



# Human Rights National Implementation Division Highlights 2016



## Annual Report 2016

COUNCIL OF EUROPE



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# **Human Rights National Implementation Division Highlights 2016**

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Cover and layout: Documents and Publications Production Department (SPDP), Council of Europe

Photos: Council of Europe

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Printed at the Council of Europe

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Publications of the Division

## Introduction

The Human Rights National Implementation Division is part of the Human Rights Policy and Cooperation Department within the Directorate of Human Rights of the Directorate General of Human Rights and Rule of Law (DGI). It supports the implementation of the European Convention on Human Rights (the Convention) and other European human rights standards at the national level in all Council of Europe member states through cooperation programmes in line with the 2012 Brighton and 2015 Brussels Declarations. The Division provides a combination of legislative expertise and institutional development as well as capacity building support, paying attention to impact and aiming at sustainability, both essential and complementary aspects of ensuring a better protection of human rights at the national level. Through the projects, the Division disseminates good practices and contributes to raising the standards of human rights observance in Europe.

The main areas covered by the Division relate to the harmonisation of national judicial practice, also known as “case law harmonisation”; the reform of the criminal justice system, including the fight against ill-treatment and impunity; the establishment or strengthening of effective national remedies; and support to ombudsperson institutions and Equality Bodies/National Human Rights Institutions.

The Division is responsible for the design, the management and the implementation of cooperation projects that find their source in the findings of the Council of Europe's monitoring mechanisms, notably the case law of the European Court of Human Rights (the Strasbourg Court). Therefore, synergies with the Court and the Department for the Execution of Judgments are highly developed. Close cooperation and coordination is also ensured with other DGI entities, such as the Venice Commission; the Committee for the Prevention of Torture and Inhuman and Degrading Treatment and Punishment (CPT); the Justice Department; the Action Against Crime Department; the Information Society Department; and the Directorate General of Democracy, notably the secretariats of relevant monitoring mechanisms, such as ECRI, FCNM, GRETA, GREVIO, and the Sexual Orientation and Gender Identity Unit (SOGI). Similar relationships exist with the Special Representative of the Secretary General on Migration and Refugees and the Special Representative of the Secretary General on Roma Issues. Projects in Ukraine are coordinated with the Special Advisor of the Secretary General on Ukraine. Background information is provided to the Commissioner for Human Rights before the visits he undertakes to countries where projects are implemented, and his recommendations increasingly call upon respective authorities to take full advantage of the support that can be provided through specific cooperation projects.

All cooperation projects are included in country action plans, where these exist. The support provided by the Directorate General of Programmes (ODGP) is essential to ensure their adequate funding.

In 2016, the Division was responsible for 26 projects and a budget of nearly €35 Mio. Most of the funding came from extra-budgetary resources, mainly from the European Union through joint programmes or larger facilities, such as the Partnership for Good Governance (initially called "Programmatic Cooperation Framework") targeting Eastern Partnership countries and the Western Balkans Horizontal Facility; voluntary contributions from Council of Europe member states, such as Denmark, Norway and the United Kingdom; and the Human Rights Trust Fund. The Council of Europe's own budget of a total amount of €500 000 was used for countries where smaller-scale interventions could deliver an impact; to respond to urgent requests; and for the core activities of the European Programme for Human Rights Education for Legal Professionals, better known as HELP – notably the Network, the Consultative and Editorial Boards.

Large-scale projects were implemented in Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Georgia, Kosovo\*, Moldova, Montenegro, Russian



Federation, Serbia, “the former Yugoslav Republic of Macedonia”, Turkey, Ukraine. Furthermore, EU member states were specifically targeted through a joint EU/CoE project, “HELP in the 28”. In addition, a number of activities took place in Belarus, notably a conference on the abolition of the death penalty, organised in cooperation with the Directorate of Political Affairs.

The tremendous work accomplished by the Division could not have been achieved without a very dedicated team composed of 80 staff members of 35 nationalities, based in Strasbourg and 13 of the field offices of the Council of Europe. The team members are divided into four units: two geographical units, the Eastern Partnership and Russia Unit; and the South East Europe and Turkey Unit; the HELP Unit; and the Central Unit, responsible inter alia for the Division’s publications and communication.

2016 was marked by continued endeavours towards removing obstacles to effective implementation of the Convention at the national level. In particular:

- ▶ Support was provided to national courts to ensure a coherent interpretation of the case law of the Strasbourg Court, leading to a harmonised body of national case law. This has been achieved through the development of innovative mechanisms and tools in Bosnia and Herzegovina, Georgia, the Russian Federation, and Serbia, such as advisory opinions issued by high courts, special functions conferred to case law/human rights departments, enhancing access to the case law through modern databases, harmonisation panels, as well as modern judicial training techniques on the ECHR and Strasbourg case law undertaken under the HELP umbrella.
- ▶ Focus was also placed on strengthening judicial and non-judicial effective remedies (individual application before the Constitutional Court in Montenegro and Turkey; NPM and amicus curiae functions of Ombudsperson institutions in Georgia, Kosovo\* and Montenegro; anti-discrimination actions of Ombudsperson institutions and equality bodies in Albania and Moldova).
- ▶ Reform of the criminal justice system was pursued in Moldova and Ukraine. Dialogue with the judiciary was enhanced in the Russian Federation notably through “HELP in Russia”, and in Turkey through an EU/CoE joint project on freedom of expression. More detailed information can be found in the pages that follow.

In addition, new tools were developed to review the progress of judicial reforms, as well as to assess the state of affairs in more concrete areas, such as pre-trial detention:

- ▶ A Progress Review Methodology of the Justice Sector Reform in Ukraine was developed under the EU/CoE Joint Programme “Consolidation of Justice Sector Policy Development in Ukraine” to provide methodological guidance and a comprehensive tool to national stakeholders for the assessment of the progress of justice sector reforms in the country.
- ▶ A unique, new step-by-step methodology aimed at in-depth assessment of pre-trial detention practices by national stakeholders was developed in Georgia through the CoE/EU Partnership for Good Governance.

