



European Programme for Human Rights Education for Legal Professionals CoE HELP

Eva Pastrana, Strasbourg, September 2020

HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS



❑ What is HELP?

❑ HELP courses

❑ HELP courses for Universities:
complementing Uni programmes

❑ HELP courses as **self-learning**





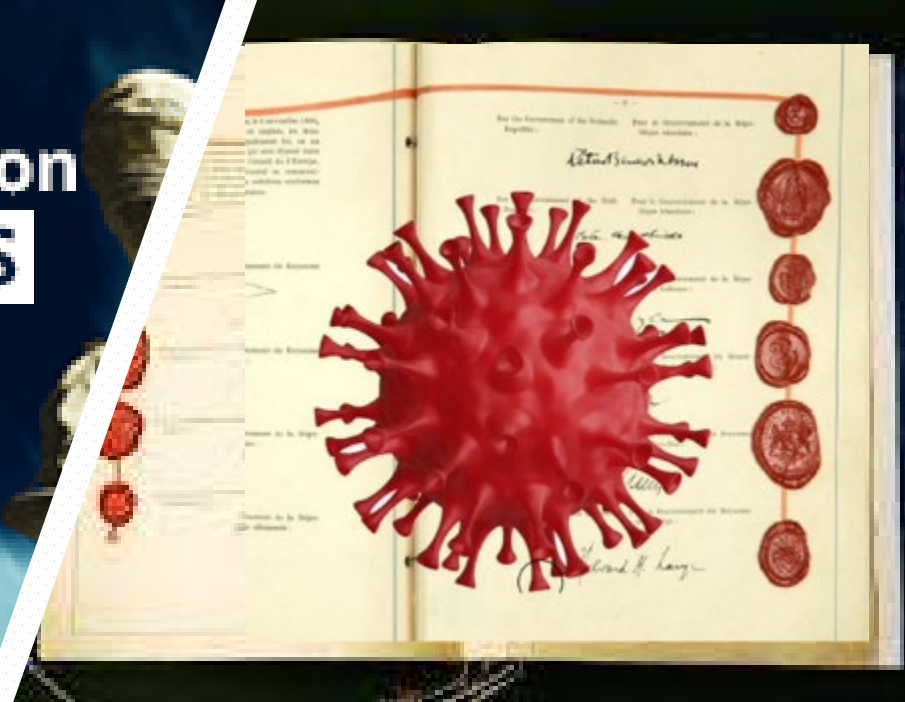
Cooperation

Monitoring

Standard-Setting

The European Convention on Human Rights **PROTECTS** 830 million people

HOW DOES IT WORK? ➤



HELP's main goal

HELP legal professionals* apply **European human rights standards** in their daily work, mainly by training



* and other current/future professionals

HELP Network: National Judicial Schools & Bar Councils– EJTN-CCBE-FRA

↗ demand



HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS



Free online courses

The screenshot shows the HELP Platform website. At the top left is the Council of Europe logo and the text 'COUNCIL OF EUROPE'. A 'Log in' button is in the top right. The main heading is 'Human Rights Education for Legal Professionals'. Below this, there are two buttons: 'Take Free Course' and 'Log in'. A red arrow points from the 'Log in' button to a red-bordered box containing the text 'Log in'. To the left of the 'Log in' button, a grey box contains the text 'HELP Platform first time (register or log in)'. At the bottom, there is a row of logos for various partner organizations: FBE, European Commission, ejtn, IAP, UNHCR, CCBE, licra, and DEFENCE for CHILDREN International. Below the logos, a text block states: 'HELP offers Tutored Courses. [Click here](#) if you are enrolled in a tutored course. Please contact your National Training Institution or Bar Association directly if you would like to take a tutored course.'

Home

Human Rights Education for Legal Professionals

HELP Platform first time (register or log in)

