

PROHIBITION OF ILL-TREATMENT

HELP

Human Rights Education for Legal Professionals

Funded
by the European Union
and the Council of Europe



EUROPEAN UNION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Implemented
by the Council of Europe

Duration: 7 hours

Available for free on the
CoE HELP e-learning
platform

Statement of
Accomplishment

START COURSE 

Council of Europe
Human Rights Education for Legal Professionals
(HELP) Programme

2023

Background

The respect for all human rights, including the **prohibition of ill-treatment**, might be threatened in the Europe of the 21st century. It is indicative that out of the 1059 judgments establishing at least one violation issued by the European Court of Human Rights (ECtHR) in 2022, more than 38 % (412), concerned different aspects of **Article 3 of the European Convention on Human Rights (ECHR)**, which prohibits **torture, inhuman and degrading treatment**.¹ 28% of the leading ECtHR cases pending execution under enhanced supervision before the Council of Europe Committee of Ministers in 2021 concern actions of security forces, protection against ill-treatment or conditions of detention and medical care, topics covered by Article 3 of the ECtHR.²

Over 10,000 applications pending before the ECtHR by the end of 2022 concerned conflicts between different (member) States. These are complex cases and often entail aspects related to Article 3 of the ECHR.³ A new module dedicated to prohibition of ill-treatment in times of conflict has been developed to address this aspect.

The case-law related to Article 3 ECHR has influenced, enriched and advanced the ECtHR jurisprudence and other relevant standards, including those set by the **European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT)**, particularly regarding the scope of this prohibition, its elements, positive and procedural obligations, and the interrelation with other human rights and freedoms.

The prohibition of ill-treatment is at the forefront of the human rights protection systems, due to its absolute character. It is particularly relevant for professionals who work in law-enforcement, criminal justice and other related functions.

About the course

This free HELP online course aims at assisting legal professionals in the Council of Europe member States in effectively applying the standards concerning the prohibition of ill-treatment. The topics are explored in a practical way, by using presentations, interactive screens, knowledge tests and reflective exercises. Throughout the course, there are interactive case-studies, which will enable the users to apply the gained knowledge and skills.

The course was initially developed in 2017⁴ by the [Council of Europe Human Rights Education for Legal Professionals \(HELP\) Programme](#). It has been updated in 2023 with financial support

¹ ECtHR [Annual reports \(coe.int\)](#)

² [Annual Reports - Department for the Execution of Judgments of the European Court of Human Rights \(coe.int\)](#)

³ ECtHR [Annual reports \(coe.int\)](#)

⁴ In cooperation with the project "Strengthening the implementation of European human rights standards in Ukraine" of the Joint EU/CoE Programme Partnership for Good Governance

of the European Union and the Council of Europe.⁵ The content has been restructured and enriched with a new module on prohibition of ill-treatment in times of conflict, to address the specificities related to these situations.

The course benefitted from the contributions of a senior lawyer from the Registry of the European Court of Human Rights, as well as representatives of the Co-operation Programmes Division within the CoE Department of Implementation of Human Rights, Justice and Legal Co-operation Standards.

Target audience

This free on-line course is primarily addressed at all **legal professionals** (judges, prosecutors, lawyers, court staff), but could be extremely beneficial to **law-enforcement officers** who can detain individuals, use force, and apply other coercive measures (e.g. police or prison staff). It can also be used by national human rights institutions, as well as civil society organisations, university students etc.

When contextualised to the national legislation and challenges, HELP courses also address the training needs identified by various Council of Europe monitoring mechanisms and support the implementation of ECtHR judgments pending execution.

Course outline

The course consists of an introductory module and **8 substantive modules**:

0

Introductory module

- Background
- Learning objectives

1

Legal Framework and Concepts

- Basic international provisions
- Key notions
- Scope

2

Effective (procedural) response to ill-treatment and combatting impunity

- Procedural and related obligations
- Handling indications of ill-treatment
- Requirements for an effective investigation
- Deterrent effects

⁵ Through the Partnership for Good Governance project ‘Supporting the Criminal Justice Reform and Harmonising the Application of European Standards in Armenia’ and the CoE project ‘Human Rights Compliant Criminal Justice System in Ukraine’ as part of the Action Plan for Ukraine 2018-2022. The module on Prohibition of Ill-Treatment During Armed Conflict was developed also with contributions from the CoE HELP project ‘Supporting the contextualization of HELP modules/courses for legal professionals in times of war in Ukraine’.

3

Ill-treatment in places of deprivation of liberty

- General considerations
- Prison and other penal institutions
- Immigration detention

4

Use of force as a means of restraint

- Test for the use of force and special means
- Definition
- Requirements for the use of force
- Handcuffing
- Use of force and special means during mass protests
- Burden of proof

5

Ill-treatment beyond coercive context

- Article and domestic violence
- Medical treatment
- Disappearances
- Living conditions
- Hate crimes
- Extraterritorial effect

6

Interrelation with other rights

- During apprehension
- During investigation and trial stage
- Overall parameters

7

Who does what?

- Measures and relevant shortcomings

8

NEW!

Ill-treatment during armed conflict

- Legal framework
- Situations where there is a risk of ill-treatment
- Gendered impacts of conflict
- Accountability at the national level

How to access the HELP online course

The course is freely available in self-learning format on the [Council of Europe HELP e-learning platform](#). The overall length of the online course is approximatively **7 hours** and those who complete it in self-learning format can obtain an individualised and electronic '**Statement of accomplishment**'.

To access the course, you need a HELP account. If you haven't created one yet, you can sign up here, it only takes 2 minutes:

<https://help.elearning.ext.coe.int/login/signup.php>.

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