



# Human Rights Education for Legal Professionals “HELP”

Eva Pastrana

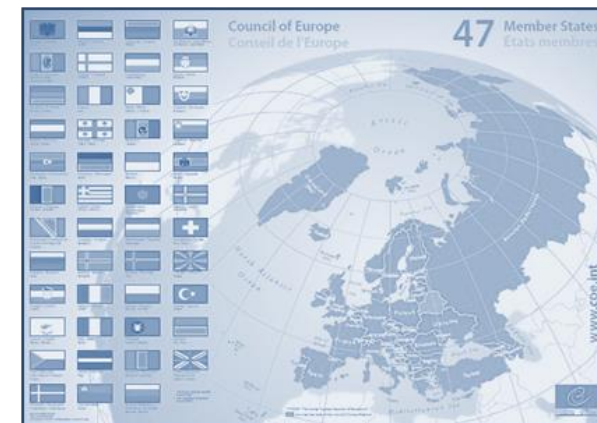
❑ What is HELP?



❑ HELP online course on Human Rights in Sports



❑ Geographical outreach





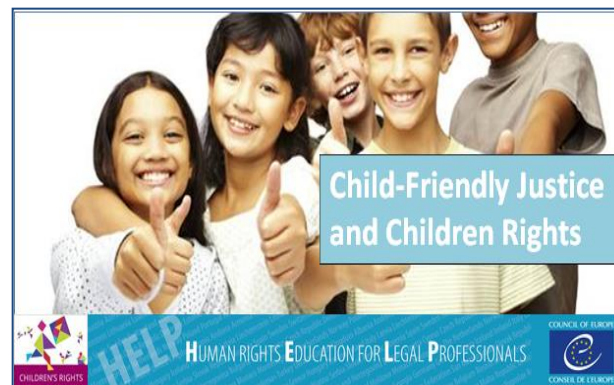
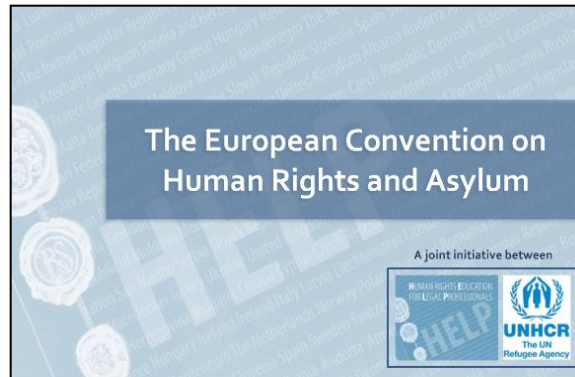
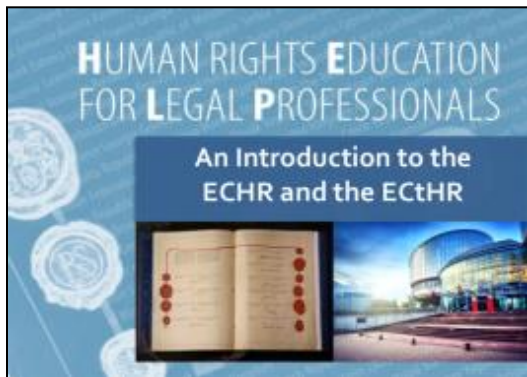
## HELP's main goal

HELP judges, prosecutors and lawyers\* to apply **European human rights standards** in their daily work, mainly by training



\* and other current/future practitioners

# HELP courses





# HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

## HELP

ОБУЧЕНИЕ В ОБЛАСТИ ПРАВ ЧЕЛОВЕКА ДЛЯ  
ПРЕДСТАВИТЕЛЕЙ ЮРИДИЧЕСКИХ ПРОФЕССИЙ

## Права человека в Спорте



## HELP course on Human Rights (HR) in Sports - Structure

1. Introduction
2. Sports arbitration and litigation – access to justice & fair trial (Art.6 of European Convention on Human Rights –the ECHR)
3. Life and physical integrity (Art. 2,3,4 ECHR)
4. Liberty and Security (Art. 5 ECHR)
5. Privacy, F. of expression & assembly (Art 8, 10 and 11 ECHR)
6. Prohibition of discrimination
- 7. Anti-doping & HR**
- 8. Sports manipulation &HR**
- 9. Spectators and safety & HR**



## Course HR in Sports OBJECTIVES

- **Knowledge**

- Int'l/European legal system of protection
- Case law (ECtHR, CJEU, CAS, key national judgments)

- **Skills & attitudes:** applicable in your daily work





# HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

## Course on Human Rights in Sports

### Introduction

Welcome to the Council of Europe HELP course on **Human Rights in Sport**.

It was developed to mainly :

- a) Increase the **knowledge and skills of (primarily) legal professionals** but also **sport-related persons** to apply international standards in the field of **human rights in sport** in their daily work.
- b) Protect **human rights of athletes** and improve their access to justice.

This HELP course covers relevant national and International/European law, with a focus on the Council of Europe Conventions and related case-law.

The European Programme for Human Rights Education for Legal Professionals (**HELP**) supports the Council of Europe 47 member States in implementing the European Convention on Human Rights (the ECHR) and other European human rights standards at the national level.

This is done by enhancing the capacity of (mainly) judges, lawyers and prosecutors to apply the ECHR and other human rights standards in their daily work.