Take Free Course Log in

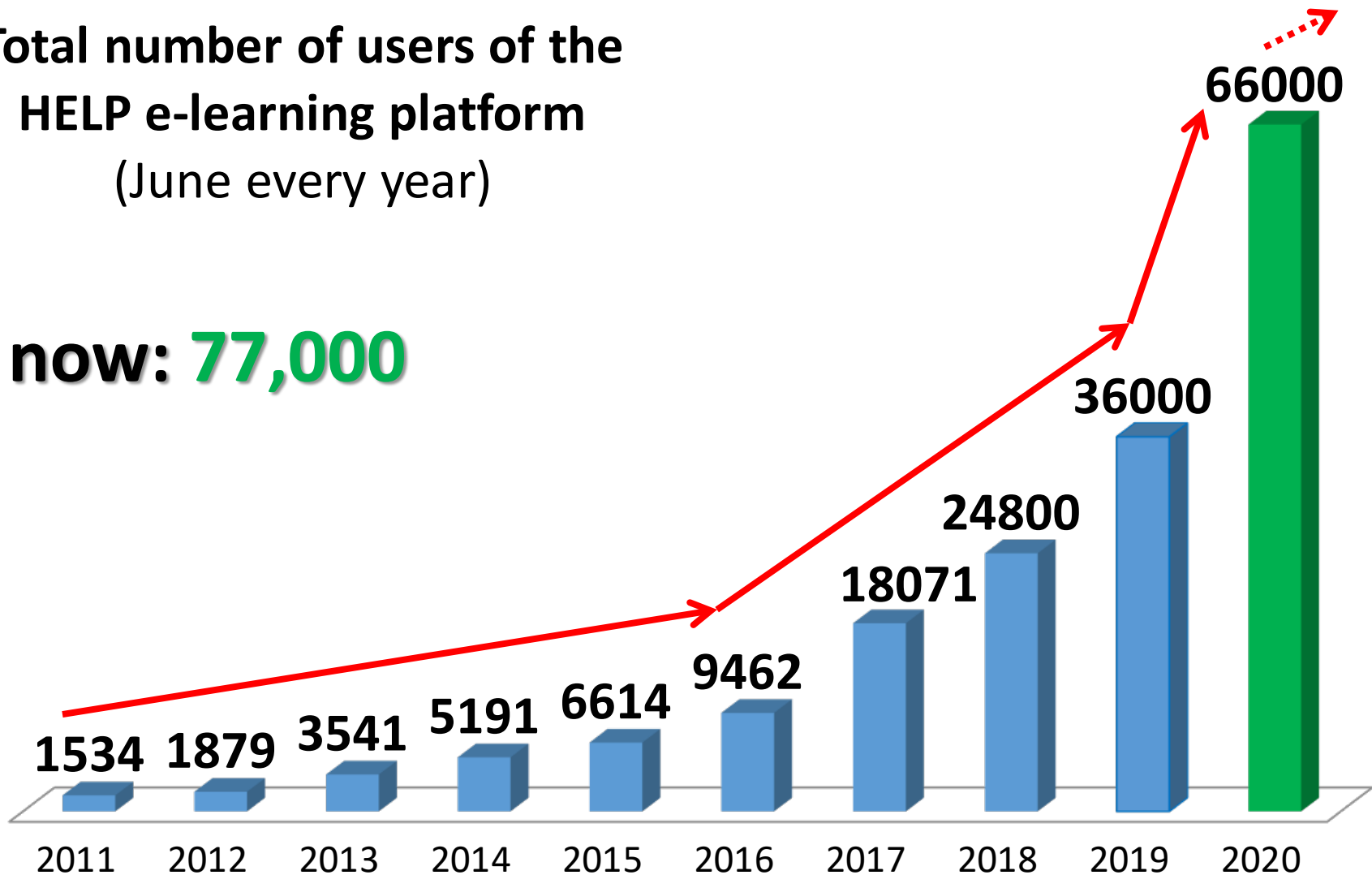
Log in

FBE European Commission ejtn IAP UNHCR CCBE licra DEFENCE for CHILDREN International

HELP offers Tutored Courses. [Click here](#) if you are enrolled in a tutored course. Please contact your National Training Institution or Bar Association directly if you would like to take a tutored course.

Total number of users of the HELP e-learning platform (June every year)

