



Human Rights Education for Legal Professionals “HELP”

Eva Pastrana

HELP video on sport and human rights



Click at <https://vimeo.com/365465001>

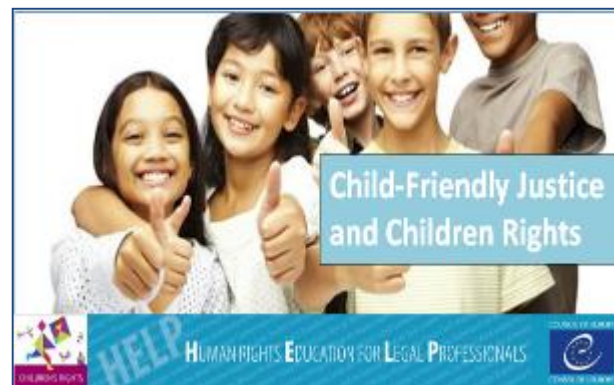
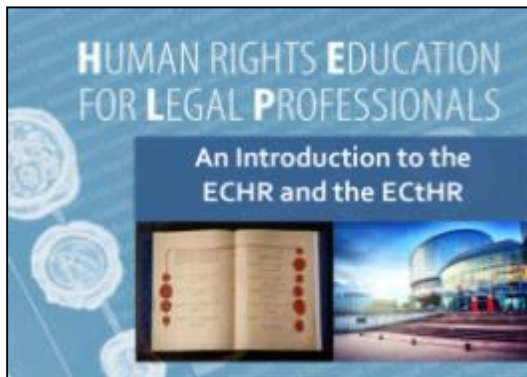
HELP's main goal

HELP judges, prosecutors and lawyers* to apply **European human rights standards** in their daily work, mainly by training



* and other current/future practitioners
(also sport-related persons)

HELP courses



HELP

ОБУЧЕНИЕ В ОБЛАСТИ ПРАВ ЧЕЛОВЕКА ДЛЯ
ПРЕДСТАВИТЕЛЕЙ ЮРИДИЧЕСКИХ ПРОФЕССИЙ

Права человека в Спорте



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

HELP course on Human Rights (HR) in Sports - Structure

1. Introduction
2. **Fair trial**, Sports litigation and arbitration (**Art.6 of European Convention on Human Rights –the ECHR**)
3. **Privacy** (Art 8 ECHR)
4. **Life and security** (Art. 2,3,4 ECHR)
5. **Liberty, Freedom of Expression & Assembly** (Art. 5,10, 11 ECHR)
6. Prohibition of **discrimination**
7. **Anti-doping & HR**
8. **Sports manipulation &HR**
9. **Safety and security of sports events & Human Rights**



Joint collaboration bet. Sports Division and HELP Programme of the **Council of Europe**

Course HR in Sports OBJECTIVES

- **Knowledge**

- Int'l/European legal system of protection
- Case law (ECtHR, CJEU, CAS, key national judgments)



- **Skills & attitudes:** applicable in your daily work



Course on Human Rights in Sports

Introduction

Welcome to the Council of Europe HELP course on Human Rights in Sport.

It was developed to mainly:

- a) Increase the knowledge and skills of (primarily) legal professionals but also sport-related persons to apply international standards in the field of human rights in sport in their daily work.
- b) Protect human rights of athletes and improve their access to justice.

This HELP course covers relevant national and International/European law, with a focus on the Council of Europe Conventions and related case-law.

The European Programme for Human Rights Education for Legal Professionals (HELP) supports the Council of Europe 47 member States in implementing the European Convention on Human Rights (the ECHR) and other European human rights standards at the national level.

This is done by enhancing the capacity of (mainly) judges, lawyers and prosecutors to apply the ECHR and other human rights standards in their daily work.

