



The Council of Europe HELP Programme and Bioethics

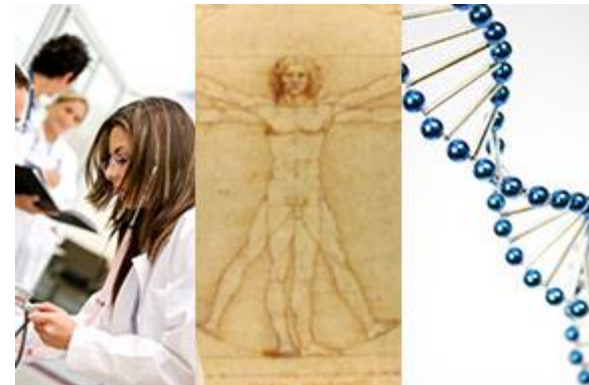
Ana Medarska-Lazova, 26 September 2019

HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

❑ What is **HELP**?

❑ **HELP** Courses

❑ **HELP** and
Bioethics



CoE HELP = Council of Europe Programme for Human Rights Education for Legal Professionals

HELP's goal:

To HELP legal (and other) professionals apply European human rights standards in their daily work, mainly by training



Key documents

- CM Recommendation Rec (2004) 4 on the **ECHR in university education and professional training**—birth certificate of HELP!
- Brighton Declaration of April 2012 - effective implementation of the ECHR at the national level by “providing appropriate information and training about the Convention in the study, training and professional development of judges, lawyers and prosecutors”.
- PACE Recommendation 2039 (2014) on the need to reinforce the training of legal professionals on the ECHR called for the reinforcement of HELP
- Brussels Declaration of March 2015 - increase efforts at national level to raise awareness... on the Convention, ...including by having recourse to the HELP Programme

HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS



Network

Representatives
from NTIs and BAs
from 47 member
States



Courses

Online courses
on human rights
topics

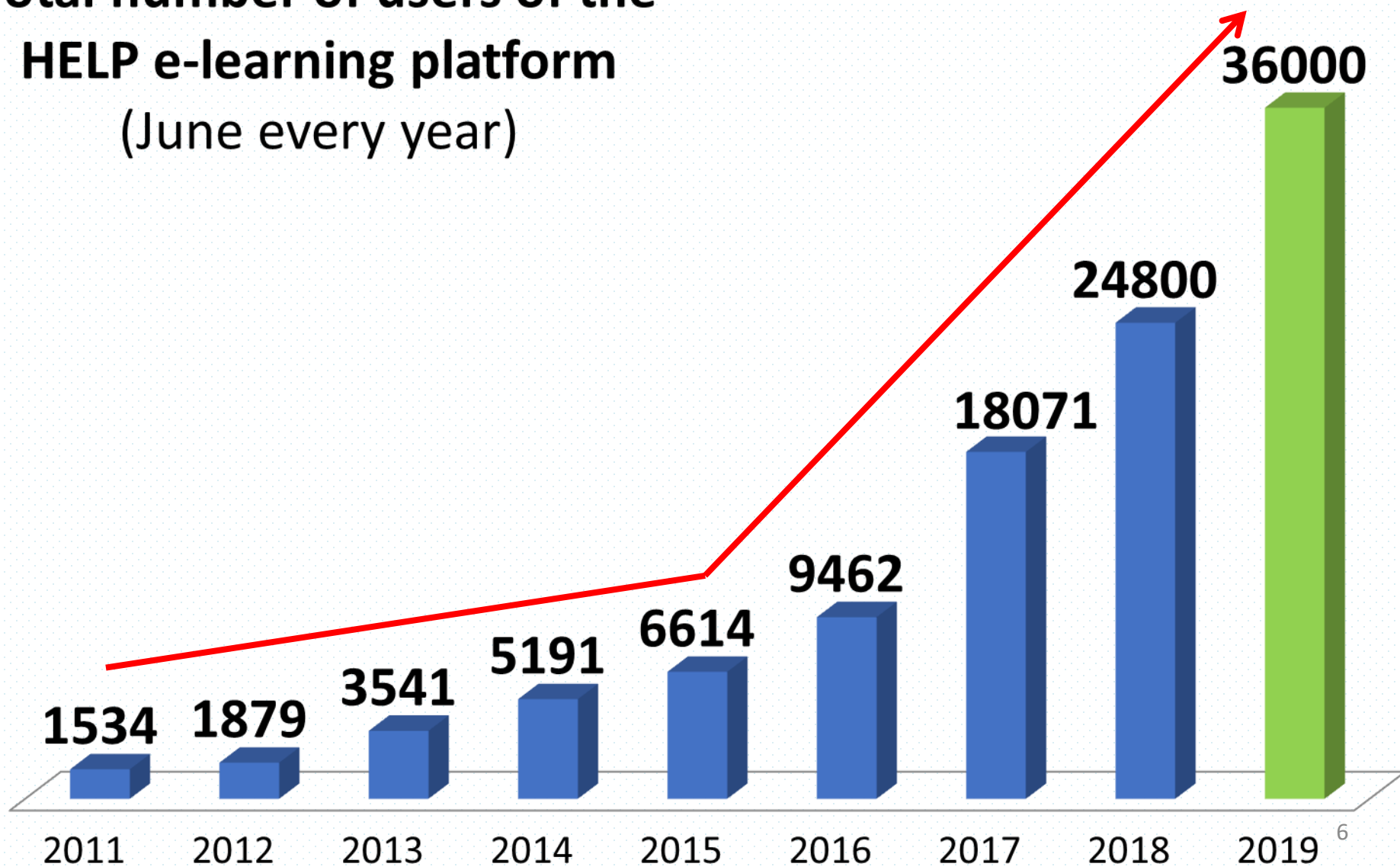


Training methodology

Based on the
principle of open
education



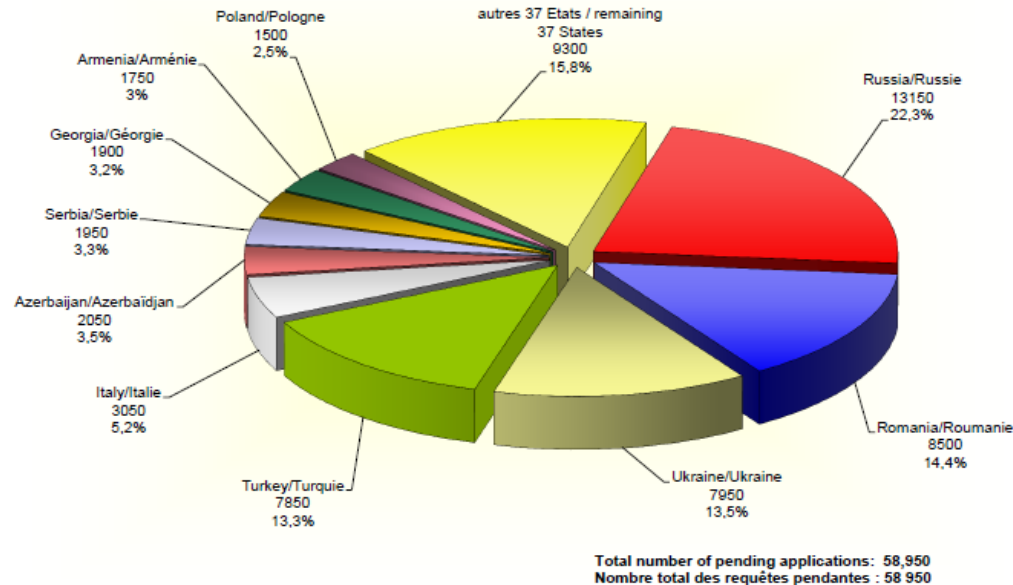
Total number of users of the HELP e-learning platform (June every year)



HELP Platform users



PENDING APPLICATIONS ALLOCATED TO A JUDICIAL FORMATION
REQUÊTES PENDANTES DEVANT UNE FORMATION JUDICIAIRE
30/04/2019



1

3

4

5

2

6

7

8

TOP COUNTRY		USERS
1	FRANCE	7697
2	RUSSIA	2662
3	SPAIN	2654
4	UKRAINE	2488
5	UK	2336
6	TURKEY	1871
7	ITALY	1282
8	ROMANIA	1127
9	GREECE	816
10	AZERBAIJAN	694
11	SERBIA	625
12	ALBANIA	613
13	MOLDOVA	598
14	MONTENEGRO	557
15	GEORGIA	532