now: **77,000**



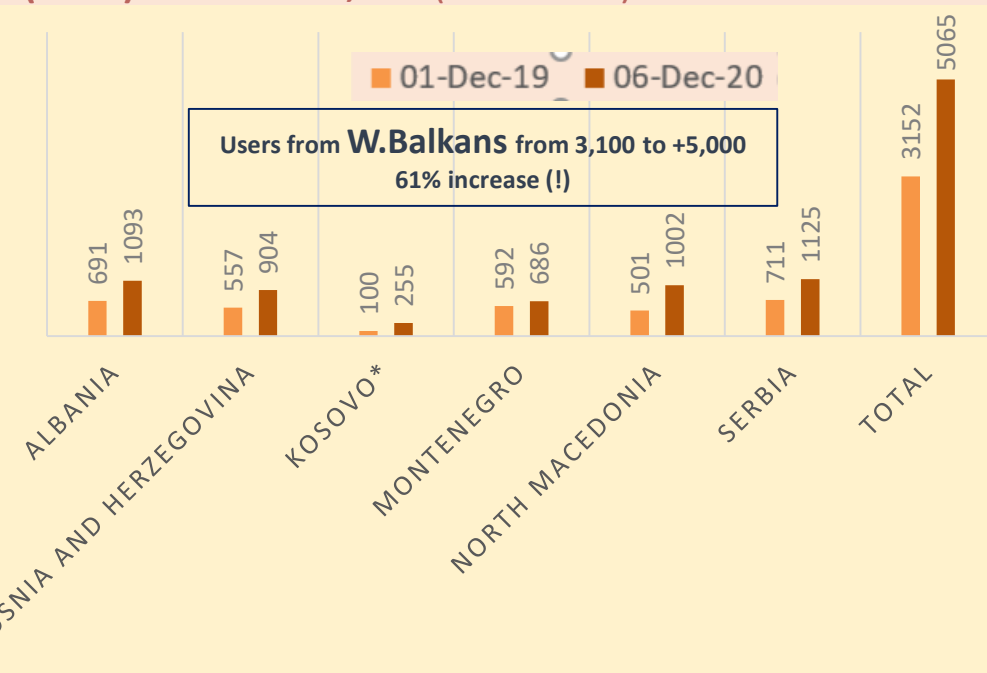
HELP e-learning Platform users (June 2020)



- **HELP in EU: +33,000**
- **HELP in WB and TK: +9,200**
- **Eastern Partnership: +8,100**
- **HELP in Russia: +3,700**

South Mediterranean: 880 (750 MO & TU)

(Latin)America: +2,700 (MEX +870)



TOP COUNTRY		USERS
1	FRANCE	10 426
2	TURKEY	5 322
3	SPAIN	5 228
4	UKRAINE	4 069
5	ITALY	3 942
6	RUSSIA	3 716
7	UK	3 060
8	GREECE	2 875
9	ROMANIA	1 674
10	GEORGIA	1 236
11	BELGIUM	1 056
12	POLAND	1 025
13	ALBANIA	999
14	SERBIA	991
15	AZERBAIJAN	909
16	MOLDOVA	874
17	BOSNIA AND HERZEGOVINA	858
18	NORTH MACEDONIA	717
19	LITHUANIA	692
20	ARMENIA	659
21	PORTUGAL	634

HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

Introduction to the European Convention on Human Rights and the European Court of Human Rights



HELP
Human Rights Education for
Legal Professionals

Funded
by the European Union
and the Council of Europe



Implemented
by the Council of Europe

Updated
version –
published
March 2020

**+4,500
users!**

5+ hours of learning

3 substantive modules



Introduction to the European
Convention on Human Rights



Introduction to the European
Court of Human Rights



Execution of the Judgments of the
European Court of Human Rights

It is recommended that you follow one module after the other, but you can navigate freely among and inside them. In particular, the Module on Execution of the Judgments of the European Court of Human Rights can be taken autonomously.

You are expected to **spend approximately 1 hour for Modules 1 and 2, and 2 hours for Module 3**. In case you would like to study some topics more in-depth, you will have the opportunity to do so, for example, by exploring the linked documents and resources.

