



CONFERENCE
"Social rights in today's Europe: the role of domestic and European Courts"
Nicosia, 24 February 2017

The HELP Programme of the Council of Europe and Social Rights
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Ladies and gentlemen,

It is a great pleasure to address you today and to present you the Council of Europe's HELP Programme and its added value in training legal and other professionals on social rights issues.

At the outset, it is important to recall that training is an essential prerequisite to have human, including social, rights effectively implemented.

This event provides an excellent opportunity to discuss the role of both the national and the European courts in protecting social rights in today's Europe. National courts are at the forefront of social rights' protection. And that role is of an even greater importance at times of economic crisis when judges have a greater responsibility in ensuring that public policies do not erode the protection of social rights.

In this context, it is indisputable that adequate human rights training of judges, as well as other legal professionals, is necessary to ensure that social rights, like all human rights, are effectively protected and implemented at the national level. One of the mid-term priorities identified in [the Turin process Action plan](#) is the promotion of training on the European Social Charter for judges and lawyers. This is a priority both for the Council of Europe and the member States.

Education on all human rights is an uninterrupted journey that should start in school, continue at university and throughout a professional career. Education means acquiring skills, knowledge and values and all the actors of the justice chain are concerned.

But what is the best way to approach human rights education for legal professionals?

To guide its member states in this endeavour, the Council of Europe has adopted a number of recommendations and opinions:

- The 2003 Opinion no. 4 on appropriate initial and in-service training for judges at national and European levels issued by the Consultative Council of European Judges (CCJE) stated that “it is essential that judges, selected after having done full legal studies, receive detailed, in-depth, diversified training so that they are able to perform their duties satisfactorily”.
- CCJE Opinion 9 (2006) on the role of national judges in ensuring the application of international and European law. Its Aim is “to achieve a sound application of international and European law, particularly human rights law. The training of judges, availability of relevant information and documentation as well as translation and interpretation are means to reach this goal”.
- The Committee of Ministers Recommendation Rec (2004) 4, on the ECHR in university education and professional training has been another milestone. It called member states to establish stable training structures which would incorporate human rights in their curriculum.

This recommendation is actually the birth certificate of the European Programme for Human Rights Education for Legal Professionals (HELP), which aim is precisely to ensure that human rights training throughout the European space is of good quality and meets the specific needs of each category, be it judges, prosecutors or lawyers. It has become the umbrella for all human rights capacity development endeavours undertaken by the Council of Europe.

- In the Brighton Declaration of April 2012, the member States expressed their determination to ensure effective implementation of the European Convention on Human Rights at the national level by “providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors”.
- The PACE Recommendation 2039 (2014) on the need to reinforce the training of legal professionals on the ECHR called for the reinforcement of HELP, stressed the crucial importance of good training and recommended that the Committee of Ministers ensures that the budget allocated to HELP is consistent with the task assigned to it, namely to provide different types of co-operation in the training of legal professionals in any member state that requests it.
- Finally, the Brussels Declaration of March 2015 called on States to “increase efforts at national level to raise awareness among members of parliament and improve the training of judges, prosecutors, lawyers and national officials on the Convention and its implementation, including as regards the execution of judgments, by ensuring that it constitutes an integral part of their vocational and in-service training, where relevant, including by having recourse to the Human Rights Education for Legal Professionals

(HELP) programme of the Council of Europe, as well as to the training programmes of the Court and to its publications”(B. 1. b)).

What is HELP?

It is important to recall that HELP is not here to replace the efforts of national authorities. Indeed, the main responsibility for training remains with member states.

HELP's three components:

1) HELP is first of all a network of the national training institutions for judges and prosecutors and bar associations of the 47 member states. With its peer-to-peer approach, it shares best practices in the Annual HELP conference, provides advice and adopts a roadmap with priority topics to be developed in future HELP curricula and materials. This is one of the reasons why HELP has an added value in training legal professionals on social rights; namely the fact that the social rights training priorities of the member states can be promptly and easily identified through the HELP Network and then adequately addressed.

This aspect is also reinforced through the HELP Focal and Info Points, who are national experts appointed to be the link between the respective training institution and the HELP Secretariat. HELP Focal Points liaise with the training institutions for judges and prosecutors and Info Points liaise with the Bar associations.

2) Secondly, HELP is a learning platform on human rights. It adapts to the workload of legal professionals by proposing its training tools on an e-learning platform on the basis of open education. The principle of open education gives legal professionals the opportunity to learn about what they want to learn, when they want, by giving them the sense of responsibility for their education and easy access to self-learning materials. The idea is to develop a new way of thinking and working, not to impose any particular view.