# Harmonisation of national case law

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**H**armonisation of case law aims at ensuring effective and qualitative justice in an equitable and coherent manner based on a common understanding of national law and international standards. This is achieved through a combination of methods, procedures, processes and individual actions. The work of the Division on case law harmonisation was boosted in 2016 by the growing interest of national judiciaries in benefitting from the Council of Europe's support in that area.

## Why is harmonisation of case law essential for the protection of human rights?

The enhanced application of the Council of Europe legal instruments at the national level is primarily contingent on coherent judicial action. Inconsistent interpretation of relevant legal instruments adversely affects their implementation, thus resulting in numerous complaints being brought to the Strasbourg Court. Most problems do not arise from the quality of legal texts, but rather are attributable to inconsistent judicial interpretation.

Moreover, discrepancies in domestic case law may in themselves provoke legal uncertainty to such an extent as to violate the right to a fair trial enshrined in the Convention. Further, different interpretations given by different courts in similar cases create confusion for the parties and diminish the confidence that society places in the judicial system. Ultimately, inconsistent interpretation also creates space for abuse.

Harmonising case law in a given national legal order is necessarily a complex and delicate process on account of the inevitable tension between judicial independence and the need for a coherent and predictable legal order. A fine balance should be struck between judicial discretion in interpretation of domestic and international law and the need to ensure that this interpretation is consistent.

For example, a statute, or legal provision that seemed to mean one thing may be interpreted by a court to mean something different. Typically the objective of a court's interpretation is to clarify the meaning of a legal norm or to expand its meaning according to the developments in a given society. In many cases, however, different interpretations offered by different courts in similar cases create confusion for the parties in legal proceedings. Even keeping in mind the wide discretion in interpretation of legal provisions that domestic courts enjoy, a party is entitled to expect consistency in judicial approaches to a certain problem.

The same is true for situations when national courts apply legal positions expressed in judgments of the Strasbourg Court. While the only body that can interpret the Convention is the Strasbourg Court itself, national courts face the problem of interpreting standards set by the Strasbourg Court when deciding whether those could be applicable to a case under their consideration. Their varying approaches diminish the role that Strasbourg Court judgments should play in the protection of human rights and undermine the overall implementation of the Convention at national level, possibly creating new applications to the Strasbourg Court.

What are the conditions to achieve harmonised case law?

There cannot be any universal "guidelines" for national judiciaries as regards harmonisation tools. It all depends on the current architecture of a given judicial system, legal traditions and the effectiveness of existing mechanisms. There is however a few basic criteria which any tool or mechanism, if introduced, should meet.

Harmonisation efforts ideally should not involve any other power outside the judiciary (i.e., the executive or the legislature) to preserve its independence.

Harmonisation mechanisms cannot produce mandatory rules obliging judges to interpret legal provisions or other courts' practice in a certain way. Similarly, no disciplinary sanctions can be imposed on a judge who does not follow the opinions/recommendations of a harmonisation mechanism.

## **Actions implemented and results achieved in 2016: good practices and success stories**

Member states' judicial authorities have developed a wealth of different practices to bring coherence to their case law. Throughout 2016, the Division has supported such good practices and encouraged member states to resolve

problems, including, but not limited to, those which have been identified through the case law of the Strasbourg Court. Some innovative mechanisms and tools have been tested to that effect by different member states: advisory opinions issued by high courts, special functions conferred to case law/human rights departments of higher courts, enhanced access to the case law through modern databases, creation of harmonisation panels, modern judicial training techniques on the Convention and the Strasbourg Court case law (see chapter on HELP), etc.

As this is a relatively new area of cooperation, most of the actions are under way or have been recently implemented, and it is therefore difficult to identify the sustainability of results or their systemic impact.

In **Bosnia and Herzegovina**, harmonisation **panels** were established under the Project “Reinforcing the capacity of the judiciary to apply European human rights standards at the national level in Bosnia and Herzegovina” (funded by the Government of Norway) under which concrete results were achieved in 2016.

After the adoption of the 2012 Venice Commission Opinion “On legal certainty and judicial independence in Bosnia and Herzegovina”, which highlighted the disharmonised judicial practice in the country as a potential cause for human rights violations, the project held consultations with national authorities and international actors on possible steps to remedy the situation. Harmonisation of judicial practice between various judicial levels was identified as a key priority. For this purpose, in December 2013 three panels were established for the harmonisation of the case law in civil, administrative and criminal matters under the project. The panels are composed of representatives of the judiciary of the Federation of Bosnia and Herzegovina, Republika Srpska, the Brčko district and the Court of Bosnia and Herzegovina and act under the authority of the High Judicial and Prosecutorial Council (HJPC).

Since their establishment, the panels have developed their own methodology and adopted Rules of Procedure that were officially signed by the presidents of the Supreme courts of the Entities, the Appellate Division of Court of Bosnia and Herzegovina, the Appellate Court of Brčko District of Bosnia and Herzegovina and the High Judicial and Prosecutorial Council. The main objective of the panels was to draw up recommendations, based on consensus, on what measures ought to be taken in order to make judicial practice throughout the country more coherent. The conclusions have been referred to in five judgments of the Constitutional Court of Bosnia and Herzegovina.



Bosnia and Herzegovina, International Forum “Dialogue of courts - a tool for the harmonisation of judicial practice”

Serbia, “Human Rights Friendly Judiciary”

**IMPACT:** In July 2016, the recommendations of the panel on criminal matters triggered amendments to the criminal codes of the Federation of Bosnia and Herzegovina and Brčko district, ensuring a greater consistency in sentencing for a group of crimes.

In July 2016, the recommendations of the panel on criminal matters triggered amendments to the criminal codes of the Federation of Bosnia and Herzegovina and Brčko district, ensuring a greater consistency in sentencing for a group of crimes.

