

Human Rights Education for Legal Professionals: The HELP Programme of the Council of Europe

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October 2017 in the HELP Programme

On 3 October 2017, in the Spanish Judiciary School in Barcelona, judges and lawyers attended the launch of the Council of Europe's HELP course on Fight against racism and xenophobia. A timely move in a sensitive political context, with Catalonia paralysed by a general strike in protest of police force to pre-empt an unconstitutional referendum two days earlier. After a brilliant speech against xenophobia, the session was cut short to ensure early departure for fear of picketing.

During the same month, the course on Hate crime and speech was launched for a group of Macedonian lawyers, and two new HELP courses saw the light of day: one on International Cooperation in Criminal Matters and one to combat Trafficking in Human Beings.

Preparations for the HELP course on human rights in sports also started, in anticipation of next year's World Football Cup. With EU financing, a new project is signed to Prevent Radicalisation and HELP is also presented in the Moroccan Ministry of Foreign Affairs.

Although it may look busy, October was an ordinary month in the dynamic agenda of the highly motivated HELP team.

HELP is the acronym of the Council of Europe's Programme on Human Rights Education for Legal Professionals. HELP is making progress spreading knowledge on European standards and values in areas such as combating discrimination, respecting privacy, guaranteeing decent work or defending vulnerable groups.

The goal of HELP is to provide high quality education on human rights issues to judges, prosecutors and lawyers from the 47 countries of the Council of Europe, an organisation protecting the 830 million people who live on its soil.

HELP's success rests on two main elements. First, the HELP Network of Judiciary schools and Bar associations across the continent, from Russia to Portugal from Ireland to Turkey. Second, the Training Courses for legal

professionals which help them to identify and resolve human rights issues in their daily work.

The 2017 report by Thorbjørn Jagland, the Secretary General of the Council of Europe, noted that the checks and balances of European countries are not strong enough to prevent populist, anti-democratic and nationalistic forces gaining power, and called on states to rebuild trust in democratic institutions and uphold their obligations under the European Convention on Human Rights (ECHR). He highlighted the challenges posed by xenophobic attitudes, migration, the financial crisis, social inequalities and terrorism.

With such pressing challenges growing in Europe, training courses like those offered by HELP are becoming more and more necessary. Apart from the ECHR, HELP courses now also cover the European Social Charter and key Council of Europe Conventions, as well as the ever-evolving jurisprudence of the European Court of Human Rights based in Strasbourg. Since 2015, relevant EU laws (e.g. data protection and anti-discrimination), as well as the case law of the EU Court of Justice based in Luxembourg have been included where relevant.

The complete catalogue of HELP courses covers the following topics, with new ones being developed:

1. Introduction to the ECHR and the ECtHR
2. Admissibility criteria (ECtHR)
3. Asylum
4. Child-friendly justice and children's rights
5. Anti-discrimination
6. Fight against racism, xenophobia and homophobia*
7. Data protection and privacy rights*
8. Labour rights*
9. Right to the integrity of the person (bioethics)*
10. Hate crime/hate speech
11. Community sanctions and alternative measures to detention
12. International co-operation in criminal matters
13. Business and human rights
14. Counterfeiting of medical products and crimes against public health
15. Transitional justice
16. Property rights
17. Trafficking of human beings
18. Prohibition of ill-treatment
19. Pre-trial investigation in the light of ECHR
20. Reasoning of judgments in criminal cases

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The courses are available free online on the HELP e-learning portal

<http://help.elearning.ext.coe.int/>

ensuring access for all interested legal professionals. Law enforcement authorities, academics or law students can also benefit and enrol in the online HELP courses.

Courses are designed to take into consideration practitioners' busy schedules and the difficulties of balancing learning and working. They cover the topic in question in a concise and interactive way with a wide range of visuals, exercises and references to landmark cases. HELP aims to make sure that users will gain a practical understanding of when and how to apply the European system of protection. The objective is not to make every single judge, prosecutor and lawyer an expert in human rights; it is rather to create a 'reflex' among them so that they can recognise and react to human rights issues in any case they have to deal with. On average, a HELP course requires an investment of 2 to 3 online learning hours every 2 weeks over a period of 2 to 3 months. Furthermore, courses can easily be browsed or consulted at any time by legal practitioners faced with a particular case.

