

TRANSITIONAL JUSTICE & HUMAN RIGHTS

START

HELP

Human Rights Education for Legal Professionals
Council of Europe

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Transitional Justice and Human Rights

HELP ONLINE COURSE

Duration: 7 hours

Available for free on the CoE
HELP e-learning platform

Statement of
Accomplishment

START COURSE 

Human Rights Education for Legal Professionals (HELP) Programme

Council of Europe

2023

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Background

The concept of **'transitional justice'** has been developed in an attempt to overcome challenges occurring in societies **following periods of violence and large-scale abuses**. Following the laying down of arms, Transitional Justice is the process that sees establishing or restoring the rule of law and democracy. It refers to the ways countries emerging from periods of conflict address large-scale or systematic human rights violations, so numerous and so serious that the usual justice system will not be able to provide an adequate response.

The main aims of transitional justice consist of the recognition of **the dignity of individuals**, the **redress** and **acknowledgement of violations**, and the aim to **prevent them from happening again**.

Because of the number of violations and context of societal fragility, not every violation will be dealt with as it might be in normal times. Traditionally, emphasis has been put on four types of "approaches:"

- **Criminal justice** process to ensure criminal accountability for the crimes
- **"Truth-seeking"** (or fact-finding) processes into human rights violations by non-judicial bodies
- **Reparations** for human rights violations take a variety of forms: individual, collective, material, and symbolic
- **Guarantees of non-repetition**, which include, *inter alia*, institutional reforms of the police, judiciary, military, and military intelligence

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 Transitional Justice process. The topics are explored in a practical way by using presentations, interactive screens, knowledge tests and reflective exercises. There are interactive case studies throughout the course, which will enable the users to apply the gained knowledge and skills.

The course was initially developed in 2016 by the [Council of Europe Human Rights Education for Legal Professionals \(HELP\) Programme](#). It has been **updated in 2023**¹. The content has been substantially restructured and enriched with new modules to address the most recent trends and developments in the field of Transitional Justice.

¹ In cooperation with the Council of Europe's projects "Supporting contextualisation of HELP modules/courses for legal professionals in times of war in Ukraine" and "HELP (Human Rights Education for Legal Professionals) for Ukraine including during wartime", that is being implemented as part of the Council of Europe Action Plan for Ukraine "Resilience, Recovery and Reconstruction" (2023-2026).

Target audience

This free online course is primarily addressed at all **legal professionals** (judges, prosecutors, lawyers, court staff), but could be extremely beneficial to **law enforcement officers** who are engaged in investigating war crimes, crimes against humanity and other grave violations of human rights. It can also be used by policymakers, 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 **six substantive modules**:

1	Introductory module <ul style="list-style-type: none">• Information about the course• Learning objectives
2	Basics of Transitional Justice <ul style="list-style-type: none">• Explanation of the concept of Transitional Justice• Definition and goals of Transitional Justice• Measures of Transitional Justice• Challenges of Transitional Justice• Transitional Justice in different regions• Transitional Justice and vulnerable groups• Knowledge check
3	Justice & Accountability <ul style="list-style-type: none">• International criminal law and its sources• International crimes (war crimes, crimes against humanity, genocide)• Liability for leadership figures and masterminds• Domestic prosecutions (universal jurisdiction, international cooperation, domestic trials)• Common defences or related concepts• Knowledge check
4	Investigations, Truth and Extra-Judicial Bodies <ul style="list-style-type: none">• General considerations• Roles of investigators and prosecutors• Investigative plans• Analytical support to the investigations (political, historical, military, criminal, forensic and other types of support)• Truth-seeking bodies

	<ul style="list-style-type: none"> • Case study • Evidence management • Investigations, truth-seeking and media • Strategies of investigation • Knowledge check
5	<p>Legality, Amnesties and the Duty to Prosecute</p> <ul style="list-style-type: none"> • Principle of legality • International legal framework • Legality and the ECHR • Components of the principle of legality • Amnesties • Ne bis in idem • Knowledge check
6	<p>Reparations and Guarantees of Non-Repetition</p> <ul style="list-style-type: none"> • Introduction to reparations and guarantees of non-repetition • Definition of victims • The right to reparation • Overview of international legal instruments on the right to reparation • Guarantees of non-repetition • Knowledge check
7	<p>Witnesses & Victims</p> <ul style="list-style-type: none"> • General considerations on witness protection • Tools of witness protection • Different categories of witnesses in need of protection • State's obligations towards witnesses and victims • Witness protection in international courts • Tools of witness protection • Witness protection in a fair trial • Termination of witness protection • Knowledge check

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 approximately **7 hours**, and those who complete it in a 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>.