In addition, the Council of Europe organised in the same month in Sarajevo an **International Forum** “Dialogue of courts - a tool for the harmonisation of judicial practice”, at which a set of conclusions was adopted with the identification of possible steps states can undertake to produce a more coherent case law. Following these recommendations, the HJPC of Bosnia and Herzegovina is now considering the creation of a position of a Jurisconsult modelled on the Jurisconsult of the Strasbourg Court.

In **Serbia**, significant achievements regarding harmonisation of case law were reached in 2014-2015 through the Project “Support to the Judiciary in Serbia to ensure a coherent implementation of the European Convention on Human Rights at the national level” (funded by Norway). In particular judicial dialogue was fostered among courts and new responsibilities were allocated to the court practice department(s) of courts of different levels. This was strengthened in 2016 under the Project “Human Rights Friendly Judiciary” (funded by the Human Rights Trust Fund), with capacity building on human rights for judges, judicial associates and court advisors of all partner courts and institutional capacity development of law faculties to deliver fully-fledged education programmes on human rights to students in order to improve their drafting and reasoning skills.



Georgia, “Application of the European Convention on Human Rights and harmonisation of national legislation and judicial practice in line with European standards”

**IMPACT:** In its Judgment *Cupara v. Serbia* (34683/08), the Strasbourg Court found no violation of Article 6 because national legislation in Serbia, reformed with the support of the Council of Europe, provided for “machinery capable for overcoming... inconsistencies [in judicial practice], namely referring to the action plan aimed at ensuring the general harmonisation of case-law throughout the Serbian judicial system adopted by the Supreme Court of Cassation in April 2014”.

In **Kosovo\***, a **regional forum** on the “Application of the ECHR by the Constitutional Court and courts of ordinary jurisdiction” was held in December 2016. The objective was to discuss the role of constitutional courts in the harmonisation of judicial practice and to compare the practice in Kosovo\* and countries of the region. This was organised under the Project “Improving the protection of human rights by the Constitutional Court of Kosovo\*” (funded by Switzerland).

In **Georgia**, under the EU/CoE Joint Project “Application of the European Convention on Human Rights and harmonisation of national legislation and judicial practice in line with European standards” (under the Partnership for Good Governance), focus was placed on strengthening the **analytical department of the Supreme Court**.

In addition, in order to improve the framework for a functioning prosecution and judiciary service, internal guidelines of the Chief Prosecutor’s Office and the High Council of Justice were adopted, taking into account Council of Europe recommendations. These guidelines, applicable to all courts since 1 January 2017, provide guidance on how to disclose judgments without violating the right to privacy, thus enhancing human rights protection domestically.

\* All references to Kosovo, whether to the territory, institutions, or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo



In-depth training sessions on the application of various Convention standards contributed to the improvement of skills and knowledge of more than 1000 legal professionals. In particular, 150 judges and judge assistants had their skills strengthened through seminars on jury trials and ill-treatment.

In 2016, the Supreme Court and the Registry of the Strasbourg Court agreed to create a **Georgian interface** of HUDOC that will become operational in 2017. **“Bench&Bar” meetings** were reinitiated to develop a more consistent practice on specific legal issues and bring judges, prosecutors and lawyers around the same table.

Knowledge of Convention standards and research methodology of the staff of the Analytical Department of the Supreme Court and relevant officials from the appellate, city and regional courts were enhanced through **training** and a study visit to the French Court of Cassation. To improve consistency in criminal proceedings, joint training for judges, prosecutors and lawyers has been carried out, especially on the practical aspects of the right to a fair trial.

In the **Republic of Moldova**, the compendium “European Convention on Human Rights - Commentary on judgments of the European Court of Human Rights in respect of the Republic of Moldova. Conclusions and recommendations”, was prepared in co-operation with the Supreme Court and the National Institute of Justice. It serves as a tool for national judges to coherently apply the case law of the Strasbourg Court. This was done under the Projects “Support to criminal justice reform in the Republic of Moldova” (funded by the Government of Denmark) and “Support to coherent implementation of the European Convention on Human Rights in the Republic of Moldova (funded by HRTF).

In **Montenegro**, a methodology was developed for the purposes of carrying out a quantitative and qualitative analysis of the application of the Convention standards at the national level over the past 3 years (2014 to 2016). The analysis will result in concrete recommendations on how to support the courts in better applying the Convention and the Strasbourg Court case law.

This endeavour has been undertaken under the Project “Fighting ill-treatment and impunity and enhancing the application of the ECtHR case law on national level” (FILL) launched in September 2016 under the “Western Balkans Horizontal Facility” (WB – HF).



Montenegro, “Fighting ill-treatment and impunity and enhancing the application of the ECtHR case law on national level” (FILL)



In “the former Yugoslav Republic of Macedonia”, a new EU/CoE Joint Project “Increasing judicial capacity to safeguard human rights and combat ill-treatment and impunity (CAPI) was launched in November 2016 under the WB – HF. A series of **regional round tables** to contribute to the harmonisation of judicial practice are foreseen.



“The former Yugoslav Republic of Macedonia” Increasing judicial capacity to safeguard human rights and combat ill-treatment and impunity (CAPI)

In **Turkey**, under the EU/CoE Joint Project “Strengthening the Capacity of Turkish Judiciary on Freedom of Expression” three **issue-specific international workshops** bringing together judges from the Strasbourg Court and other European national high courts with the members of the Turkish Constitutional Court, Court of Cassation and Council of State, were held in 2016.

The international workshops served as a **forum** for the presidents and members of the various chambers of Turkish high courts dealing with freedom of expression related issues, such as terrorism propaganda, criminal and civil defamation, data protection, regulation of the Internet, and broadcasting, and disciplinary rules concerning public officials, in order to discuss how to harmonise their national jurisprudence with European human rights standards. During these events, **resource guides**, published under the Project in order to shed light on the relevant case law of the Strasbourg Court and Turkish high courts, were circulated to the participants.

# Criminal justice reform and fight against ill-treatment

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## Why focusing on criminal justice reform and the fight against ill-treatment?