HELP courses

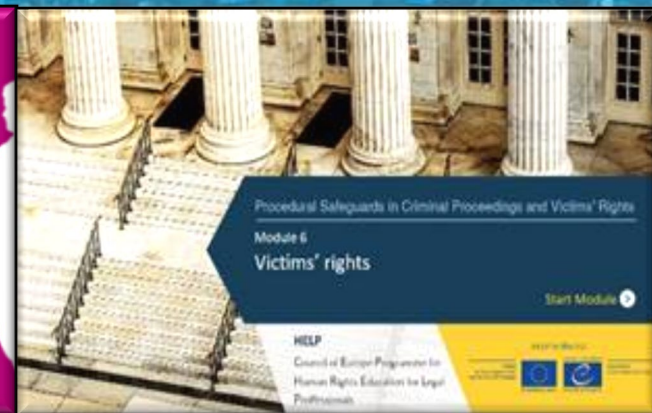




CPT STANDARDS



FAMILY LAW



- PROCEDURAL SAFEGUARDS IN
CRIMINAL PROCEEDINGS
- VICTIMS RIGHTS



- RADICALISATION PREVENTION
- EVIDENCE IN C-TERRORISM CASES



UPDATED COURSE



ACCESS TO JUSTICE FOR
WOMEN

PROTECTION & SAFETY OF JOURNALISTS

HELP
Human Rights Education for Legal Professionals



FREEDOM OF EXPRESSION

HELP
Human Rights Education for Legal Professionals

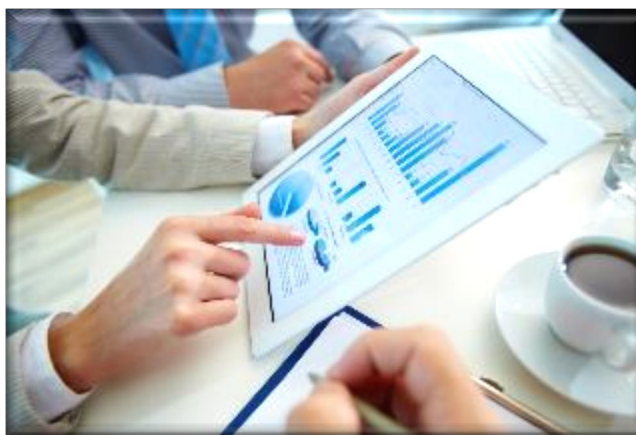


Alternatives to Immigration Detention

HELP
Human Rights Education
for Legal Professionals



Environment and Human Rights
(February 2021)



Business and HR
(March 2021)



Judicial Ethics
(February 2021)

HELP in Universities

BASIS?

Council of Europe Committee of Ministers
Recommendation [CM/Rec \(2019\)5 on the system of the European Convention on Human Rights in university education](#) and professional training

HOW?

- **No formalities!**
- **Self-learning: HELP courses to complement university programmes**
- Exceptionally: Dedicated pages for unis/law schools

HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

Which Universities?

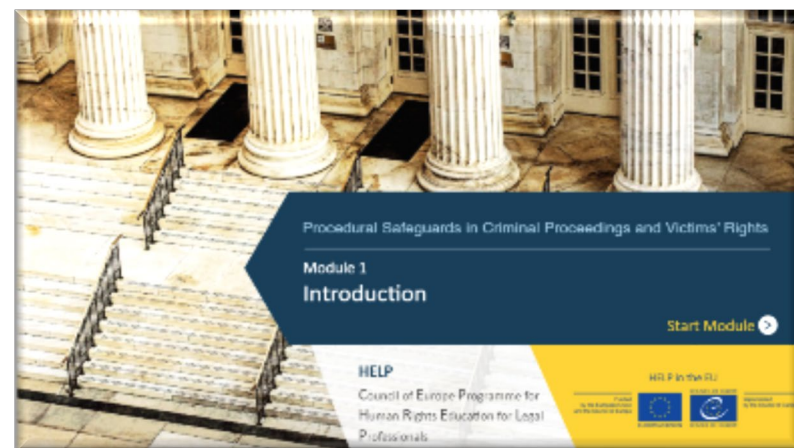


YOUR
UNIVERSITY?...

Procedural Safeguards in Criminal Proceedings and Victims' Rights

CONTENT:

- European Convention on Human Rights/ **ECHR - EU Charter** of Fundamental Rights
- **European instruments:** Council of Europe Conventions / EU Roadmap Directives
- **European Courts case-law:** ECtHR/CJEU
- Fdta. procedural rights of **accused and suspected** persons in criminal proceedings
- Rights of **victims** of crime



Ex.HELP course –interplay European legal systems

Module 6: Victims' rights

The Council of Europe legal framework for victims of crime

The Council of Europe has adopted a number of legal instruments that seek to address victims' needs, and to afford better protection of their rights in national legal systems. Click on the years below to find out what instrument(s) were adopted each year. We will look at each of these instruments in this part of the module.

The Convention on the Prevention of Terrorism

The Convention on 'Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism'

The Convention on Action against Trafficking in Human Beings

1950 1977 1983

Module 6: Victims' rights

The European Union legal instruments for victims of crime

The European Union has adopted a number of legal instruments that seek to address victims' needs, and to afford better protection of their rights in national legal systems. We will look at each of these instruments in this part of the module. Click on the years below to find out what instrument(s) were adopted each year.

The Victims Rights' Directive

2000 2001 2004 2011 2012 2017

Click each stage or drag the pointer to learn more

Previous Next

Ex.HELP course –objectives & interplay European legal systems

Data Protection and Privacy Rights

Start

Exit

Funded
by the European Union
and the Council of Europe



EUROPEAN UNION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Implemented
by the Council of Europe

Learning Objectives

European Convention on Human Rights

At the end of this module you will be able to:

Article 8 - ECHR

Scope and structure - The evolution of Article 8- ECHR

Article 8.1 sets out the precise rights which are to be guaranteed to an individual by the State - the right to respect for private life, family life, home and correspondence. The ECtHR has not yet offered a clear and precise definition of what is meant by "private life". According to the ECtHR the concept of private life primarily concerns a sphere within which everyone can freely pursue the development and fulfilment of his personality without outside interference.

