

HELP Cross-border launch of the course on Family Law and Human Rights

Ljubljana, 16-17 September 2019

Concept paper

Date	16-17 September 2019
Location	Ljubljana, Slovenia Address: Hotel Slon, Slovenska cesta 34, 1000 Ljubljana, Slovenia
Language	English
Participation	Judges and Prosecutors from EU member States (participation is taken in charge by the project)
Registration	Registration link HERE https://ec.europa.eu/eusurvey/runner/HELP_EU_Launch_HELP_course_FAM_IP_Ljubljana_0919 Deadline: 12 August 2019

Background

The **Council of Europe (CoE) Programme for Human Rights Education for Legal Professionals (HELP)**¹ is aimed at supporting the CoE member States in implementing the European human rights standards at the national level, focusing on the European Convention on Human Rights (ECHR), other key CoE instruments, and since 2015, EU law. This is done by raising the capacities of legal professionals to apply those instruments in their daily work.

The objective of HELP is to provide high quality education on human rights to judges, lawyers and prosecutors throughout Europe. Law enforcement authorities such as police and prison staff are also targeted by HELP. Thanks to HELP courses, legal professionals can better protect human rights on a national level and keep up to date with the ever-evolving standards and case law of the European Court of Human Rights (ECtHR). HELP courses specifically designed for EU countries increasingly incorporate relevant EU laws.

HELP is:

1. the only pan-European Network of national training institutions for judges, prosecutors and lawyers in the 47 CoE Member States.
2. an e-learning platform with free on-line courses on human rights.
3. a human rights training methodology for legal professionals.

The HELP in the EU Project

The joint EU-CoE project 'European Programme for **Human Rights Education for Legal Professionals in the European Union**' (**HELP in the EU**²) supports legal professionals from EU Member States in acquiring the knowledge and skills on how to effectively and coherently apply European fundamental rights standards at the national level, mainly referring to the EU Charter on Fundamental Rights (the Charter), the European Convention on Human Rights (ECHR), the (revised) European Social Charter (ESC) and relevant EU and

¹ For more information on HELP please visit HELP's website: www.coe.int/help

² For more information about the EU-CoE HELP in the EU project, please go to <https://www.coe.int/en/web/help/help-in-the-eu>

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Council of Europe Law. Furthermore, they will become familiar with the relevant European jurisprudence. It also reinforces the HELP Network of National Institutions (NTI's) and Bar Associations (BA's) in the EU; and through the use of cross-border trainings – which bring together legal professionals from a number of EU Member States - increases mutual trust and exchanges between EU practitioners.

The HELP course on Family Law and Human Rights

Family law is a distinctive area of law because it is multi-layered (national, regional and international) and interdisciplinary (transcending private and public law, both domestically and internationally). Given the increasing mobility and internationalisation of the child and of families, it is also a complex topic.

The course discusses and analyses the influence of human rights law, notably Articles 8 and 12 (ECHR) on national family law. It addresses key cases of the European Court of Human Rights on Articles 8, 12 and 14 ECHR and explores relevant European and international instruments including the UN Convention on the Rights of the Child (1989), with a view of showing how human rights law sets a minimum standard for family law in Europe. In the EU, although the substantive family law remains under the sole competence of EU countries, the EU is empowered to take measures concerning family law with cross-border implications on the basis of a special legislative procedure: all EU countries should agree (unanimity) and the European Parliament must be consulted.

The national differences in substantive family law can be bridged by private international law. The second perspective of this course is thus the rules on private international law in family matters. The process of harmonisation and unification of private international law within the EU and the work of the Hague Conference on Private International Law is given particular attention.

The course provides a comprehensive overview of International and European family law related standards, case-law and good practices. It is the first HELP course to provide a single resource on the topic, covering the extensive CoE standards and EU law, as well as soft-law instruments on the matter. The topics are explored in a practical way, by using presentations, interactive screens, knowledge tests and reflective exercises.

It is primarily addressed to legal professionals (judges, prosecutors, lawyers), but can be also useful for the court staff, law enforcement, social workers, NHRIs, civil society organisations, media and other professionals working in the field of family law.

The course was finalised in **January 2019**.

Course outline

The course consists of the following five substantive modules:

➤ Introduction

Presentation of the course structure, course authors and learning objectives

Key principles: Best Interest of the Child and Anti-discrimination

➤ Rights Related to Couples

Status of the Relationship

Rights Stemming from the relationship

Migration Issues Related to Spouses and Partners

➤ Relationship between Children and their Parents and Other Relatives

Status of the Relationship



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Rights Stemming from the Relationship Migration Issues

➤ **International Child Abduction**

Introduction to the Legal Framework
The Hague Convention of 1980
The Brussels IIa Regulation
The ECHR

➤ **Children's Rights: Key Challenges**

The Protection of Children against Sexual Exploitation and Abuse
The Rights of the Child in the Digital Environment

The cross-border launch

The event is organised under the **HELP in EU Project**, funded by the European Union and implemented by the Council of Europe through its HELP Programme. It is organised in cooperation with the Slovenian National School of Judges.