Criminal justice systems are key elements of the human rights protection at the national level. Over recent years, throughout Europe, they have faced a number of challenges: greater complexity of cases due to societal changes, the development of new technologies and the internationalisation of crime; budgetary constraints; increased workload and growing expectations from the public.

Given that a fair and efficient criminal justice system is a prerequisite for any democratic society based on the rule of law, the Council of Europe pays considerable attention to legal and institutional reforms in the sphere of criminal justice. These still constitute a part of some member states' accession commitments to the Council of Europe, such as in Moldova and Ukraine. The EU also expects progress in this regard from those states which have a partnership agreement or are in the integration process.

In past years, progress was achieved in many member states with respect to criminal justice reform, including through a comprehensive review in close consultation with the Council of Europe, of national legislation (i.e., laws on the functioning of the Prosecutor's Offices, of the Criminal and Criminal Procedure Codes, on reform of the Police, establishment of the National Preventive Mechanisms (NPMs)).

New or improved legislation is only the initial step within the reform process. Continued efforts are required to strengthen the capacity of the institutions and legal professionals in charge of its implementation. The Division has thus provided support to these in-depth reforms: public prosecution service reforms (organisation and reduction of competences, independence and efficiency, prosecutorial self-governance and status of prosecutors, and efficiency of their work); system of pre-trial investigation (re-organisation and streamlining of competences, increasing the efficiency of criminal investigation with a focus on protection of human rights); lawyers' profession and legal aid system (independence and self-governance of lawyers' liberal profession, strengthening of National Bar Associations, reinforcing lawyers' procedural rights to guarantee the principle of equality of arms, ensuring access to legal aid in line with international standards, effectiveness and efficiency of legal aid systems), etc.

Given that the prohibition of torture and inhuman or degrading treatment or punishment, as derived from the Convention and other international legal instruments, is an absolute right, a special focus has been given to addressing this issue. Complaints received by the Council of Europe and other international human rights monitoring mechanisms, citing failures by states to hold perpetrators of ill-treatment to account, raise concerns about persistent impunity. To date the Strasbourg Court continues to find a significant number of violations in this regard by member states. Therefore, cooperation activities are implemented to improve the prevention and the fight against ill-treatment. In particular, these activities focus on improving the legislative framework, the capacity of the legal professionals to apply the required standards and the efficiency of the NPMs. NPMs, despite their non-judicial nature, are extremely important because of their role in preventing ill-treatment and torture by law enforcement officers, initiating criminal procedures, supporting cases before domestic courts, and initiating legislative changes in that context.

### Actions implemented and results achieved in 2016: good practices and success stories

Although it takes time before the impact of preventive actions in any given country becomes substantially evident, it is possible to observe concrete achievements in this area.

In **Armenia**, the draft Criminal Procedure Code and the draft Criminal Code, building on previous successful efforts, were further improved using Council of Europe expertise. A significant number of provisions raising concern were

reviewed, and concrete recommendations were made for harmonising these provisions with the case law of the Strasbourg Court so as to reduce the possibility of interpretation that may result in ill-treatment or other violations of the rights enshrined in the Convention. In cooperation with the Justice Academy, a pool of 22 certified trainers was established and four tailor-made training modules were developed on different aspects of criminal proceedings, such as investigation of cases of alleged ill-treatment involving the right to life, investigations involving vulnerable victims and witnesses, or pre-trial detention. These courses are now part of the standard curriculum for Armenian investigators and assist them in strengthening the skills they need to investigate ill-treatment offences in a more effective manner. The staff of the Human Rights Defender's Office has also developed a range of skills that are required to monitor situations and detect cases of ill-treatment in places of detention. This was achieved through the EU/CoE Joint Project "Supporting the criminal justice reform and combating ill-treatment and impunity in Armenia".

In **Georgia**, the Strategy and Action Plan against torture were adopted by the Government's Inter-Agency Coordination Council in addition to complex legislative changes and update of the Criminal Procedure Code; the Chief Prosecutor's Office regulatory framework was improved through the development of the internal guideline on Investigation and Proper Qualification of Facts of Ill-treatment and Torture.

In **Moldova**, amendments were adopted to the Criminal and Criminal Procedure Codes, aimed at bringing the definition of torture in line with international standards; a new Law on the Public Prosecution service and relevant constitutional amendments, reflecting majority of Council of Europe recommendations, were adopted and entered into force, providing a solid platform for the implementation of reform, which has gradually started; the NPM was established under the new setting. A pool of 20 trainers on relevant topics as to the prevention and combating of torture/ill-treatment and impunity was established under the Department of penitentiary institutions, and around 80 staff members have already been trained by their peers. Prison institutions received special equipment and devices aimed at consolidating the capacities of the penitentiary services to identify, document and report cases of ill-treatment in prisons. This was achieved through the Project "Support to criminal justice reforms in the Republic of Moldova", funded by Denmark.

**IMPACT:** As a result of the use of the equipment donated to prisons under the Project “Support to criminal justice reforms in the Republic of Moldova”, violations of certain penal standards and prison rules were reported by the Moldovan Department of Penitentiary Institutions to the investigating authorities for necessary follow-up actions to be taken.

In **Montenegro**, enhanced capacities of the NPM department of the Ombudsperson’s Office led to an increase in recommendations related to legal amendments as well as the conditions and treatment of the persons deprived of their liberty. This was achieved through the EU/CoE joint project “Support to the National Institutions in Preventing Discrimination in Montenegro” (PREDIM)

In **Ukraine**, the improved application of the new Criminal Procedure Code incorporating procedural safeguards against ill-treatment, including early access to a lawyer, led to an enhanced protection of human rights. The implementation of the newly adopted law on the State Bureau of Investigations was commenced, enabling the creation of an independent mechanism for investigation of ill-treatment cases. In parallel, strengthened operational capacities of the NPM Department of the Ombudsperson’s Office enabled a more efficient implementation of the recommendations provided on the conditions and treatment of persons deprived of their liberty.