HELP in EU: +20,700

HELP in WB and TK: +4,500

HELP in Russia: +2,600

Eastern Partnership: +4,800

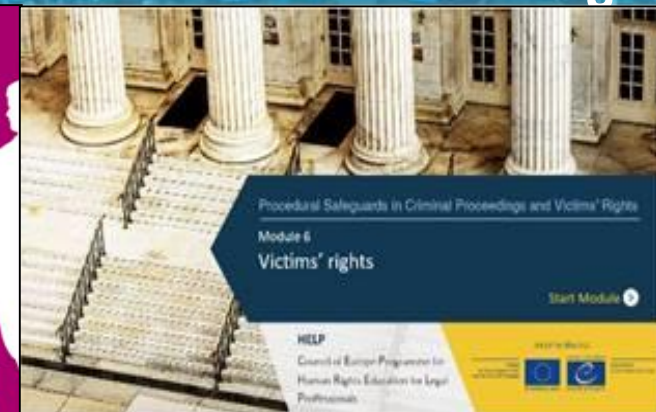
1. Admissibility criteria in applications submitted to the ECtHR
2. Alternative measures to detention
3. Anti-discrimination
4. Asylum and the ECHR
5. **Key human rights principles in biomedicine**
6. Business and human rights
7. Child-friendly Justice
8. Combatting Trafficking in Human Beings
9. Counterfeiting of Medical Products
10. CPT Standards **NEW!**
11. Data Protection and Privacy Rights
12. Effective Investigation and Prosecution of Hate Crimes (**2019**)
13. Family Law
14. Fight against Racism, Xenophobia, Transphobia
15. Freedom of Expression
16. Hate crime and Hate speech
17. Human Rights in Sports
18. Introduction to the ECHR and ECtHR
19. Int'l Cooperation in Criminal Matters
20. Internal Displacement
21. Labour Rights
22. Pre-trial Investigation in light of the ECHR
23. Prohibition of Ill-treatment
24. Procedural safeguards in criminal proceedings and victims' rights **NEW!**
25. Property Rights
26. Radicalisation Prevention - Gathering and use of evidence in counter-terrorism cases
27. Refugee and Migrant Children
28. Reasoning of (Criminal) Judgments
29. Rights of Persons with Disabilities
30. Right to Liberty and Security (Art 5 ECHR)
31. Right to Respect for Private and Family Life (Art 8 ECHR)
32. **Right to the Integrity of the Person (Bioethics)**
33. Transitional Justice
34. Violence Against Women and Domestic Violence
35. Women's Access to Justice



CPT STANDARDS



FAMILY LAW



- PROCEDURAL SAFEGUARDS IN
CRIMINAL PROCEEDINGS
- VICTIMS RIGHTS



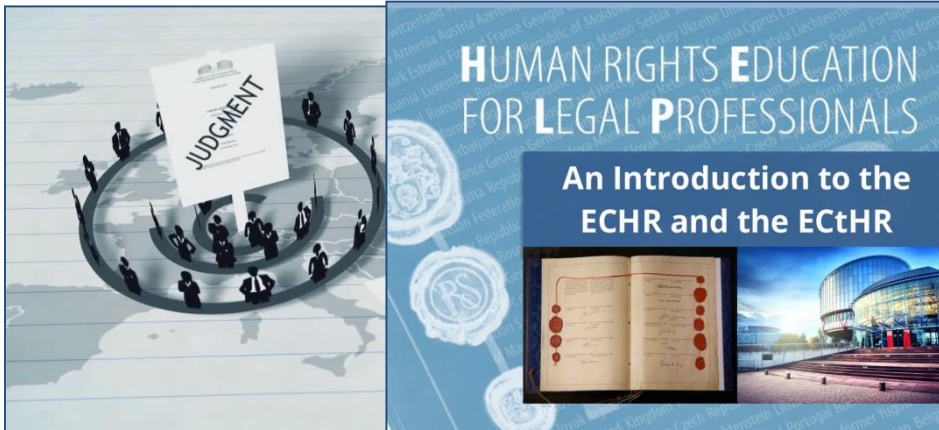
- RADICALISATION PREVENTION
- EVIDENCE IN C-TERRORISM CASES



UPDATED COURSE



ACCESS TO JUSTICE FOR
WOMEN



Execution of Judgements
(1Q 2020)



Protection/safety of journalists
(Summer 2020)