The scope of Article 8 continues to evolve in the jurisprudence of the ECtHR in line with the nature of the ECtHR as a living instrument which requires that it should be interpreted in light of the changing social, legal or technological conditions in order to be practical and effective ([Tyrer v. UK](#)).

The ECtHR has given Article 8 a very broad interpretation in its jurisprudence.

European Convention
on Human Rights

Examples

So far the ECtHR has accepted that Article 8 covers for example: mere storage of information about an individual's private life ([Leander v. Sweden](#)), surveillance and interception of phone and mail communications ([Klass v. Germany](#)), surveillance in the workplace ([Copland v. UK](#)), use of CCTV ([Peck v. UK](#)), protection of one's image ([Von Hannover v. Germany 2](#)) and reputation ([Pfeifer v. Austria](#)).

Moreover not only does Article 8 encompass a sphere within which every individual can freely develop and fulfil his or her personality but also extends to the possibility of developing relationships with others and with the outside world ([Niemeitz v. Germany](#)).

Read the example and then click Article 8.2.

Article 8.2

03 Describe the concepts of the right to privacy and the right to data protection (understand the differences and similarities between the two rights and how they can be applied).

04 Indicate conditions under which these rights can be restricted.

European Charter of Fundamental Rights

EU Charter of Fundamental Rights

In 2000 the EU proclaimed the [Charter of Fundamental Rights of the European Union](#) (the Charter). The Charter incorporates the whole range of civil, political, economic and social rights of European citizens, by synthesising the constitutional traditions and international obligations common to the Member States.

The Charter became legally binding as EU primary law in 2009. EU institutions as well as Member States, when implementing EU law, must observe and guarantee rights included in the Charter (Article 51 of the Charter).

The rights to private and family life and data protection are protected by the following provisions of the Charter:

Article 7

Article 8

The relation between
Articles 7 and 8 of the
EU Charter

Limitations

Click on the buttons for more information.

Radicalisation Prevention

Improving the criminal justice response in Europe to prevent radicalisation leading to terrorism and violent extremism

Introduction Module

START THE MODULE

HELP
Human Rights Education for Legal Professionals

HELP

Co-funded by the European Union
Co-funded by the Council of Europe
Co-funded by the European Union
Co-funded by the Council of Europe

UN Legal Instruments

UN Security Council has dealt UN Security Council (UNSC) has dealt with terrorism since the first terrorist attacks have taken place. However, it wasn't until the 1980s that the UNSC began to consider terrorism as a threat to international peace and security meaning it is one of the gravest dangers to the international community. It also means that the UNSC can use its enlarged powers under Chapter VII:

"Countering violent extremism, which can be conducive to terrorism, including preventing radicalisation, recruitment, and mobilization of individuals into terrorist groups and becoming foreign terrorist fighters is an essential element of addressing the threat to international peace and security posed by foreign terrorist fighters, and calls upon Member States to enhance efforts to counter this kind of violent extremism" (UNSC 2178)

Click on the buttons for more information

UNSC Documents

UNGA Documents

UN Secretary-General Documents

UN Conventions

Question 1

According to Delnevo's story main key elements that rend somebody most prone to commit terrorist offences were present

☐ True

☐ False

SUBMIT



Video



Robert Spano

Judge at the European Court of Human Rights

Show transcript



HELP online course



Violence Against Women and Domestic Violence

HELP

HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS



*Click on the picture for
quick access to online course*

1. Understanding VAW and DV
2. Int'l and European Legal Framework
3. Overcoming barriers to Justice / A2J
4. Criminal Justice Response I –
Investigation and pre-trial
5. Criminal Justice Response II – Trial
and sentencing
6. Civil Justice Response
7. Alternative Dispute Resolution



Course VAW and DV OBJECTIVES

- **Knowledge**

- European legal system of protection
- Case law (ECtHR)

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

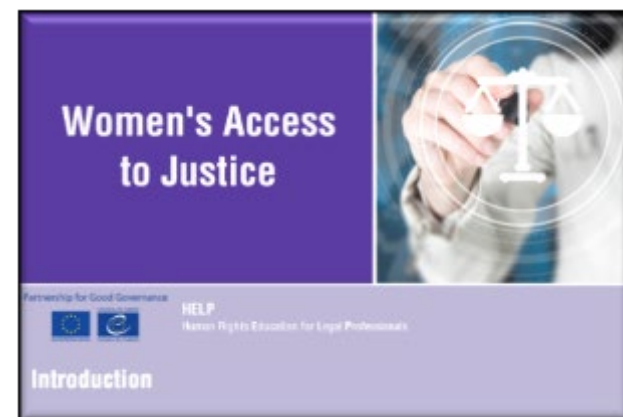
- Human rights based approach
- Victim centred interviewing
- Gendered understanding of violence