This also led to an enhanced cooperation between the NPM and national authorities. Constitutional amendments coupled with new legislation on the Public Prosecution Service paved the way for meaningful reform of the prosecution service aimed at transforming it into an institution compliant with European standards and best practices. The prosecution service’s institutional capacities to analyse and apply Council of Europe standards have been systematised through a special analytical unit on the Strasbourg Court case law which has been established within the National Academy of Prosecutors of Ukraine. The capacities of the legal aid system were enhanced and categories of persons entitled to benefit from legal aid were expanded. This was achieved through the project “Continued support to the criminal justice reform in Ukraine”, funded by Denmark government and the EU/CoE joint project “Strengthening the implementation of European Human rights standards in Ukraine” under the Partnership for Good Governance.

**IMPACT:** In spring 2016 all 600 managers of the newly created local public prosecutor's offices received training organised by the Council of Europe under the project "Continued Support to the Criminal Justice Reform in Ukraine", jointly with the General Prosecutor's Office and the National Academy of Prosecutors of Ukraine, and with participation of other donors. New approaches towards knowledge management are being incorporated within the prosecutorial training system. The training programme focused on the application of the Criminal Procedure Code of Ukraine in the light of CoE standards, management and tools of decision-making, personnel management, effective communication, techniques for pressing charges in court and other aspects related to the operation of the prosecution service. Trainees, trainers and the National Academy staff all recognized the success and the importance of the said training activity.



Presentation of the assessment of the Free Secondary Legal Aid System in Ukraine in the Light of Council of Europe Standards and Best Practices

# Effective domestic judicial remedies

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## Why are effective judicial remedies important?

An “effective judicial remedy” at domestic level should be understood as the primary legal means by which victims of human rights violations can obtain correction of an injustice and/or redress. The remedy can be used to expedite the domestic proceedings or to provide redress for the violations.

The right to an effective remedy reflects the fundamental role of the national judiciary as bearing the primary responsibility in ensuring effective implementation of the Convention at national level and achieving the principle of subsidiarity in that regard.<sup>1</sup> International judicial bodies, such as the Strasbourg Court, should only be resorted to if there is no adequate domestic remedy or if the domestic remedy in place is inefficient.

The machinery of complaint to the Court is thus subsidiary to national systems’ safeguarding of human rights, as is reflected under Article 13 and under Article 35 § 1 of the Convention, the Article which sets out the rule on exhaustion of domestic remedies.<sup>2</sup>

A domestic judicial remedy needs to be effective, efficient and in compliance with the standards of the Strasbourg Court. In terms of said standards<sup>3</sup>, for the remedy to be effective it needs: to be available for the victims, to be sufficient not only in theory but in practice also, and to actually enable redress for the violations concerned.

Where pursuit of a particular “remedy” would be futile, the victim is not obliged to utilise it. However, mere doubts as to the prospects of success of a particular domestic remedy, in of themselves, will not relieve a victim from the obligation to pursue it.

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1. Brussels Declaration of 27 March 2015, the outcome of the High-level Conference on the “Implementation of the European Convention on Human Rights, our shared responsibility” initiated by the Belgian Chairmanship of the Committee of Ministers of the Council of Europe.
  2. *Grzinčič v. Slovenia*, § 82; *Kudła v. Poland [GC]*, § 81, ECHR 2000 XI.
  3. *Cocchiarella v. Italy [GC]*, §§ 65-107, ECHR 2006 V.

There are advantages for victims of human rights violations in seeking remedy at a domestic level: the national authorities understand better the contextual situation of victims in their country; it is very likely that redress can be obtained faster; and it is presumed that fewer resources are required than would be required in an international forum.

The Strasbourg court has identified structural problems in relation to the failure of domestic remedies to effectively provide redress on national level, resulting in many repetitive cases and violations against member states. Two main areas where domestic remedies should be established or improved are regularly identified: lack of individual complaint mechanisms to constitutional courts and excessive length of proceedings. However, despite the duty upon states to properly execute the judgments of the Strasbourg Court, they cannot always fully and timeously comply with the Convention requirements due to political and financial constraints.

The Division has been supporting the member states in different areas on the basis of the concrete needs identified by different Council of Europe bodies, including to establish new remedies or to improve existing ones.

### **Actions implemented and results achieved in 2016: good practices and success stories**

Significant results were achieved in 2014-2015 with the support provided to the individual complaint before the Constitutional Court in Montenegro, which was recognised as effective by the Strasbourg Court in its judgment *Sinistaj v. Montenegro* of 24 November 2015,

The right to a remedy for unreasonable length of proceedings in Serbia was also established through the support the project “Human Rights Friendly Justice” provided in the drafting of legislation and in training judges and lawyers on the new remedy established. As a result, the number of applications brought to the Strasbourg Court significantly decreased.

In 2016, the Council of Europe continued its efforts to strengthen the system of **individual application to the Constitutional Court of Turkey**, which had been established with the support of the Project “Supporting the Individual Application to the Constitutional Court in Turkey,” funded by the Human Rights Trust Fund, and as a result of which the Strasbourg Court had found that the procedure before the Constitutional Court of Turkey afforded, in principle, an appropriate mechanism for the protection of human rights and



fundamental freedoms (Uzun v. Turkey, application no. 10755/13). Through the newly started EU/CoE Joint Project on “Supporting the Individual Application to the Constitutional Court in Turkey,” the Council of Europe implemented a series of activities in the course of 2016 – including a round table, a case law forum, study visits and placements in the Strasbourg Court– with a view to building the capacity of Turkish judges and other legal professionals in relation to the individual application mechanism and fundamental rights. Training modules on key issues such as the right to a fair trial and the right to liberty and security, were also developed, and will be used in the context of training of trainers throughout 2017.

**IMPACT:** “A highlight of my placement was the Committee of Ministers, which was an eye-opening experience. It enabled me to realise that judgments by the European Court of Human Rights are only a fraction of the human rights protection system available at this level. This placement also deepened my awareness of the need to tackle the root causes of individual applications, especially in repetitive and systemic cases.