There are two main types of HELP training resources available on the HELP platform:

- Distance-learning courses are available for selected groups of legal professionals participating in pilot courses moderated by certified national tutors. Completing a distance-learning course leads to each participant to get a joint certificate issued by the respective national training institution and the Council of Europe. It can also lead to appropriate accreditation for the participants.
- Self-learning resources are available to any user who has an account on the HELP online platform. They include self-learning courses on specific topics, as well as training manuals and other resources on different Articles and themes of the European Convention on Human Rights.

HELP e-learning courses are unique in their content and format to fit the needs of judges, prosecutors and lawyers. Regarding content, they cover the relevant CoE and EU legislation and

include relevant references to case law both from the European Court of Human Rights and the Court of Justice of the European Union. Decisions and conclusions of the European Committee of Social Rights are also included when relevant, for instance in the course on labour rights. As to the format, the courses are interactive, with a wide range of visuals, exercises and case studies. HELP is adapted to all needs through the use of modern technologies. We want to make sure that participants will gain practical understanding of when and how to apply the European system of protection in each of the topics covered. The objective is not to make of every single judge, prosecutor and lawyer an expert on human rights; it is rather to create a "reflex" among them that they can recognise a human rights issue in a case they have to deal with and to give them the concrete tools to be able to address it adequately.

3) The third pillar is HELP's human rights training methodology for legal professionals.

Training of Trainers (ToT) are organised to prepare participants to fulfil the role of HELP trainers. Successful participants are inserted in a list of certified HELP trainers so that national training institutions can involve them into national or international activities on European Human Rights standards.

Courses and materials are usually developed by international experts, and are then translated and adapted to the national legal order of each country, which will include them in its continuous education programme. The adaptation to the national legal order by a national tutor will ensure that the course is relevant to the audience and that the European perspective is integrated into national law so that it is not perceived as something alien. This is also another added value of HELP when it comes to training on social rights, the content of which may differ widely between the Council of Europe member states.

The HELP Methodology takes into account the heavy time pressure imposed on legal professionals in their daily work. Moreover, the platform enables legal professionals to easily follow Strasbourg case law developments through available updates.

One aspect of the HELP Methodology ensures that, after the course completion, an evaluation of the course materials is carried out, on the basis of the participants and the trainers' feedback. This allows HELP to constantly improve its products and afterwards offer them as self-learning resources of high quality, available to any legal professional/user of the HELP platform.

Key strengths of the HELP Programme

In short, there are five key strengths of HELP:

- 1) It's the only genuine PAN-European Programme of legal education based on a pan-European HELP Network (national training institutions and bar associations of the 47 Member States);
- 2) "A la carte" and tailor-made approach with a huge potential for development and adaptation to national training system;

- 3) Focus on the enhanced capacity of national trainers (train-the-trainers approach), thus creating a strong national ownership of the programme;
- 4) New quality of the training modules merging the European standards with the national law;
- 5) Use of modern technologies including - but not limited to - interactive distance learning.

HELP's resources on Social Rights

HELP has developed a number of resources which can be of great assistance to member states in their task to train their judges and other legal professionals on social rights, and thus to fulfill their role of implementing these rights.

A course on Labour Rights was developed under the "HELP in the 28" project (partly funded by EU and implemented in cooperation with EU national training institutions and bar associations). It covers in an interactive way the key concepts of the European system of protection of labour rights (stemming from the CoE and EU) and the case law of the European Court of Human Rights, the Court of Justice of the European Union, as well as decisions of the European Social Committee.

It offers an introduction to social human rights and the European Social Charter and further covers issues on right to work, employment relationship and working time; pay and insolvency; termination of employment; discrimination - equal opportunities; collective labour rights (information and consultations); health and safety (physical and mental). It has already been launched in 4 CoE and EU member-states. The English version is publicly accessible - for free - at the ['HELP in the 28' website](#).

The best way to enforce labour rights in times of economic crises was discussed on a seminar which took place last September in Slovenia, also within the framework of "HELP in the 28".

A number of other resources which could handily be used by legal professionals in the area of social rights include the following materials:

- The course on Anti-discrimination;
- The available materials on Articles 2, 3, 4, 6, 8, 11, 13, 14 of the European Convention on Human Rights, as well as Article of Protocol No. 1.

Ladies and Gentlemen,

Good quality human rights training for judges and other legal professionals should generate domestic decisions that reflect international standards, including those in the field of social rights. The HELP Programme will continue to accompany the actors of the judicial chain in upholding human rights throughout the European space.

Thank you for your attention.