HELP course on Access to Justice for Women

Modules:

1. Introduction to the concept of **access to justice**
2. International and **European legal framework**
3. **Discrimination** on the grounds of sex and gender
4. Avoiding **gender stereotyping**
5. **Practical guidance** to improve women's access to justice
6. Gender sensitive **approach** to the practice of law



HELP course on Family Law

Modules:

1. Introduction
2. Rights related to **Couples**
3. Relationship between **Children and their Parents** and Other Relatives
4. **International Child Abduction**
5. Children's Rights: Key Challenges
 - **Sexual Abuse**
 - Children in the **digital environment**



Family Law - Module 2: Rights related to couples

Status of the relationship – Art 8 ECHR
Rights related to the status of the relationship

Marriage

Divorce (and remarriage)

Civil Partnership

Although Article 12 is *lex specialis* as far as the right to marry is concerned, Article 8 may also be applicable in cases concerning marriage issues. These cases may also raise issues related to discrimination and are therefore examined by the ECtHR under Article 14 (prohibition of discrimination) in conjunction with Article 8.

Rights stemming from the relationship

Pensions
Social benefits
Spousal maintenance
Succession

Migration issues concerning spouses and partners
2. DEPORTATION AND EXPULSION



European Convention on Human Rights

European Union

Module 3: Relationship between Children and their Parents and Other Relatives



- Family break-up: custody issues
- Family break-up: access and visiting rights
- Family break-up: property related issues
- Removal and childcare proceedings
- Children with imprisoned parents

Family Law and Human Rights Module 3 – Relationship Between Children and Their Parents and Other Relatives

Introduction

1. Status of the relationship
2. Rights stemming from the parent-child relationship
3. Migration issues

Knowledge Check

HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS



Labour Rights as Human Rights

EUROPEAN PROGRAMME FOR
HUMAN RIGHTS EDUCATION
FOR LEGAL PROFESSIONALS

Funded
by the European Union
and the Council of Europe



Implemented
by the Council of Europe

Labour Rights as Human Rights

The 'Labour Rights as Human Rights' course consists of nine chapters that can be accessed from the menu below.

Select a section header below to begin.

GENERAL INTRODUCTION

Right to Work and
Employment Relationship



Working Time



Fair Remuneration and
Protection of Wages



Termination of Employment



Equality and Non
Discrimination



Collective Labour Rights -
Information and Consultation



Freedom of Association -
The Right to Negotiate



Occupational Safety and
Health



I. Introduction –historical background/ key concepts

Historical background

From the 1920s onwards, the International Labour Organisation (the ILO) has provided conventions for the protection of workers and the activation of social dialogue.



The UN Declaration was adopted in 1948, after which Western European states continued to develop the content of human rights through the European Convention on Human Rights (ECHR) (1950) and by the European Social Charter (1961, revised 1996).

The EU Charter (2000 and 2007) was the first international treaty to also cover the third generation of human rights.

Click 'Next' to continue.

The Charter's Treaty System

1961
Charter

Video Presentation – History of the ESC

This video explains the history of the ESC in addressing problems of social justice.

Click 'Next' to continue.

The treaty system of social rights is concerned with the rights of workers. Taking into account the [European Social Charter](#) in a single instrument in 1988, while up-dating the Revised Charter, the Enforcement of the

Competence of the EU

The EU Charter does not extend but clarifies in Article 51 of it the competence of the EU in relation to the labour rights prescribed more closely by the TFEU.

Article 51 of the EU Charter

1. The provisions of the EU Charter are addressed to the institutions, bodies, offices and agencies of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing Union law. They shall therefore respect the rights, observe the principles and promote the application thereof in accordance with their respective powers and respecting the limits of the powers of the Union as conferred on it in the Treaties.
2. The EU Charter does not extend the field of application of Union law beyond the powers of the Union (ref. to Article 153 paragraphs 1f, 2 and 5) or establish any new power or task for the Union, or modify powers and tasks as defined in the Treaties.

Click 'Next' to continue.



Case law of ECtHR, CJEU & ECSR



Example of Module



Regulation in the ESC

Some of the main regulation on working time can be found in the ESC. Use the header which sections dictate which information.