This initiative for the placement of rapporteur judges to the Council of Europe has created opportunities for an open and constant dialogue between national institutions and the Council of Europe. It is contributing to a positive atmosphere, whereby any achievement is a collective effort that demonstrates that security and high standards in the field of human rights and the rule of law are not mutually exclusive. Colleagues at the Council of Europe made us feel part of such common effort, and our discussions on ECtHR case law and the execution of judgments greatly contributed to our knowledge.”

MELEK S.

Rapporteur judge at the Constitutional Court of Turkey  
Benefitted from a 2-month placement with the Council  
of Europe Department for the Execution of Judgments

Measures adopted following the coup attempt of July 2016 had significant implications for the Turkish judiciary. More than 3,600 judges and prosecutors were dismissed and replaced by 5,000 newly recruited judges and prosecutors, currently undergoing accelerated pre-service training. At the Constitutional Court, there were 2 members and 25 rapporteurs removed from their position. The structure of the judiciary was also modified, with a reduction in the number of chambers and judges serving at the Court of Cassation and the Council of State, the introduction of limits on the duration of judges’ service

in those high courts, and the establishment of seven new Regional Courts of Appeals as second instance courts for criminal, civil and administrative cases. The Project has adapted to these new circumstances by: (i) including the new Regional Courts of Appeals in its activities, (ii) expanding its training activities to new judges, and (iii) bolstering its support to the Constitutional Court, which is now facing a huge increase in its workload, over 70.000 individual applications having been received in the aftermath of the coup attempt. In the recent Zihni and Mercan cases, The Strasbourg Court held that the current situation in Turkey did not dispense applicants from the requirement to exhaust domestic remedies, holding that the arguments submitted at that point were not such as to cast doubt on the effectiveness of the remedies, especially that of an individual application to the Constitutional Court (Mercan v. Turkey, application No. [56511/16](#); and Zihni v. Turkey (application No. 59061/16).

# Strengthening anti-discrimination and National Human Rights Institutions (NHRIs)

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## Anti-discrimination and the role of NHRIs

The prohibition of discrimination is considered to be one of the fundamental rights that requires protection. It is guaranteed by Article 14 of the Convention, which pledges equal treatment in the enjoyment of the other rights set down in the Convention without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Protocol No. 12 to the Convention expands the scope of the prohibition of discrimination by guaranteeing equal treatment in the enjoyment of any right (including rights under national law). The European Commission against Racism and Intolerance (ECRI) in its General Policy Recommendation No. 74 urges countries to provide for a prohibition of discrimination in all areas, notably: employment; membership of professional organisations; education; training; housing; health; social protection; goods and services intended for the public and public places; exercise of economic activity; public services. Nondiscrimination is found as one of the key principles in a number of CoE documents - European Social Charter, the Convention on Action against Trafficking in Human Beings, the Framework Convention for the Protection of National Minorities, the Convention on the Access to Official Documents, the Additional Protocol to the Convention on Cybercrime, etc.

There are many important players in securing human rights protection in the member states, but the role attributed to the **NHRIs** is vital.

NHRIs are independent institutions with responsibility for the protection of human rights in a country. These responsibilities include a wide range of activities, from academic and research activities to handling individual complaints and awareness raising. They are usually considered as a first point of contact for victims of discrimination. Different types of NHRIs exist, including: ombudsperson institutions or human rights commissions, hybrid institutions, advisory bodies, human rights institutes and centers. As non-judicial mechanisms, they are considered preventive and advisory institutions, and they thus complement judicial remedies. NHRIs are often faced with challenges such as lack of financial support or lack of human resources which can undermine their effectiveness and independence.

The Division has therefore provided, beyond its work on legislation and development of strategies, support to NHRIs to improve the capacity of their staff, to strengthen their capacities in key thematic areas (such as combatting ill-treatment<sup>4</sup>, anti-discrimination, data protection, etc.), to improve communication and cooperation between different NHRIs and to build institutional frameworks for such cooperation; etc.

### Actions implemented and results achieved in 2016: good practices and success stories

Country-specific quantitative data regarding the nature and main trends of discrimination for specific target groups was made available in **Albania**. The assessment of existing national laws with a view to harmonising existing definitions and provisions and bringing them in line with European standards was prepared; and expertise for improving the existing case management system was put in place. This was achieved through the EU/CoE joint project “Enhancing the effectiveness of the Albanian system of human rights protection and anti-discrimination”.

**IMPACT:** Under the project, three regional offices of the Albanian Commissioner for the Protection from Discrimination have been opened, allowing victims of discrimination to file complaints more easily.

In **Georgia**, the impact of the Public Defender’s Office (PDO) actions relating to the fight against intolerance, the protection of vulnerable persons, the protection of social rights and the fight against ill-treatment has been reinforced. Expert Opinion on draft amendments to the Law on PDO was issued

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4. See under 3. Criminal justice and fight against ill-treatment.



Cascade seminars in **Moldova**

Support to the National Institutions in Preventing Discrimination in Montenegro (PREDIM) Conference in **Montenegro**

including a number of recommendations for improvement in accordance with international standards. A Memorandum of Co-operation was signed between the PDO and the Supreme Court to reinforce PDO's capacity to provide guidance on human rights issues to national judicial institutions through the use of amicus curiae. Human Rights training curricula were developed for the Human Rights School of the PDO to provide training for various groups of professionals; and capacities of more than 200 staff members of PDO were enhanced. In addition, the capacities of the prosecution service and judiciary in Georgia were strengthened to better deal with discrimination cases. This was achieved through the project "Improving the Operational Capacities of the Public Defender's Office in Georgia" (funded by the HRTF).