Increasingly other professionals are interested in taking HELP courses. Therefore, the present course is also useful for sport-related persons and athletes

About HELP

Learning Objectives



Course on Human Rights in Sports

Introduction

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- Create awareness on key human rights issues that can arise in sport and promote sports values.
- Understand the relevant provisions of international/European legal framework and case law concerning Human Rights in Sport..
- Apply in practice the relevant provisions of the European Convention of Human Rights and Council of Europe standards concerning Human Rights in Sport.
- Help legal professionals, law enforcement officers and private sector actors to better protect Human Rights in cases related to sport.
- Identify the specific risks and barriers that athletes face in Europe and that impedes the enjoyment of their rights.

About HELP

Learning Objectives



Human Rights in
Sport HELP Course ✓

Video:
Education in the sport world

Human Rights in Sport ✓

Access to justice ✓

COE Conventions

Introduction module

0. Introduction

1. Pyramid Structure →

2. Autonomy and
self-regulation

3. International
instruments

Click on Menu to start your study.

HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

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CONSEIL DE L'EUROPE

Video: Education in the sport world



HELP
PROGRAMME

Jean-Paul COSTA

Former President of the ECtHR, Arbitrator at the Court of Arbitration for Sport.

00:11/ 00:43

How can education in the field of human rights in sport, including this HELP course, contribute to the fight against major defects in the world of sport?"

Watch an interview with Jean-Paul Costa, President of the European Court of Human Right in 2007-2011, arbitrator of CAS (Court of Arbitration for Sport) and expert of WADA (World Anti-Doping Agency)".

Access to Justice

Case-law of the ECtHR

Interestingly, the number of **sport-related cases** brought to the Court has increased in recent years.

The Court's decisions have shed light on situations concerning, for example:

- anti-doping controls and sanctions,
- intervention of riot control units in a football match,
- flaws in the investigations following a major accident in a stadium,
- police custody to prevent hooliganism,
- access to justice in the context of a dispute concerning a player's transfer,
- freedom of religion in the context of physical education,
- media freedom in a case concerning doping,
- dissolution by the authorities of supporters' clubs, etc.

Although the case-law of the Court emerges mostly in the context of cases **outside the sport context**, many aspects of it are relevant also for issues that arise in the context of sport.

The guidance that can help to safeguard the rights and freedoms in the context of sport can be found in the case-law concerning for instance rights to privacy, to life, access to justice and fair trial, freedom of expression and assembly.

law of the European Court of Human Rights.

Case-law of the ECtHR

Pyramid structure

The sport movement constitutes a highly integrated social entity, based on a pyramid structure topped by the **international federations** that ensure that the system is coherent.

International federations

Regional federations

National federations

Local federations

Clubs

Athletes

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The Olympic Charter (OC) is the codification of the **Fundamental Principles of Olympism, Rules and Bye-laws adopted by the International Olympic Committee (IOC)**.



INTERNATIONAL
OLYMPIC
COMMITTEE

It governs the organisation, action and operation of the Olympic Movement and sets forth the conditions for the celebration of the Olympic Games.

According to the Charter, the Olympic Movement "is the **concerted, organised, universal and permanent action**, carried out under the supreme authority of the IOC, of all individuals and entities who are inspired by the **values of Olympism**."

It covers the five continents. It reaches its peak with the bringing together of the world's athletes at the great sports festival, the Olympic Games. Its symbol is five interlaced rings" (Fundamental principles no. 3).

Olympic charter

Olympism



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Paralympic Movement



"All about ability" – How the Paralympic Movement is maintaining momentum.

This video was launched in 2013 by the International Paralympic Committee to mark the United Nations International Day of Persons with disability.

For more information on the rights of persons with disabilities please visit [HELP Course "Rights of persons with disabilities"](#)

For more information on discrimination please see Module 5 (Anti-discrimination).

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Паралимпийское движение



«Все о возможностях» - как Параолимпийское движение поддерживает темп.

Следующее видео было снято в 2013 г. Международным параолимпийским комитетом в честь Международного дня инвалидов ООН. Девиз Дня инвалидов этого года «Устраним барьеры, откроем двери: за общество, открытое для всех». Этот День дает возможность для дальнейшего обсуждения вопроса доступности, являющегося конечной целью, или вопроса устранения барьеров и обеспечения равного участия для всех лиц с инвалидностью.

HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

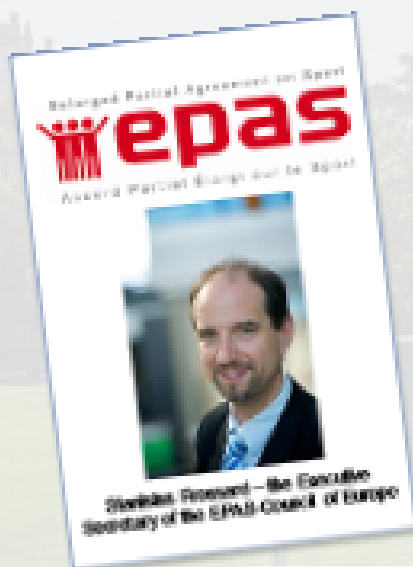
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Введение: РЧСС

Вступительное слово к пособию № 6
Расширенного частичного
соглашения по спорту (РЧСС) Совета
Европы «Дисциплинарные и
арбитражные процедуры в спорте»:



**+ БОЛЬШЕ
ИНФОРМАЦИИ**

Введение

Пирамидальная структура

Монопольная
организация

Олимпийское движение

Составляющие
Олимпийского движения

Международный
олимпийский комитет

Международные
спортивные федерации

Национальные
олимпийские комитеты

Спорт как право человека

Паралимпийское
движение

HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

ECHR

Article 6 : fair trial

Article 7 : no punishment without

Article 8: privacy

Articles 2, 3 and 4 : life and physical

Articles 5, 10 and 11 : liberty and security of person, freedom of expression and assembly

Article 14 : prohibition of discrimination

Article 1 of Protocol 1: property, just compensation for deprivation of property, no retrospective taxation, no excessive fines imposed on athletes



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Factsheet – Sport and the ECHR

January 2018

This Factsheet does not bind the Court and is not exhaustive

Sport and the European Convention on Human Rights

Right to life (Article 2 of the Convention)

Harrison and Others v. the United Kingdom

25 March 2014 (decision on the admissibility)

The applicants, relatives of the 96 supporters who died in the Hillsborough disaster in 1989, complained under Article 2 (right to life) of the European Convention on Human Rights that the original inquest had been inadequate and, that although new inquests had been ordered, they had to wait for over 24 years for an Article 2 compliant investigation into the deaths.

Having regard both to the understandable absence of criticism by the applicants of the prompt and effective measures taken so far by various authorities of the United Kingdom to further investigate the deaths of their relatives following the setting up of the Hillsborough Independent Panel in September 2012 and to the pending inquests and investigations, the European Court of Human Rights found that the applications had to be regarded as premature and declared them **inadmissible** pursuant to Article 35 (admissibility criteria) of the Convention. The Court further noted that, if the applicants became dissatisfied with the progress being made or, upon the conclusion of the investigations and inquests, were not content with the outcome, it would remain open to them to lodge further applications with the Court.

Prohibition of inhuman or degrading treatment (Article 3 of the Convention)

Hentschel and Stark v. Germany



Course “Human Rights in Sports”

Module Safety, Security and Service at Sports Events and Human Rights

Introduction

Welcome to the Module 8 Safety, Security and Service at Sport Events and Human Rights

This Module is interactive and covers six main chapters:

1. Legal Framework
2. Main Actors
3. Safety
4. Security
5. Service
6. Sport Case Law

Learning objectives

Click on Menu to start your study.

- Understand the provisions of the new Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events (CETS No.218)
- Know the differences between the terms Safety, Security and Service
- Understand the integrated approach of safety, security and service
- Understand the relationship between the CETS 218 Convention and the European Convention on Human Rights
- Know the main actors involved in safety, security and service at sports events



Course “Human Rights in Sports”

Module Safety, Security and Service at Sports Events and Human Rights

Introduction

The Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events (CETS No.218) and the European Convention on Human Rights (ECHR).