Increasingly other professionals are interested in taking HELP courses. Therefore, the present course is also useful for sport-related persons and athletes

About HELP

Learning Objectives





## Course on Human Rights in Sports

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- **Create awareness on key human rights issues that can arise in sport and promote sports values.**
  - **Understand the relevant provisions of international/European legal framework** and case law concerning Human Rights in Sport..
  - **Apply in practice** the relevant provisions of the European Convention of Human Rights and Council of Europe standards concerning Human Rights in Sport.
  - **Help legal professionals, law enforcement officers and private sector actors to better protect Human Rights** in cases related to sport.
  - **Identify the specific risks and barriers** that athletes face in Europe and that impedes the enjoyment of their rights.
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About HELP

Learning Objectives



## ECHR

### International instruments

### Council of Europe instruments

### Application of the ECHR in sports

### Sports Law

## 0. Introduction



## 1. Pyramid Structure



## 2. Autonomy and self-regulation

## 3. International instruments





# HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

COUNCIL OF EUROPE



## Case-law of the ECtHR

Interestingly, the number of **sport-related cases** brought to the Court has increased in recent years.

The Court's decisions have shed light on situations concerning, for example:

- anti-doping controls and sanctions,
- intervention of riot control units in a football match,
- flaws in the investigations following a major accident in a stadium,
- police custody to prevent hooliganism,
- access to justice in the context of a dispute concerning a player's transfer,
- freedom of religion in the context of physical education,
- media freedom in a case concerning doping,
- dissolution by the authorities of supporters' clubs, etc.

Although the case-law of the Court emerges mostly in the context of cases **outside the sport context**, many aspects of it are relevant also for issues that arise in the context of sport.

The guidance that can help to safeguard the rights and freedoms in the context of sport can be found in the case-law concerning for instance rights to privacy, to life, access to justice and fair trial, freedom of expression and assembly.

compliance with the ECHR and the **case-law of the European Court of Human Rights**.



Case-law of the ECtHR

## Pyramid structure

The sport movement constitutes a highly integrated social entity, based on a pyramid structure topped by the **international federations** that ensure that the system is coherent.

**International federations**

**Regional federations**

**National federations**

**Local federations**

**Clubs**

**Athletes**



Video: Education in the sport world



**How can education in the field of human rights in sport, including this HELP course, contribute to the fight against major defects in the world of sport?"**

Watch an interview with Jean-Paul Costa, President of the European Court of Human Right in 2007-2011, arbitrator of CAS (Court of Arbitration for Sport) and expert of WADA (World Anti-Doping Agency)".

# HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

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## Paralympic Movement



**“All about ability”** – How the Paralympic Movement is maintaining momentum.

This video was launched in 2013 by the International Paralympic Committee to mark the United Nations International Day of Persons with disability.

For more information on the rights of persons with disabilities please visit [HELP Course “Rights of persons with disabilities”](#)

For more information on discrimination please see Module 5 (Anti-discrimination).



# HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Press Unit  
Unité de la Presse

ECHR



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

Factsheet – Sport and the ECHR

January 2018

This Factsheet does not bind the Court and is not exhaustive

**Article 6 : fair trial**

**Article 7 : no punishment without**

**Article 8: privacy**

**Articles 2, 3 and 4 : life and physical**

**Articles 5, 10 and 11: liberty and security of person, freedom of expression and assembly**

**Article 14 : prohibition of discrimination**

**Article 1 of Protocol 1: property, just compensation, no excessive fines imposed on athletes**

## Sport and the European Convention on Human Rights

### Right to life (Article 2 of the Convention)

#### Harrison and Others v. the United Kingdom

25 March 2014 (decision on the admissibility)

The applicants, relatives of the 96 supporters who died in the Hillsborough disaster in 1989, complained under Article 2 (right to life) of the European Convention on Human Rights that the original inquest had been inadequate and, that although new inquests had been ordered, they had to wait for over 24 years for an Article 2 compliant investigation into the deaths.

Having regard both to the understandable absence of criticism by the applicants of the prompt and effective measures taken so far by various authorities of the United Kingdom to further investigate the deaths of their relatives following the setting up of the Hillsborough Independent Panel in September 2012 and to the pending inquests and investigations, the European Court of Human Rights found that the applications had to be regarded as premature and declared them **inadmissible** pursuant to Article 35 (admissibility criteria) of the Convention. The Court further noted that, if the applicants became dissatisfied with the progress being made or, upon the conclusion of the investigations and inquests, were not content with the outcome, it would remain open to them to lodge further applications with the Court.

### Prohibition of inhuman or degrading treatment (Article 3 of the Convention)

#### Hentschel and Stark v. Germany



# HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

## Course “Human Rights in Sports”

**Online course** duration is 10-12 hrs. More if reviewing links



**Moderated course** by national tutor: 3 hrs per 2 weeks over 2-3 months



# CoE HELP's geographical outreach – 830 million Europeans

| Course                              |
|-------------------------------------|
| Labour Rights                       |
| Racism, xenophobia, homophobia      |
| Data protection and privacy         |
| Integrity of the person – bioethics |
| Asylum                              |



| Course                             |
|------------------------------------|
| Introduction to the ECHR and ECtHR |
| Admissibility criteria (ECtHR)     |
| Medicrime                          |
| Violence against women             |
| Business and human rights          |



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# HELP

*Good training for good judgments*

***Thank you very much for your attention!***

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