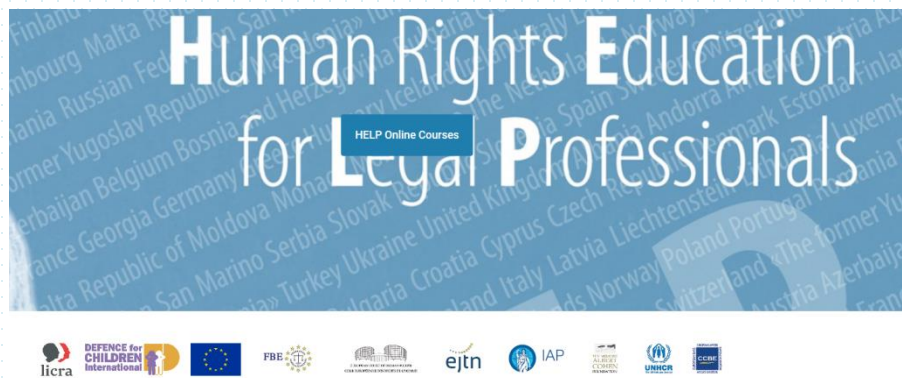
Judicial Ethics (Winter 2020)



Cybercrime (Autumn 2020)

HELP Online courses: 1) Self-paced

✓ Free



- ✓ Available to anyone who makes an account on HELP's e-learning platform
- ✓ Learning when and as much as the users have the time

HELP Online courses: 2) Tutored

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.

- Available only to limited groups of participants (25-30)
- Advantages: facilitated by trained and certified tutors and possibility for discussion and exchange of opinions
- Certificate (CoE + NTI/BA or other national institution)
- + NATIONAL ADAPTATION!

CoE HELP's geographical outreach – 830 Europeans

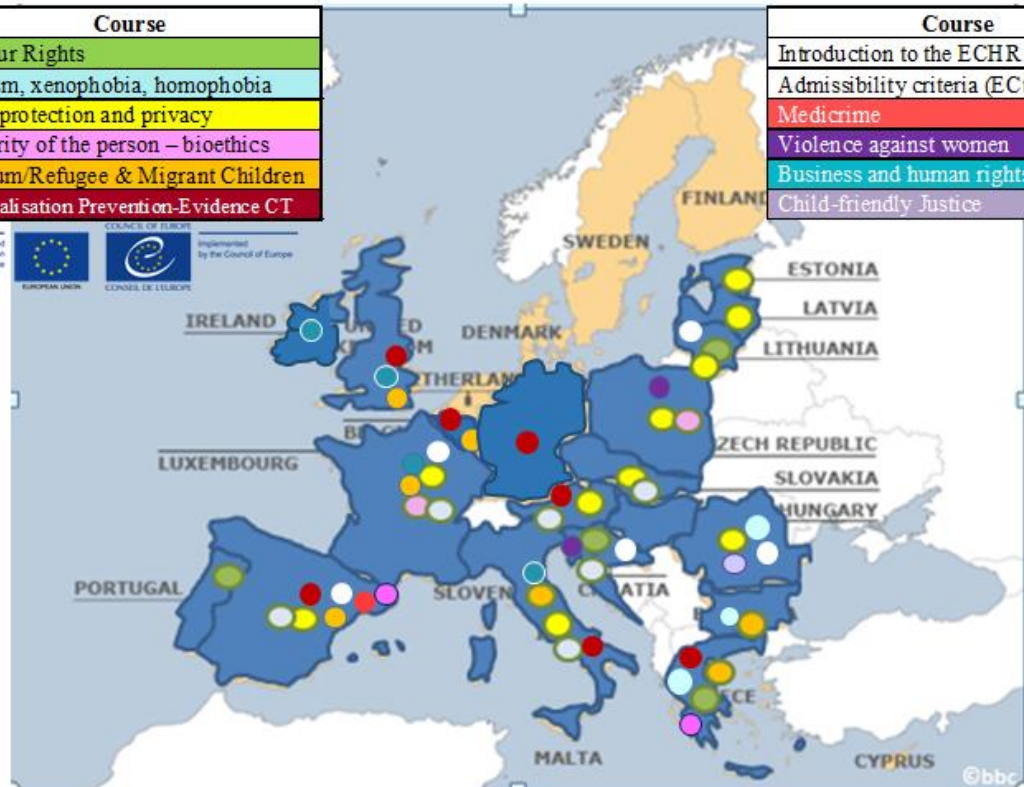
HELP in the EU

Course
Labour Rights
Racism, xenophobia, homophobia
Data protection and privacy
Integrity of the person – bioethics
Asylum/Refugee & Migrant Children
Radicalisation Prevention-Evidence CT

Funded by the European Union and the Council of Europe



Implemented by the Council of Europe



Course
Introduction to the ECHR and ECtHR
Admissibility criteria (ECtHR)
Medicine
Violence against women
Business and human rights
Child-friendly Justice