Both of them aim at protecting the human rights:

- CETS No. 218 sets up the specific framework for the protection of human rights at sports events.
- Preamble of CETS No. 218 declares «... the right to physical integrity and the legitimate expectation of individuals to attend football matches and other sports events without fear of violence, public disorder or other criminal activity...».
- football matches and other sports events gather large crowds and consequently the risk associated to human rights increases.
- mitigation strategies put in place in order to reduce the risks – integrated safety, security and service approach – are one of the solutions.
- Need to ensure proportionality between the measure taken and the legitimate aim pursued (the so-called necessity test).

Therefore, an interference with the human rights can be justified in pursuance of some legitimate aims, such as:

- National security
- Public safety
- Protection of public order and prevention of crime
- Protection of health
- Protection of rights and freedoms of others



+ INFO

Course “Human Rights in Sports”

Module Safety, Security and Service at Sports Events and Human Rights

Lessons learned from history

Working together in an integrated approach to safety, security and

Council of Europe

Relevant European Legislation (EU)

Security in connection with football matches with an international dimension

Web

Recommendations for international police cooperation and measures to prevent and control violence and disturbances in connection with football matches with an international dimension

Web

The costs of hosting and deploying visiting police delegations in connection with football matches (and other sports events) with an international dimension

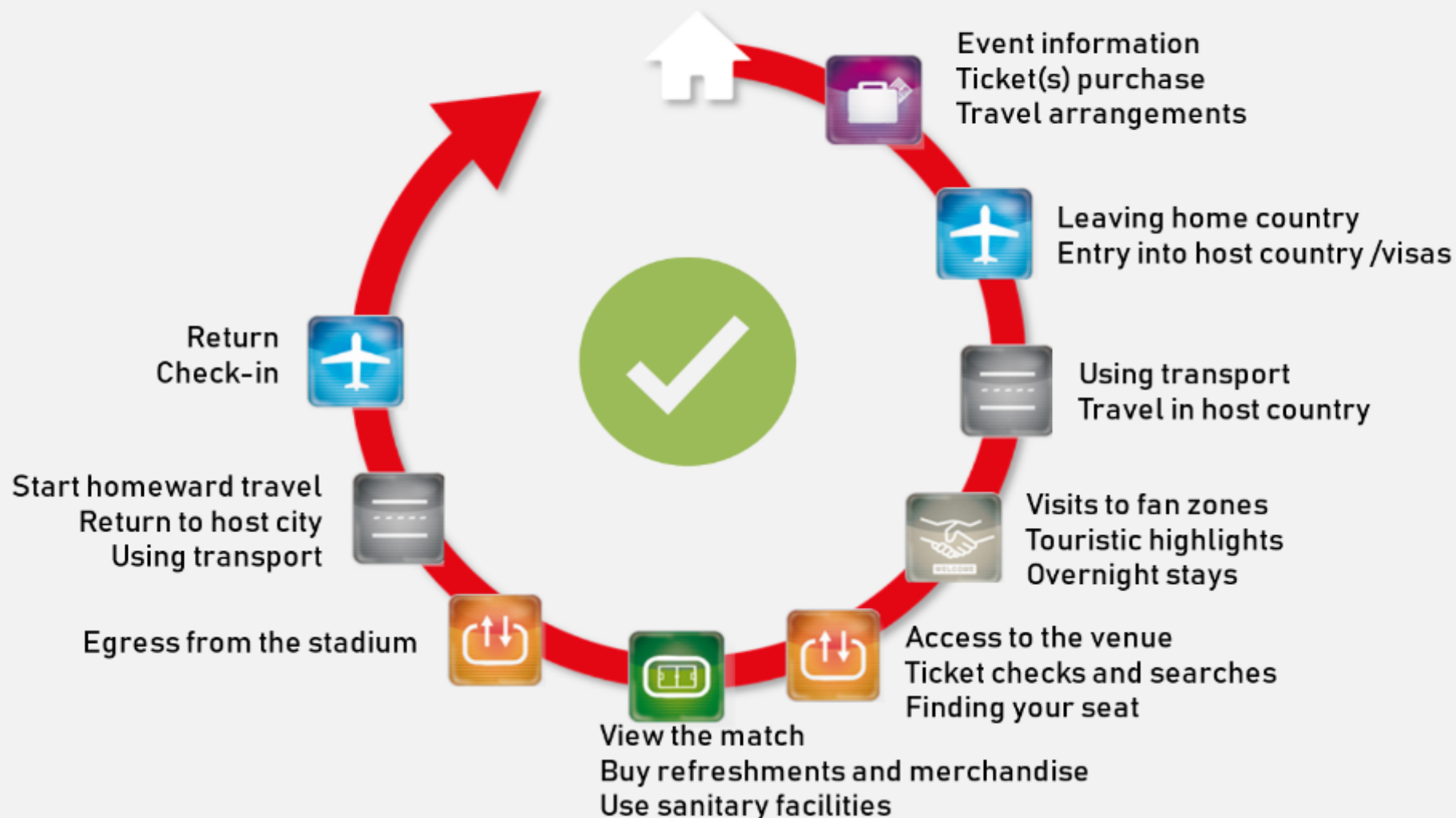
Web

EU Council Resolution concerning an updated handbook with recommendations for international police cooperation and measures to prevent and control violence and disturbances in connection with football matches with an international dimension, in which at least one Member State is involved ('EU Football Handbook') (2016/C 444/01)

Link

HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

Event flow model



Offending behavior



A number of factors and objectives will **need to be taken into account when expanding or refining existing exclusion measures**, particularly if adopting a **judicial process**. These include ensuring that:

- prosecuting and judicial agencies are consulted and fully understand what is required and why it is necessary.
