

HELP Online course on ILL-TREATMENT in law-enforcement, security and other coercive contexts

Background and aim

Europe in the 21st century has been a very intensive stage of reverberating to the global 'war on terror'. In such circumstances, the respect for all human rights, including the most fundamental ones like the prohibition of ill-treatment, might be threatened. It is indicative that out of all 16399 violations established by the European Court of Human Rights (ECtHR) by the end of 2016, 2802, i.e. more than 17%, concern different aspects of Article 3 of the European Convention on Human Rights (ECHR), which concerns the prohibition of torture, inhuman and degrading treatment. These and other factors have influenced, enriched and advanced the ECtHR jurisprudence and other relevant standards, including the extremely important body of work of the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT), as regards the scope of this prohibition, its elements, positive and procedural obligations and the interrelation with other human rights and freedoms. These developments have given an opportunity to crystallize the international requirements and approaches pursued in this regard.

The nature of law-enforcement, criminal justice-related and adjacent functions, as well as the powers of the relevant bodies and agencies and their officers, who can detain individuals, use force, and apply other coercive measures, understandably bring the prohibition of ill-treatment to the forefront of the human rights framework.

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 is an interactive scenario with exercises, which will enable the users to apply the gained knowledge and skills.

The course was produced in October 2017.

Partnership for Good Governance

Target audience

This free on-line course is primarily addressed to all legal professionals (judges, prosecutors, lawyers, court staff), but could be extremely beneficial to law-enforcement and prison authorities. It can also be used by national human rights institutions, as well as civil society organizations, university students etc.

Course outline (6 modules)

1. **Definitions and international/European legal framework** (notions of ill-treatment: 'torture', 'inhuman' and 'degrading'; scope of the prohibition of ill-treatment, absolute character of the prohibition, CPT, UN SPT)
2. **Conditions of detention and medical treatment of detainees** (living [personal] space; physical, material and other conditions; relative factors and conditions; the right to rehabilitation; medical treatment)
3. **Use of force as a means of restraint** (use of force and ill-treatment; lawfulness and further requirements; distribution of burden of proof)
4. **Safeguards against ill-treatment** (overall rationale and grouping; procedural safeguards; organizational safeguards)
5. **Effective investigation – combatting impunity** (procedural limb; effectiveness of the investigation; adequacy of punishment/judicial deterrence; combating impunity)
6. **Interrelation with other rights** (admissibility of evidence tainted by ill-treatment; effectiveness of domestic civil law remedies; extraterritorial issues: deportation, extradition...)

Development and implementation of the course

The course was developed by the European Programme for Human Rights Education for Legal Professionals (**HELP**; www.coe.int/help) of the Council of Europe 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, by using the HELP methodology (<http://www.coe.int/en/web/help/help-training-methodology>). The course will be launched in Ukraine and Moldova by the end of 2017.

Access the free online course

To access the model course in English, you will need to enter the HELP e-learning platform at <http://help.elearning.ext.coe.int/>. First you will need to open a HELP account if you have not yet done so (2 minutes). Then follow this link to access the course <http://help.elearning.ext.coe.int/course/view.php?id=2102>

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