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE



HELP Course: Key human rights principles in Biomedicine

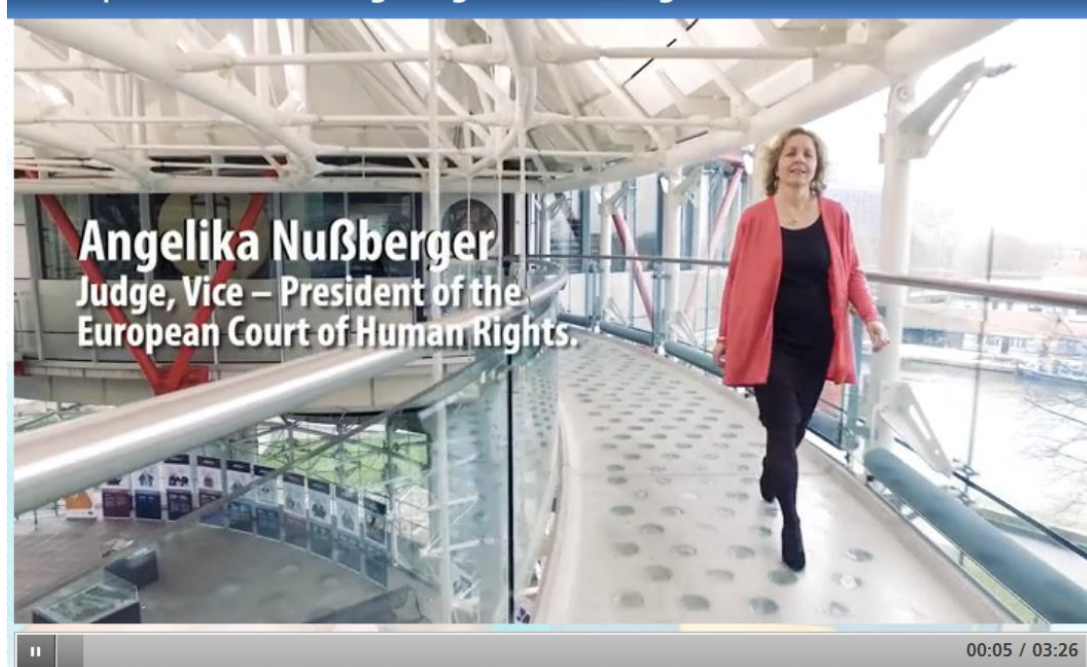
- Finalized: June 2018
- Working group established for the development
- **Prof. Jean-René Binet**, Rennes Faculty of Law, Director of Ecole doctorale SHOS
- **Prof. Fabio Macioce**, Università di Roma LUMSA
- **Ivana Roagna**, attorney at law, senior training specialist
- **Dr Ronalds Rozkalns**, attorney at law and medical doctor



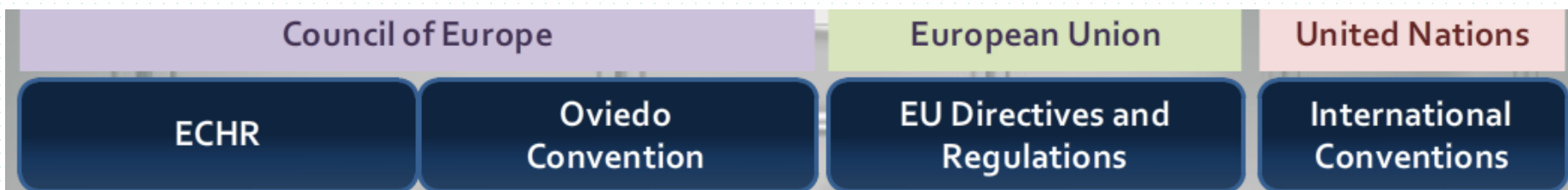
HELP Course: Key human rights principles in Biomedicine

- Visual and interactive
- Targeted/adapted to users' needs
- Target groups:
 - Legal professionals
 - Medical professionals
- Available online 24/07
- Can be taken:
 - For self-learning
 - As a 'tutored' (moderated) course

Video presentation – Judge Angelika Nußberger



HELP Course: Key human rights principles in Biomedicine



Legal framework covered:

- CoE (Oviedo + Protocols; ECtHR)
- UN
- EU
- 8 substantive modules
- Knowledge checks after each module
- Additional materials available in the links
- **Glossary** – accessible throughout the entire course

Module 1: Introduction

1.

