

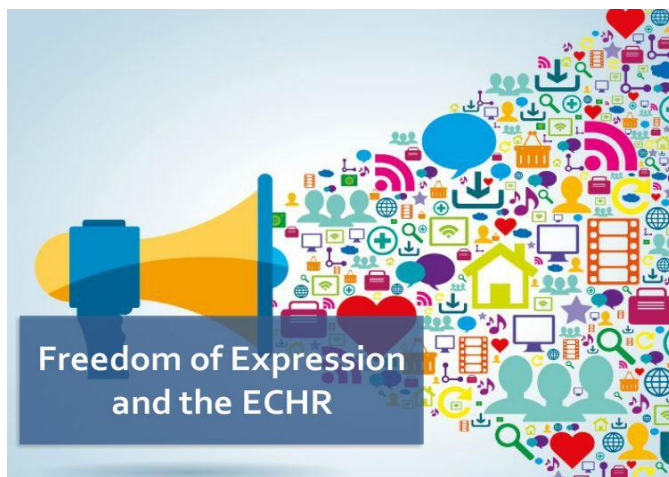
HELP Online course on FREEDOM OF EXPRESSION

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, as well as a component of other rights protected under the ECHR, such as the freedom of assembly. 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 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.

The course was developed in September 2016.

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 organizations, university students etc.

Course outline (4 chapters)

1. **Introduction** (Definition; International framework for Freedom of Expression (FoE); FoE case overview; Pyramid of protected speech)
2. **General aspects** (Key concepts; Scope and admissibility; Limitations; State's obligations; Balance and interconnectivity of rights; Redress)
3. **Defamation** (Definition and differentiation from other concepts; Legal grounds; Standards imposed and criteria for assessment; ECtHR judgments; Defamatory vs. protected speech; Role of the ECtHR; Balancing of rights in defamation cases and Margin of appreciation)
4. **Practical application**

Development and implementation of the course

The course was developed by the European Programme for Human Rights Education for Legal Professionals (**HELP**; www.coe.int/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**.

The course was developed by using the HELP methodology (<http://www.coe.int/en/web/help/help-training-methodology>), initially for Turkish legal professionals, and later adjusted for the use of legal professionals in other CoE member states.

The course was implemented in Turkey, Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia.

Access the free online 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 minutes). Then you can follow this link to directly access the online course: <http://help.elearning.ext.coe.int/course/view.php?id=1752>.

The course is available in English, Albanian, Bosnian, Macedonian, Serbian and Turkish.