Review the headers and then click

ARTICLE 2

ARTICLE 4.2

SPECIAL PROVISIONS

General about Working Time

The working time is to a great extent regulated also by the EU law - [Working Time Directive: Directive 2003/88 concerning certain aspects of the organisation of working time](#).

On its basis, the CJEU has... time, just to mention some...

General about Working Time

It is important to point out to the position of the ECSR as regards the relationship between the standards set out in the ESC, the EU directive on working time and its transposition into the national legal orders.

The ECSR has already emphasised:

- On the concept of [Federación de sindicatos C](#)
- Travelling
- Periods of duty; [Jaeger](#)
- Rest period service - [E Ireland](#)
- Working time
- that the fact that the provisions at stake are based on the EU directive does not remove them from the ambit of the ESC ([CFE-CGC v. France, Complaint No. 16/2003, Decision on the merits of 12 October 2004](#), Para. 30) and
- that when Member States of the EU agree on binding measures in the form of directives which relate to matters within the remit of the ESC, they should - both when preparing the text in question and when transposing it into national law - take full account of the commitments they have taken upon ratifying the ESC and that it is ultimately for the ECSR to assess compliance of a national situation with the ESC, including when the transposition of a EU directive into domestic law may affect the proper implementation of the ESC. ([Confédération Générale du Travail \(CGT\) v. France, Complaint No. 55/2009, decision on the merits of 23 June 2010](#), Paras. 31-38).

In the same decision, the ECSR explained that *neither the situation of social rights in the EU legal order nor the process of elaboration of secondary legislation would justify a presumption - even rebuttable - of conformity of legal texts of the EU with the ESC* (CGT, complaint no. 55/2009, Para. 35).

Right to Work: *Right to Earn One's Living in an Occupation Freely Entered Upon* (Art. 1.2 ESC) - *Other Prohibited Practices*

The ECSR pointed out that also certain other practices may be problematic and in breach of Art. 1.2 ESC, for example:

Length of alternative service to replace military service: The length of alternative service during which persons are deprived of the right to earn their living in an occupation freely entered must be reasonable. Where the length of military service is short, the ECSR will not necessarily insist on alternative service being not more than 1.5 times the length of military service. (*Conclusions 2012, Statement of interpretation on Art. 1.2 ESC*, p. 6-8)

Workers' right to privacy: The ECSR asks for information on measures taken by States to ensure that employers give due consideration to workers' private lives in the organisation of work and that all interferences are prohibited and where necessary sanctioned (*Conclusions 2012, General Question*, p. 11)



Employment Relationship and Conditions of Work : *Right to Be Informed in Written Form of the Essential Aspects of Employment Relationship* (Art. 2.6 ESC)

The provision of Art. 2.6 ESC was included into the Revised ESC in 1996 and one can see the influence of the *EU Directive on Terms and Conditions of Employment: Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship* (OJ L 288, 18. 10. 1991, p. 32-35).

There is some relevant *case law of the CJEU* in this regard, for example:

RUBEN
ANDERSON

LANGE C

KAMPELMANN
AND OTHERS

Joint cases *Kampelmann and Others* (C-253/96 to C-258/96, 4. 12. 1997; ECLI:EU:C:1997:585) where the importance as a proof of written document delivered to the employee has been discussed

[Read More](#)



ASYLUM



REFUGEE AND MIGRANT CHILDREN



CPT STANDARDS (COMMITTEE OF THE PREVENTION OF TORTURE) Module: Migration Detention Centres

Menu

▼ Introduction

- Video Intro 1
- Video Intro 2
- Video Intro 3
- Intro I- The ECHR and Asylum
- Intro II. The ECHR and Internatio...
- e-Learning Methodology
- Course Outline
- Chapter Menu

▼ III-Treatment

- Learning objectives
- Introduction - Article 3 ECHR
- Key differences between the 195...
- Main characteristics of Article 3
- Knowledge Check - III Health
- The assessment of the risk of ill t...
- Other relevant ECHR Articles in t...
- Reception of asylum seekers
- Knowledge Check
- Knowledge Check
- Knowledge Check
- Knowledge Check

▼ Liberty and Security

- Learning objectives
- Introduction to Article 5 and Arti...
- Grounds for detention under Arti...
- Safeguards against arbitrary det...
- Legality and lawfulness
- Prevent unauthorised entry
- Art. 5(1)(b) *To secure the fulfil...
- Procedural safeguards

Asylum and the ECHR 2017

Resources



The European Convention on Human Rights and Asylum

A joint initiative between



◀ PREVIOUS

NEXT ▶

Curso - ej. de pantallazos y preguntas

The assessment of the risk of ill-treatment in practice

Other relevant ECHR Articles in the expulsion context

Interview with D. G.