In **Moldova**, the Law on Ensuring Equality and the Law on the Moldovan Equality Council's Activity were assessed, with recommendations for improvements issued. The assessment will serve as the basis for the Equality Council in new legislation, currently under preparation. As part of its efforts to enhance the effectiveness of the Equality Council in Moldova in fighting discrimination, the Council of Europe provided recommendations for improvement of the Development Strategy and the related Action Plan. The Equality Council's internal monitoring mechanism is expected to be improved following assessments and recommendations issued by Council of Europe. These efforts were combined with enhancing the skills and knowledge of staff and members of the Equality Council and the Ombudsperson's Office dealing with discrimination cases. This was achieved through the EU/CoE Joint Project "Supporting national efforts for prevention and combating discrimination in Moldova" under the Partnership for Good Governance.

In **Montenegro**, the Division contributed to the preparation of the first National Strategy for Equality of People with Disabilities (2017-2021). The drafting of the civil partnership legislation has also been supported by providing references to the Strasbourg Court case law, and by facilitating the exchange of experiences with other countries regarding both legal aspects and practical implementation. Capacities of the Ombudsperson's Office to address anti-discrimination cases have been further strengthened through thematic training sessions.

The Council of Europe has also supported Montenegro in aligning its prison system with international and European standards, by delivering an expert Assessment of Prison Facilities, and assisting with the development of a Rehabilitation and Re-socialisation Programme for former inmates. This was achieved through the EU/CoE joint project “Support to the National Institutions in Preventing Discrimination in Montenegro (PREDIM)”.

With the benefit of the Council of Europe’s continued support through the PREDIM project, the Ombudsperson’s Office attained an historically high efficiency rate in its processing of citizens’ complaints, with more than 95% of cases (96.47% to be precise) being resolved within a calendar year. Enhanced efficiency and substantive improvements in applying human rights standards in the Ombudsperson’s decisions, notably in reference to the Strasbourg Court’s case-law, strongly contributed to increased public confidence in the Ombudsperson’s Office. This was demonstrated by the continuous increase in the number of citizens’ appeals (almost 30% increase in citizens’ complaints in comparison to 2015) as well as by way of independent public opinion polling, which positioned the Ombudsperson’s Office as the top national public institution in the fight against discrimination (51% respondents quoted the Ombudsperson’s Office as significantly contributing to the fight against discrimination) ahead of governmental institutions, Parliament and the courts.

These organisational changes became particularly publicly visible following the political protests in autumn 2015. Many alleged cases of torture of protesters by the police were not the subject of immediate prosecutorial action. It was only after the Ombudsman provided his opinion, and after the bringing of criminal charges against the head of the police specialised unit that was actively involved in breaking up the protests and in the torture that followed, that the judicial bodies reacted with adequate actions and criminal charges. This eventually resulted in court sanctions against those involved.

In **Ukraine**, to improve the way in which allegations into discrimination are handled, staff of the Ombudsperson’s Office were trained on European anti-discrimination standards. Support in the field of data protection, where the Ombudsperson’s role has increased, focused mainly on strengthening the existing legislation and capacities of the staff of the Ombudsperson and state institutions concerned. This was achieved through the EU/CoE joint project “Strengthening the European Human Rights Standards in Ukraine” under the Partnership for Good Governance.



Ukraine presentation of the Ombudsman report

# HELP – Capacity development for legal professionals

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## The European Programme for Human Rights Education for Legal Professionals (HELP)

Throughout 2016, the **European Programme for Human Rights Education for Legal Professionals (HELP)** consolidated its position as the driving force in Europe when it comes to legal education on the Convention and fundamental rights for judges, prosecutors and lawyers, greatly thanks to regional interventions, such as the EU-funded “HELP in the 28” or “HELP in the Western Balkans and Turkey”, supported by the Human Rights Trust Fund. The HELP platform has grown to 18,000 registered users. Its approach and tools have continued to contribute to fostering legal professionals’ sensitivity to human rights issues that may arise in any legal area and to building their capacity to identify such issues at an early stage, thus creating a so-called “human rights reflex”.

The annual conference entitled “HELP, leading the way to case-law harmonisation”, was well attended by representatives of the **HELP network** of schools for the Judiciary and Bar associations of the Council of Europe’s 47 member States. The Secretary General, Thorbjørn Jagland, highlighted the importance of HELP in the efforts of the CoE to “sow the Convention into [member states’] national fabric”.

The **HELP Guidebook on Human Rights training methodology** for legal professionals was completed, including its interactive version. The **Guidebook** is a practical resource for the development of HELP courses and organisation of HELP events, particularly for HELP trainers. Several training-of-trainers (ToT) were organised throughout the year, including a ToT organised in conjunction with the French *Ecole Nationale de la Magistrature* and *Centre de formation de la justice administrative*.

New members of the **HELP consultative board** were elected to support the HELP Secretariat by providing regular advisory support.





HELP Consultative board 2016

The [catalogue](#) of **HELP courses** was expanded with four new courses developed on the subjects of data protection; the fight against racism, xenophobia and homophobia; labour rights; and personal integrity (bioethics). They are available for free on the [HELP e-learning platform](#). HELP courses now extend beyond the Convention, also covering the European Social Charter and, increasingly since 2016, the EU Charter on Fundamental Rights and other relevant EU laws, as well as the case law of the Strasbourg Court and the Court of Justice of the European Union (CJEU).

HELP courses are developed by legal professionals for legal professionals, taking into considering their workload and difficulties in balancing learning and working. They merge knowledge and skills.

### HELP Regional or country-specific projects

While being the only genuinely pan-European Programme of legal education on human rights, HELP has adopted a regional/country-specific approach to be more effective, particularly when working in complicated contexts. The flexibility of the HELP methodology has allowed its work to be tailored in order to meet the expectations and needs of partners.

### HELP in the EU

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Joining forces with the EU, the EU-funded “HELP in the 28” (1.6 M EUR) has been the largest training project within the EU on fundamental rights for judges, prosecutors and lawyers.





“HELP in the 28” European Seminar

“HELP in the 28” has supported **legal professionals in the EU member states** in their acquiring of knowledge and skills on how to refer to the Charter of Fundamental Rights of the EU, the Convention, and the European Social Charter. It has also reinforced the HELP Network of national training institutions and bar associations in the EU.

