

# HELP online course on ALTERNATIVE MEASURES TO DETENTION

## Introduction

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The right to liberty is one of the most fundamental human rights, and the deprivation of this right has harsh and serious consequences on the individuals affected by it. Imprisonment as a means of punishment for law breaking is ancient and dates back to first codified forms of law. In the 21<sup>st</sup> century, the question of imprisonment is complex, as prison population continually rises both in the Council of Europe member States and globally. Overcrowding is therefore a very real and present issue.



The Council of Europe in a number of texts adopted by the Committee of Ministers, as well as the European Court of Human Rights in its case-law, have urged national authorities, when possible, to employ alternatives to detention.

This course will introduce you to the key terms and principles related to the different types of alternative measures to detention.

## Outline of the course

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### 1. Introduction

- a. The problem of overcrowding
- b. Imprisonment and human rights
- c. Case study

### 2. Substantive Rights

- a. International standards
- b. European standards
- c. Principle of legality
- d. Conditions, obligations and duration
- e. External scrutiny
- f. Key human rights principles
- g. Restrictions on community sanctions and measures

### 3. Procedural rights

- a. Right to a fair trial – Article 6
- b. Right to Liberty and Security – Article 5
- c. Protection for juveniles
- d. Procedural safeguards
- e. The right to appeal and complaints procedures

### 4. Non-custodial alternatives throughout the justice process

- a. Pre-trial detention
- b. Pre-trial measures
- c. Trial and sentencing
- d. Post-sentencing

### 5. Implementation of community measures and sanctions

- a. Conditions of implementation
- b. The role of the probation agency
- c. Client responsibility
- d. Record keeping
- e. Methods of work
- f. Non-compliance

### 6. Community involvement

- a. Community and offenders
- b. Conditions, obligations and duration
- c. Community involvement

### 7. Electronic monitoring

- a. Fears and concerns
- b. Definitions and key concepts
- c. Legal framework

#### Access the free online course

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To access the course, you just need to enter the HELP online platform at:

<http://help.elearning.ext.coe.int/>. First you need to open an account on the HELP platform if you have not yet done so (2 minutes).

Then you can follow this link to directly access the online course:

<http://help.elearning.ext.coe.int/course/view.php?id=1753>

The course is available in English, Albanian, Bosnian, Bulgarian, Greek, Montenegrin and Serbian.