- enabling legislation includes various safeguards (such as an exemption options) and incorporates measures that will be widely perceived as reasonable, targeted and proportionate.
- enabling legislation provides a degree of clarity regarding the character of the evidence that will be necessary for a judicial (or administrative or policing) exclusion measure to be imposed.
- ensuring that exclusion periods are time limited in order to be proportionate and provide the (banned) individual with opportunity to demonstrate that their behaviour has been transformed.
- ensuring that supporter concerns are answered and the potential scope and impact of the exclusion process explained to provide reassurance that the measures are targeted, designed to maintain their safety, and likely to influence the way they are treated by the police and other agencies.

Course “Human Rights in Sports”

Module 1 Safety, security and non discrimination in sports stadiums, assessed in light of the ECHR

Introduction Several articles of the European Convention of Human Rights are very much relevant, in particular:

- Article 2: Right to life
- Article 3: Prohibition of inhuman or degrading treatment, including torture
- Article 5: Right to liberty and security
- Article 10: Freedom of expression
- Article 11: Freedom of assembly and association
- Article 14: Prohibition of discrimination
- Future cases decided by the ECHR will have to be read in light of the CETS No. 218 Convention of 2016
- The Standing Committee and the Committee in charge of the CETS No. 218 Convention of 2016 will have to take into account the relevant case law of the ECtHR in similar areas.



Online Course “Human Rights in Sports” duration: 10-12 hrs

More if reviewing links




Self-learning



Tutored course



By **HELP tutor** appointed
by national/European
training institution: 3 hrs
per 2 weeks over 2-4
months

Activity		Period (Months)
1. Development of HELP model course (English)		1-9
		
2. Development of HELP national course		10-12
3. Implementation of the course and validation at national level		10-11
		12
		12-14
		15

Final Recap: The HELP Course on Human Rights in Sport will help legal professionals and sports experts/athletes to better understand and apply the international/European law standards in the field of human rights in sport.



We need the HELP of int'l/national Sports authorities to:

- **Translate** the HELP course
- **Add national laws and case law**
- **Launch the course at national level**



HELP

Good training for good judgments

Thank you very much for your attention!

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