The Council of Europe is in a unique and privileged position to develop practical training courses because, taking CoE standards as the basis, it can also factor in relevant case law and the results of its monitoring bodies. The courses are designed by experts from the CoE, such as lawyers or judges of the Strasbourg Court or thematic experts from relevant CoE entities (Human Rights Commissioner's Office, Execution Department, Committee for the Prevention of Torture, Units of Data Protection or Bioethics, etc.). This is a guarantee of the high-quality and practical approach of HELP courses. Examples of videos produced jointly by HELP and the ECtHR include topics as varied as counterterrorism or asylum.

In fact, one of the courses most in demand to date has been on Asylum and the ECHR, developed jointly with the UNHCR. This course has been launched in 10 countries mostly affected by the high influx of migrants. In 2017, the Greek Government set up its first legal aid service, recruiting 90% of graduates from that course. It is planned in 2018 that some 300 Turkish officers from the Migration Directorate will be trained to improve their processing of asylum applications.

HELP is working together with the CoE Children's Division and the team of the Secretary General Special Representative on Refugees to develop specific modules on different aspects concerning migrant and refugee children, namely proceedings upon arrival, family reunification, unaccompanied minors and alternatives to detention centres for child refugees.

Two important courses will be completed by the end of 2017. The first is on Child-Friendly Justice. Children come into contact with the justice system in many different ways. This can be for family matters such as divorce or adoption, in administrative justice for nationality or immigration issues or in criminal justice as victims, witnesses or perpetrators of crimes. When faced with the justice system, children are thrown into an intimidating adult world which they find hard to understand. It is therefore necessary to ensure that both access to and the processes within justice systems are always friendly towards children.

Along with the CoE's Children's Rights Division, the course has been developed with acknowledged experts, including the President of the International Association of Youth and Family Judges and Magistrates (IAYFJM), Avril Calder. As with all HELP courses, they are developed by legal professionals for legal professionals.

The second HELP course this year will combat Violence against Women and Domestic Violence. It covers the key concepts, the international and European legal framework and case law, focusing in particular on the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). The bulk of the course contains the steps of the criminal and civil justice response to cases of VAW and DV and the risks of alternative dispute resolution.

Finally, in the first semester of 2018, the existing curriculum on Family law will be made more interactive. With EU funding, a new course will be developed with two modules, one on procedural safeguards in criminal cases and another one on victims' rights.

In recent years, the interest in the HELP Programme across the European continent has grown exponentially. Its online platform went from some 6.000 users in 2014 to more than 22.000 by the end of 2017. This has been facilitated thanks to regional projects like HELP in the Western Balkans and Turkey, HELP in Russia and the first phase in the largest ever training programme on human rights for legal professionals in the European Union. Soon, to be followed, with EU financing, by training in the prevention of radicalisation. One of the priorities for the CoE's work. Cooperation with national training institutions and Bar associations as well as with key international partners has been crucial, notably the European Judicial Training Network, the Council of Bars and Law Societies of Europe or the EU Agency for Fundamental Rights.

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While the courses are available in English, HELP strives to gradually translate them into national languages and adapt them to national legal systems, a colossal task considering the 47 member States of the Council of Europe. As well as the self-learning courses available online, courses can be launched and tutored with face-to-face sessions. These can be organised in collaboration with the Judiciary Schools and Bar associations upon request.

Education on Human Rights should be a continuous journey that starts from childhood and should never end. As adults in general and legal professionals in particular, there is a need to keep up with the constant developments and challenges of modern times.

HELP has done so much to spread expertise, with free online courses that can be used not only by professionals but also by universities and professors in their programmes of human rights education.

National courts are at the forefront of human rights protection, and adequate legal training of judges and other practitioners is necessary to ensure that all fundamental rights are effectively protected at national level. As HELP's motto goes, *'Good training for good judgements'*, the Council of Europe will strive to support the actors of the judicial chain in upholding human rights throughout the European space.

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