Its main goal is to gather up to 90 participants from EU countries in the HELP tutored course on Family law and Human Rights in a one and a half day event combining presentations and exchanges on content with an introduction to the HELP platform and the course pages on which the group will follow the course with the assistance of a tutor.

The cross-border launch will be held on **16-17 September 2019 in Ljubljana, Slovenia**. The working language will be English.

The Course

During the launch, the participants will be registered on the course page, prepared in advance by their tutor. Over the following 2 to 3 months and based on the planning set by the tutor, the participants will go through the online course, complemented by the materials prepared by the tutor. The participants who have successfully completed the course and passed the evaluation set by the tutors will receive certificates issued by the HELP Programme of the Council of Europe.

Participation and registration

Participation is open to judges and prosecutors from EU Member States. Interested participants should:

- be available to **attend the launch event on 16-17 September 2019 in Ljubljana** (the participation is taken in charge by the project: travel will be organised by the Council of Europe and accommodation should be organised and paid for by the participants themselves; they will be reimbursed after the event through transfer of per diems of 175 EUR/day, from which the amount allocated for lunch during the first day of seminar – 20% of one per diem- will be deducted)
- undertake to **follow and complete the online tutored course** in the following 3 months (approx. 1-2 hours of work per week)
- have knowledge of **English**
- register for the event at the following link **by 12 August 2019**.
https://ec.europa.eu/eusurvey/runner/HELP_EU_Launch_HELP_course_FAM_IP_Ljubljana_0919

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HUMAN RIGHTS EDUCATION FOR LEGAL PROFESSIONALS

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by the European Union
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Preparation

Before the Cross-border launch, participants should:

- ✓ Watch the (5 minute) video on the HELP methodology: <https://www.coe.int/en/web/help/home>
- ✓ Create an account on the [HELP e-learning platform](#), following the instructions available in the attached document 'HELP in 3 steps'

Further information

For additional information, please do not hesitate to contact Ana-Maria Telbis (ana-maria.telbis@coe.int) or Konstantinos Vratsidas (Konstantinos.VRATSIDAS@coe.int) at the HELP Secretariat.

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Agenda*

Day 1 – 6 May

9.00 - 9.30	Arrival and registration of participants
9.30 – 10.10	Welcome addresses <i>Judge Miodrag Đorđević, Supreme Court of the Republic of Slovenia, HELP Focal Point for Slovenia</i> <i>Nataša Skubic, Head of Continuous Training Department, Judicial Training Centre, Ministry of Justice of the Republic of Slovenia</i>
10.10 – 11.00	Presentation of the HELP Programme and the 'HELP in the EU' Project Overview of the HELP course on Family Law and Human Rights <i>Ana-Maria Telbis, 'HELP in the EU' Project Coordinator, HELP Programme, Council of Europe</i>
11.00 – 11.30	<i>Coffee break and group photo</i>
11.30 – 12.30	Key ECHR case law on family law <i>Judge/Lawyer, European Court of Human Rights TBC</i>
12.30 – 14.00	<i>Lunch</i>
14.00 – 15.00	The work of the CoE and EU in matters related to family law – overview of the main instruments and mechanisms <i>Maria Andriani Kostopoulou, course author TBC</i>
15.00 – 15.45	Comparison of the decisions of the European Court of Human Rights and Court of Justice of the European Union concerning international child abduction <i>Judge Mateja Končina Peternel, Supreme Court of the Republic of Slovenia</i>
15.45 - 16.15	<i>Coffee break</i>
16.15 – 17.00	Presentation of HELP courses related to the issue of Family Law <i>Ana-Maria Telbis</i>
17.00 - 17.15	Conclusions and closure

Day 2 – 7 May

9.15 – 10.15	Presentations of the national context in EU countries – current challenges and comparative perspectives
10.15 – 11.00	Presentation of the HELP e-learning platform and walk through <i>Ana-Maria Telbis, 'HELP in the EU' Project Coordinator, HELP Programme, Council of Europe</i>
11.00 – 11.30	<i>Coffee break</i>
11.30 – 12.45	The implementation of the national course: sharing of expectations, presentation of the national pages, planning, evaluation <i>Discussion by groups moderated by HELP Course Tutors</i>
12.45 – 13.00	Conclusions and closure

*Agenda may be subject to change.