D. G. is an Eritrean journalist who sought asylum in France. Listen to the interview by clicking the image above. He describes the circumstances of his flight and arrival in France as well as how the ECtHR helped him."



Refugee and Migrant Children



The aim of this course is to raise awareness and improve the knowledge and skills of legal professionals in applying international and European human rights standards protecting the rights of refugee and migrant children, in particular those reaching Europe.

By the end of this course, you will be able to:

- Identify the specific problems, risks and barriers refugee and migrant children face which impede the implementation of their rights
- Understand and apply the relevant provisions of the international and European legal framework and case-law regarding refugee and migrant children
- Apply in practice the UN Convention on the Rights of the Child (CRC), the European Convention on Human Rights (ECHR), the European Social Charter (ESC) and the European standards to refugee and migrant children

Photo by Mstyslav Chernov (Own work) [CC BY-SA 4.0 (<http://creativecommons.org/licenses/by-sa/4.0/>)] via Wikimedia Commons



Refugee

< Previous
Why this course

General Learning Objectives

3/14



Next >
Overview of the Course

HELP

HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

HELP online course on Refugee and Migrant Children



Developed jointly with the Office of SGSR
of the Council of Europe on Migration and
Refugees, Tomáš Boček

To be launched in **Greece, Italy, Spain,
Turkey and UK**

1. Introduction to **legal framework** (RMC rights)
2. **Child-friendly procedures** (the best interests of the child assessment; identification of children; access to information; reception conditions; appointment of a guardian; legal representation; access to asylum and migration procedures; (forced) return of children)
3. **Alternatives to detention** (legal framework; alternatives to child immigration detention; safeguards and standards)
4. **Family reunification** (importance; int'l and European standards; application of the principles to RMC)
5. **Social rights** and integration (adequate standards of living; education; safe work; health; integration and durable solution)
6. **Guardianship** (legal framework; timing and appointment of a guardian; monitoring and complaints; volunteer and professional guardians; guardians and legal representatives; principles for guardians)
7. **Age assessment** (legal framework; the benefit of the doubt; non-invasive and holistic age assessment procedures; legal remedies)



Welcome to the HELP/UNHCR course on Alternatives to Immigration Detention

Why this course?

The requirement to develop alternatives to immigration detention is well established in the international legal framework.

Recent years have seen growing interest in how alternatives can enable countries to meet their obligations without over-reliance on depriving liberty. However, increased interest, however, has not always been matched by effective application. Sometimes legislative measures are not properly applied. Sometimes legislative measures are also a need for greater practical measures for applying alternatives effectively.

This course, therefore, adds to the existing aspects of alternatives to detention.

Modules 1 and 2 focus more on the practical aspects of alternatives to detention. Modules 3 and 4 address the wider context. For those who want to be well informed, this is highly recommended as they provide a comprehensive overview of the topic.

VIDEO ABOUT THE COURSE

Why Alternatives to Immigration Detention?

< Show video transcript



A Council of Europe Priority

Click in the images on the right to read more content.



Online courses duration is 8-12 hrs

+ if reviewing links

Self-learning



Tutored course



HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS



HELP Online courses: Self-learning



- ✓ **Free**
- ✓ **Available to anyone with an account at HELP e-platform**
- ✓ **Learning when and as much as users want/have the time**
- ✓ **Statement of accomplishment**

HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS



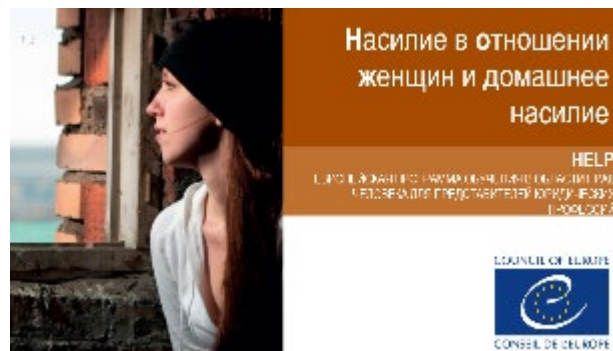
HELP Online courses: Self-learning

MODEL COURSE: International + European standards



OR NATIONAL ADAPTATION!

Int'l + European standards w information on nat'l laws + case law)





WHAT:
36 **courses** on
Human Rights
+250 national
versions

HELP

1:
national
courses
online



Join us in Facebook, Twitter:

CoEHELP

HELP

Good training for good judgments

Thank you very much for your attention!

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