EUROPEAN PROGRAMME FOR
HUMAN RIGHTS EDUCATION
FOR LEGAL PROFESSIONALS

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by the Council of Europe

'HELP in the 28' free online course on
Fight against Racism, Xenophobia, Homophobia and Transphobia

Background and key concepts

Racism and xenophobia are a widespread problem in Europe today, with anti-immigrants attitudes on the rise. Across the European Union (EU), several vulnerable and minority groups continue to face discrimination, violence and exclusion in areas such as employment, education or health. In most EU countries, the bias motivation in racist, xenophobic or homophobic crimes is often not adequately raised or investigated. Underreporting of those crimes is also high, often due to improper record systems or lack of complaints from victims.

Xenophobia and racism often overlap, but are distinct phenomena. Whereas racism usually entails distinction based on grounds such as presumed race, skin colour, language, religion, nationality or ethnic origin, etc., xenophobia implies behaviour based on the idea that the other is foreign to or originates from outside the community or nation.

Homophobia is defined as an irrational fear of, and aversion to, homosexuality and to lesbian, gay or bisexual persons based on prejudice. Transphobia refers to a similar phenomenon, but specifically to the fear of, and aversion to, transgender persons or gender non-conformity.

To counter such forms of intolerance, the capacities of judges, prosecutors and lawyers to apply the European non-discrimination law (developed by the Council of Europe and the EU) at national level should be enhanced. Courts rendering judgments should address bias motivations publicly, in order to raise awareness and redress victims. Alongside legal professionals, law enforcement officials should be also alert to this kind of crimes.

The European non-discrimination law prohibits discrimination across a range of contexts and a range of grounds. It stems from the European Convention on Human Rights (ECHR), the European Social Charter (ESC) and the European Union law as a converging legal system. This refers mainly to Article 14 of and Protocol 12 to the ECHR as well as the EU Charter of Fundamental Rights (Chapter III, Equality) and the EU non-discrimination directives (Gender Directive; Race Directive; and Employment Equality Directive).

The principles of equality and non-discrimination can interfere with other human rights like freedoms of assembly, speech or religion. Balancing the exercise of competing rights is then necessary.

The **'HELP in the 28' course "Fight against Racism, Xenophobia, Homophobia and Transphobia"** covers in an interactive way the key concepts, the European (CoE and EU) non-discrimination law and the impressive body of case law of the European Court of Human Rights (ECtHR) and of the Court of Justice of the European Union (CJEU), in addition to decisions of the European Committee of Social Rights. More specifically, the course has two substantive modules, one on racism and xenophobia, and the other one on homophobia and transphobia. A link to a specific module on Roma, the largest minority in the EU is also provided. One of the key reference materials to develop this course has been the Handbook on European non-discrimination law developed jointly by the EU Fundamental Rights Agency and the European Court of Human Rights.

Existing case law covers topics as varied as:
- discrimination during job recruitment or at the workplace
- discrimination receiving health care
- hate crimes, hate speech or harassment on racism or homophobic grounds
- lack of respect for private and family life of LGBT persons
- legal gender recognition

Course outline (4 modules):

1. **Introduction**
    - Perceptions and bias
    - Key concepts

2. **Legal framework:**
    - ECHR/ESC - EU Law
    - Role of different actors
    - Extensive ECtHR & CJEU case-law

3. **Racism and Xenophobia:**
    - Hate crime/Hate speech/harassment
    - Discrimination

4. **Homophobia and Transphobia:**
    - Hate crime/hate speech/harassment
    - Respect for private and family life
    - Discrimination
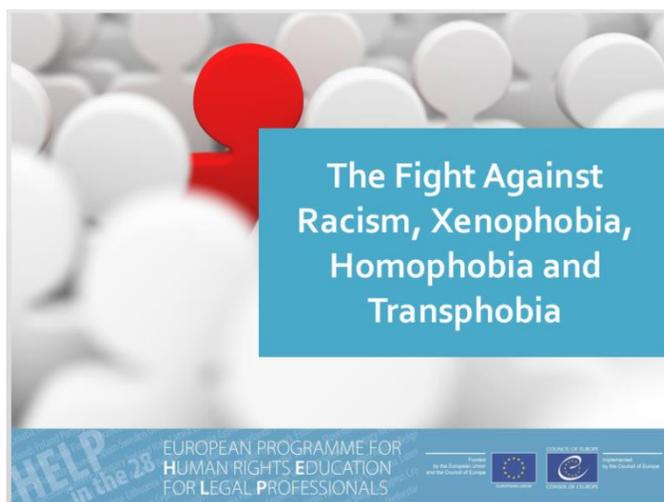
When you begin the on-line course, you must complete the introduction and legal framework first, in order to unlock the remaining chapters. Once completed, you can navigate freely throughout the course**.**

Non-discrimination in the European system of human rights protection – key provisions

CoE system	EU system
ECHR – Article 14	EU Charter of Fundamental Rights – Article 21
Protocol 12	Non-discrimination Directives
ECtHR jurisprudence	CJEU jurisprudence
Soft law by CoE institutions (ECRI)	Equality bodies
European Social Charter (collective complaints)	

Decisions and interpretations from national courts and equality bodies, and other international bodies are also relevant. The role of NGOs is key, be it as watchdogs or service providers.

Development of the course under CoE/EU "HELP in the 28"
The course has been developed within "HELP in the 28". This is a Programme implemented by the Council of Europe using its HELP methodology and funded by the EU. HELP stands as Human Rights Education for Legal Professionals. 'HELP in the 28' is actually the largest training project within the EU on fundamental rights for judges, prosecutors and lawyers.
The course will be pilot tested in France, Croatia, Italy and Spain, with their Judiciary Schools or Bar Associations. See more at www.coe.int/help

Target audience
This free on-line course is primarily addressed to legal professionals (judges, prosecutors, lawyers or senior court staff) but can be also useful for law enforcement authorities, equality bodies personnel and other persons working in the field of non-discrimination.

Starting the course
To access the course, you just need to enter the HELP e-learning 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 min).