Human Rights Education for Legal Professionals

1) Pan-European HR Training Network!
2) Free e-learning platform
How to get access to HELP e-platform?

Please create a new account here

Log in

Username
Password
Log in

Forgotten your username or password?

Cookies must be enabled in your browser

Is this your first time here?

Hi! For full access to courses you’ll need to take a minute to create a new account for yourself on this web site. Each of the individual courses may also have a one-time "enrolment key", which you won't need until later. Here are the steps:

1. Fill out the New Account form with your details.
2. An email will be immediately sent to your email address.
3. Read your email, and click on the web link it contains.
4. Your account will be confirmed and you will be logged in.
5. Now, select the course you want to participate in.
6. If you are prompted for an "enrolment key" - use the one that your teacher has given you. This will "enrol" you in the course.
7. You can now access the full course. From now on you will only need to enter your personal username and password (in the form on this page) to log in and access any course you have enrolled in.
8. In your profile settings you can select your preferred language. However, only some text elements in the user interface will be displayed in the preferred language.

Disclaimer: Authorization to enter and use the web site is monitored by the Council of Europe. The Council of Europe reserves the right to check out any self-registered account. The HELP website is made available on a fair use policy. In case of any form of misuse, the Council of Europe reserves the right to suspend an existing user account.
Self-Learning Courses/Resources
List of main materials for self training - English

Example: click this [asylum course](#)

Check also this video by HELP/ECtHR on [admissibility criteria](#)!
Tutored Courses – leading to certification

Available only to legal professionals participating in HELP-tutored courses!
Courses available

LIST OF DISTANCE COURSES

1. Introduction to the European Convention on Human Rights and the European Court of Human Rights
2. Admissibility criteria
3. Asylum
4. Family Law and Children Rights
5. Anti-Discrimination
6. Hate Crime and Hate Speech
7. Community Sanctions and Alternative Measures to Detention
8. International Co-operation in Criminal Matters
9. Business and Human Rights
10. Chemical precursors and international cooperation to combat illicit drugs production and traffic
11. Counterfeiting of Medical Products and Crimes against Public Health
12. Transitional Justice
13. Deliberate Ill Treatment In The Light Of The ECHR
14. Pre-trial investigation in the light of the ECHR
15. Property Law
List of most viewed courses

- Introduction to ECHR and ECtHR
- Admissibility criteria
- Asylum
What is **HELP in the 28?**

- Built on the European Programme for **Human Rights Education for Legal Professionals**
- Watch this and visit [HELP website](https://www.help-network.eu)
- Funded by a EU grant – DG Justice (1.6 M)
- Reinforces "HELP" Network in the 28 EU MS
Goal of HELP in the 28?

HELP EU legal professionals (*) to apply EU Charter, ECHR and ESC in their daily work

(*) Judges, prosecutors and lawyers
"HELP in the 28" courses

- Four (4) new courses:
  - Fight against racism, xenophobia and homophobia/transphobia
  - Labour rights
  - Data protection and privacy rights
  - Right to the integrity of the person (bioethics)
Fight against racism, xenophobia and homophobia/transphobia

- **Introduction** – Perceptions and bias / key concepts

- **Legal Framework:**
  - ECHR/ESC - EU Law
  - Role of different actors
  - Extensive ECtHR & CJEU case-law!!

- **Racism and xenophobia**
  - Hate crime/Hate speech/harassment
  - Discrimination

- **Homophobia/transphobia**
  - Hate crime/hate speech/harassment
  - Respect for private and family life
  - Discrimination
Data Protection and privacy rights

**Challenges**

- Threats linked to technological development (faster than laws)
- Threats from both public and private actors
- Different sources of law, different legal regimes

"Personal data" = any information relating to an identified or identifiable individual
# Data Protection and privacy rights

## EUROPEAN STANDARDS

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<tr>
<th>EU system:</th>
<th>CoE system</th>
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<tr>
<td>• Charter of <a href="#">Fundamental Rights</a></td>
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<td>• EDPs <a href="#">opinions</a></td>
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</table>
Data Protection and privacy rights

Basic knowledge:
- Legal framework
- Role of European institutions
- Concepts, principles and rules

Problematic Areas:
- Health
- Media
- E-communications & marketing
- New technologies
- Work place surveillance

Enforcement:
- Remedies and enforcement (administrative, criminal and civil law)
- Transborder data flows
Right to the integrity of the persons (bioethics)

