

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

Background and aim

The respect for all human rights, including the most fundamental ones such as the prohibition of ill-treatment, might be threatened in the Europe of the 21st century. It is indicative that out of the 16.400 violations established by the European Court of Human Rights (ECtHR) at the end of 2016, more than 17% (2.802), concern different aspects of Article 3 of the European Convention on Human Rights (ECHR), which prohibits torture, inhuman and degrading treatment. This fact 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.

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 developed in September 2017.

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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.

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; organisational 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 was launched in Ukraine and Moldova at the end of 2017.

Access the free online course

To access the model course in English, first you will need to enter the HELP e-learning platform at <http://help.elearning.ext.coe.int/>. You will then need to open a HELP account if you have not yet done so (2 minutes).

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