Introduction

Learning objectives

Welcome to the first substantive module of this Course on Bioethics! By the end of this session you will be able to:

- recognise the multiple ethical issues that arise in medicine, health and biotechnology;
- define the notions of human rights, bioethics and biomedicine and of the main concepts needed to explore the Course further;
- describe the relevance to bioethics of the European Convention on Human Rights (ECHR) and of other international human rights instruments;
- appraise the judicial interpretation of human rights applied to bioethical issues;
- illustrate the scope of application of the Oviedo Convention and recall the main rights and principles it enshrines.



Module 2: Free and informed consent

Learning objectives

Welcome to the second substantive module of this Course on Bioethics! By the end of this session you will be able to:

- define free and informed consent and identify its components
- Internalise the legal and human rights principles applicable to it;
- Discuss the application of the process of informed consent to persons not able to consent and in emergency situations;
- Assess the responsibilities of health professionals in the process of informed consent.;



What
infor



HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

Legal framework

The regulatory framework for health related data processing is composed by legal instruments developed by the CoE and the EU.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

ECHR

Oviedo Convention

Convention 108



EUROPEAN UNION

The Charter

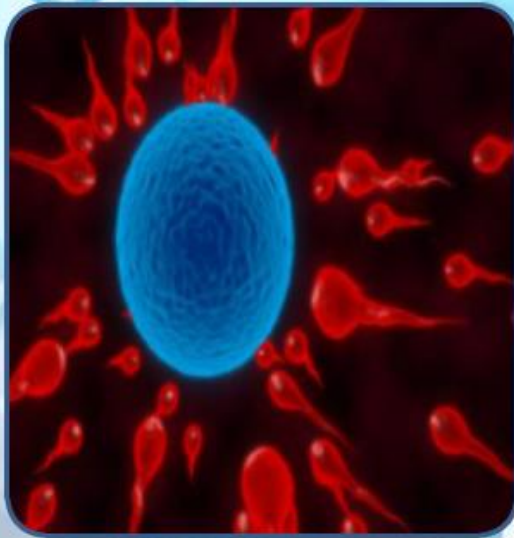
The Treaty

GDPR

Module 4: Protection of the embryo

Beginning of life and beginning of rights

In the case of *Vo v France* mentioned above, the ECtHR considered that human development life as a human



Medically Assisted Procreation



Pre-Natal Diagnosis



Surrogacy

prohibition on donating human embryos for research.

Click 'Next' to continue.

Module 5: End of life

Legal instruments

Even if end-of-life situations are not expressly regulated in international legal instruments, a number of principles and norms are relevant in those cases

Binding Instruments

Non-binding Instruments

**European Convention on
Human Rights**

**Oviedo
Convention**

**Recommendations of the
Committee of Ministers of the
Council of Europe**



Module 6: Genetic testing

Genetic tests: different types

Genetic
purposes
them.

Diagnostic
genetic

Preventive
genetic

Principles and rules

A number of principles underpin the regulation of genetic tests, at the level of the Council of Europe:

- the respect for human rights and dignity
- the respect for the privacy, with regard to the processing of health-related personal data
- the enjoyment of human rights and fundamental freedoms without discrimination on any ground

More

Genetic services:
general rules

Information and
consent

Tests for the benefit of
family members

Private life and genetic
data

Genetic screening

Module 7: Biomedical research

Learning objectives

Welcome to the sixth substantive module of this Course on Bioethics! By the end of this session you will be able to:

- Recall the main ethical principles governing biomedical research;
- Identify the legal and human rights international instruments applicable in this field;
- Appraise the judicial application of human rights standards to biomedical research;
- Evaluate the compliance of a research with the applicable ethical principles and legal obligations.



Definitions

Transp

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ECHR



EUROPEAN UNION

Directives



World Health Organization

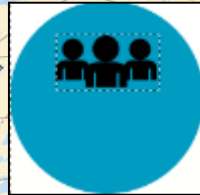
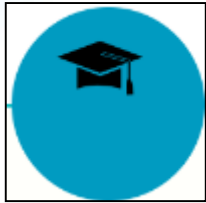
Guiding Principles

Oviedo Convention

Anti-trafficking Convention

Non Binding Principles





WHAT:
34 **courses** on
Human Rights
+170 national
versions

For WHOM:
Justice professionals
+/- 9,000 tutored courses
+ 36,000 users online



HOW:
HELP methodology

- ✓ face-to-face & online
- ✓ cross-border (bioethics-privacy)
- ✓ cross-professional

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HELP

Good training for good judgments

Thank you very much for your attention!

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