

Council of Europe HELP online course on FREEDOM OF EXPRESSION

Background and aim

In the context of an effective democracy and respect for human rights mentioned in the Preamble to the European Convention on Human Rights (“ECHR”), **freedom of expression is of utmost importance**. Without a broad guarantee of the right to freedom of expression protected by independent and impartial courts, there is no democracy. The European Court of Human Rights (“ECtHR”) has repeatedly stated that freedom of expression “constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and for each individual’s self-fulfillment”.

Within the European human rights protection system, freedom of expression is a right in itself protected **under Article 10 of the ECHR**. At the same time, freedom of expression can conflict with other rights protected by the ECHR, such as the right to respect for private life, to conscience and religion etc. The conflict may further arise when authorities need to protect the interests or values listed in Article 10, paragraph 2 of the ECHR, such as national security or public health. When such conflict occurs, the ECtHR strikes a balance in order to establish the pre-eminence of one right or interest over the other. The balance of the conflicting interests, one of which is freedom of expression, takes into account the importance of the latter.

The ECtHR has developed an immense body of case-law in applying Article 10 of the ECHR. In deciding cases which concern freedom of expression, domestic courts are required to apply domestically the standards developed by the ECtHR.



This free HELP online course aims at assisting legal professionals, but also other relevant professionals in understanding the European standards concerning freedom of expression and effectively applying Article 10 of the ECHR at the national level.

The topics are explored in a practical way, by using presentations, interactive screens, knowledge tests and reflective exercises.

This HELP course was initially developed in 2016, but was thoroughly **updated and modernised in 2020**.

Target audience

This free on-line course is primarily addressed to all **legal professionals** (judges, prosecutors, lawyers or court staff). It can also be used by **other public authorities**, including national human rights institutions, as well as **civil society organisations, university students** etc.

Course outline and structure (4 Modules)

Module 1: Introduction and key principles

- Freedom of expression (FoE) in International law
- Key concepts
- Restrictions on FoE
- Positive obligations
- Abuse of FoE
- Redress for violations

Module 2:

- Types of speech protected under Article 10
- Privacy and defamation

Module 3:

- Media regulation
- FoE online
- FoE and elections
- Protection of sources
- Information received in confidence

Module 4:

- Access to information
- FoE and protest
- FoE and administration of justice
- FoE in the workplace
- FoE and religion

Course development and update

The course was initially developed by the European Programme for **Human Rights Education for Legal Professionals (HELP)** of the Council of Europe, in cooperation with the European Union/Council of Europe Joint Project on **Strengthening the Capacity of Turkish Judiciary on Freedom of Expression**.

In **2020**, the course was **updated, rebuilt and modernised** with the Council of Europe Information Society Department, under the Action "[Freedom of Expression and Freedom of the Media in South-East Europe \(JUFREX\)](#)" implemented under the European Union and Council of Europe Joint Programme "[Horizontal Facility for the Western Balkans and Turkey II](#)".

Access the free online course

To access the course, you just need to enter the HELP online platform at <http://help.elearning.ext.coe.int/>. First you need to open yourself an account at HELP if you have not yet done so (2 minutes).

The updated version of the course is available in **English** and, gradually in other European languages. By the end of 2020, it was available in separate versions for Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia and Serbia.

**This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.*