- **RIOP:** linked to human dignity and protection of everyone’s physical and mental space

- **Broad right:**
  - Prohibition of torture
  - Less grave forms of interference with a person’s body and mind

- **Existing case law:**
  - disclosure of medical data without consent
  - unwanted medical interventions
  - physical abuse
  - treatment of people with disabilities
  - end of life situations
  - mental health
  - sexual and reproductive health
Right to the integrity of the persons (bioethics)

I. Right to integrity

II. Right to integrity in the fields of medicine and biology:
- **Principle** of free and informed consent
- **Prohibition** of eugenics
- **Prohibition** of human reproductive cloning
- **Prohibition** of financial gain

<table>
<thead>
<tr>
<th>ECHR</th>
<th>The Charter</th>
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<td>Article 8 (right to private life)</td>
<td>Article 3 (right to integrity of the person)</td>
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<td>Article 3 (prohibition of torture)</td>
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<td>Article 2 (right to life)</td>
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</table>
Labour rights

Glossary
1. Introduction: labour rights as human rights
2. Right to work and employment relationship
3. Working time
4. Fair remuneration and protection of wages
5. Termination of employment
6. Equality and non-discrimination
7. Collective labour rights
8. Freedom of association – the right to negotiate
9. Occupational safety and health
HELP/UNHCR Course “Asylum”

**GOAL:** to strengthen and harmonise ECHR standards on asylum across the CoE MS

*ECHR does not contain a right to asylum. But any asylum-seeker under CoE MS jurisdiction is entitled to all ECHR rights*

Joint HELP/UNHCR [e-learning course](#)

**CONTENT:** main ECHR provisions relating to asylum and developing ECtHR case law

- **Introduction**
- **Article 3** - Prohibition of torture
- **Article 5** - Right to liberty and security
- **Article 8** - Right to respect for private and family life
- **Article 13** - Right to an effective remedy
- **Article 2, Protocol 4** - Freedom of movement

*Case-law provides also protection for asylum seekers:*

- Art. 3 and non-admission at the border
- Art. 13 and 3 on the right to an effective remedy
- Art. 8 and family unity/reunification

**National versions** can also include the interactions between ECHR and EU law, the right to an effective remedy as well as Dublin cases
HELP/UNHCR Course “Asylum”

Practical learning tool to be followed by participants with an average of 3-4 hours within a 2-week period for a 3-month period

TARGET in the CoE member States:
• Judges of administrative/specialised courts (asylum and/or expulsion)
• Administrative authorities
• Lawyers
• UNHCR staff

Model course: general tool which is meant to be adjusted to the national context of the concerned State where it is being implemented

National adaptation: different forms and relatively flexible
"HELP in the 28" courses piloted in 13 EU MS

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<td>Poland</td>
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<td>Polish Bar Council</td>
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<td>Portugal</td>
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<td>Spanish Bar Council</td>
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<tr>
<td>UK</td>
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"HELP in the 28"

HELP in the 28 – Not yet

- Austria
- Belgium
- Croatia
- Estonia
- France
- Greece
- Italy
- Latvia
- Lithuania
- Poland
- Portugal
- Slovenia
- Spain
- UK
- Bulgaria
- Cyprus
- Czech R.
- Denmark
- Finland
- Germany
- Hungary
- Ireland
- Luxembourg
- Malta
- Netherlands
- Romania
- Slovakia
- Sweden
"HELP in the 28" seminars in 2016:

- Data protection and privacy rights – France June 2015 – ENM
- Fight against racism, xenophobia, homophobia and transphobia – Spain, 25-26 July
- Labour rights – Slovenia, 26-27 September
- Right to the integrity of the person (bioethics) – Belgium, 6-7 October
Six strengths of "HELP in the 28"

- a HELP **Network** of EU judicial training institutions & Bar Associations
- Partnership with **EJTN**
- “a la carte” - adapted to national language & law
- “Train the trainers” for **national ownership**
- **quality** content merging the EU Charter, ECHR and ESC with national law
- **modern technologies**
Goal: Integration of HELP courses in national curricula

- Legal practitioners as guardians of human rights, including European system of HR
- HR complaints solved at national level
- Implementation of ECHR- shared responsibility
- Direct link between good training and good judgments
"HELP in the 28"

Thank you very much for your attention!

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