Under this programme, **four new HELP courses** on data protection and privacy rights, labour rights, the right to integrity of the person (Bioethics) and the fight against racism, xenophobia, homophobia and transphobia, were developed in line with priorities that matter to Europeans. The online versions of these courses are available in the **e-learning platform**.<sup>5</sup> Short introductory videos for each are also available.

The HELP/UNHCR course on asylum saw its EU dimension reinforced with the inclusion of recent case law from both the Luxembourg and Strasbourg Courts. Additionally, the course was adapted to the needs of Greek legal professionals, in particular those new needs arising from the massive arrival of asylum seekers in recent years, as well as the EU-Turkey statement.

**The development of these courses took as a basis available EU materials on EU law, case law and practices, particularly handbooks produced by the Fundamental Rights Agency (e.g. on non-discrimination and on data protection and privacy).** The relevant Council of Europe entities (European Commission against Racism and Intolerance/ECRI; Data protection Unit; Committee of the European Social Charter; or Bioethics Unit) were involved

5. You need to register and log in to access the courses.

in the development of the courses, together with, when relevant, Programme partners such as the European Judicial Training Network (EJTN) or the United Nations Interregional Crime and Justice Research Institute (UNICRI).

Up to 25 courses were launched, covering 16 EU members states (adapted to national legal orders and languages) and reaching directly more than 750 legal professionals, who have participated in tutored courses or seminars, as well as a larger audience through self-learning.

The EU National Training Institutions and Bar Associations became very proactive in the HELP Network, thanks to the boost of 'HELP in the 28'. There are now 25 contact points for EU national training institutions and 23 for bar associations, compared to 9 EU contact points in January 2015).

**Partnership with European alliances**, such as the **Council of Bars and Law Societies of Europe (CCBE)** and the **European Judicial Training Network (EJTN)** has been an asset for the project. In the case of EJTN, complementarities reinforce each institution's impact. While EJTN exclusively focuses on (mainly traditional) training of judges and prosecutors in the 28 EU member states and in nearly all branches of law, HELP in the 28 focuses on e-learning of judges, prosecutors and lawyers in the specialised field of human rights. The creation of an EJTN sub-working group on human rights is seen by HELP as a timely and powerful means of optimising HELP resources.



"HELP in the 28" European Seminar

## HELP in the Western Balkans and Turkey

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The regional programme of “**HELP in the Western Balkans and Turkey**” (HELP WBT) has enhanced the effectiveness of the ECHR and of its implementation at the national level in Albania, Bosnia and Herzegovina, Montenegro, Serbia, “the former Yugoslav Republic of Macedonia” and Turkey.

HELP WBT has not only strengthened the HELP Network and promoted the exchange of good practices among target countries, but has also ensured a harmonised application of its methodology. HELP activities have intensified in the region in 2016 and national ownership of HELP courses/activities has been reinforced. An example is the organisation of a [ToT in Tirana](#) with the School of Magistrates, focused on the HELP courses on child-friendly justice, reasoning of judgments, and privacy rights.

Thanks to their cross-cutting nature, the HELP WBT resources were systematically used in Council of Europe capacity building projects on human rights in the target countries, such as “Reinforcing Judicial Expertise on Freedom of Expression and the Media in the South-East Europe (JUFREX)”. Furthermore, co-operation with EJTN, CCBE, the EU Agency for Fundamental Rights (FRA), the German Society for International Cooperation (GIZ), the Human Rights House Network (HRHN), the Law Faculty of Belgrade, OSCE Missions of Bosnia and Herzegovina, Serbia and “the former Yugoslav Republic of Macedonia”, OSCE Office for Democratic Institutions and Human Rights (ODIHR), UNICEF and UNHCR was strengthened thanks to the project’s cross-cutting approach.

**Six HELP courses** were successfully completed or are on-going, reaching **170 legal professionals**. Among others, the HELP/UNHCR course on Asylum and the Convention was launched for a group of 28 administrative judges, lawyers, members of the Commissariat for Refugees of the Republic of Serbia and NGOs staff providing for free legal aid on the occasion of the Regional seminar on the ECHR and Asylum for legal professionals in the Western Balkans (Belgrade, 5 October 2016).

## HELP in Russia

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The first phase of “**HELP in Russia**”, funded by the Human Rights Trust Fund, successfully ended on 31 December 2016. The results of this first large-scale capacity development endeavour in the Russian Federation can be summarised as follows. 5 HELP Courses were translated into Russian and adapted to the national legal system, on issues such as Introduction to the European Convention, Admissibility



## HELP in Russia Training of trainers activity

Criteria in applications submitted to the Strasbourg Court, Asylum and the Convention, Family Law and Child Friendly Justice, Business and Human Rights. One course – on Admissibility of Evidence in Criminal Cases – was developed.

In the five regions where the HELP trainers trained under the project came from (Moscow, Irkutsk, Stavropol, Ulyanovsk and Voronezh), HELP has gone much further than what was initially planned: the HELP methodology was adapted to the target groups' specific needs and when needed, distance-learning courses were adapted to face-to-face training for in-depth training (ex: five-day course for lawyers in Moscow).

**36 participants** of the ToT received HELP certificates and are now active in developing and executing their own HELP courses. The "HELP in Russia" Conference brought together lawyers, prosecutors and lecturers who have taken part in ToTs. It allowed participants to share their experiences and to hear of best practices from certified trainers who had already used the HELP platform, as well as networking among the ToT alumni.

Over **250 legal professionals** received professional training through mixed HELP courses with certified trainers on a variety of relevant topics. More target groups benefited from HELP courses than initially planned (students in Irkutsk and Ulyanovsk, social workers in Ulyanovsk and civil servants in MGIMO); inter-regional cooperation was established between the partner institutions and the trainers, such as between Chambers of Advocates in Irkutsk and Stavropol, Stavropol and Ulyanovsk.

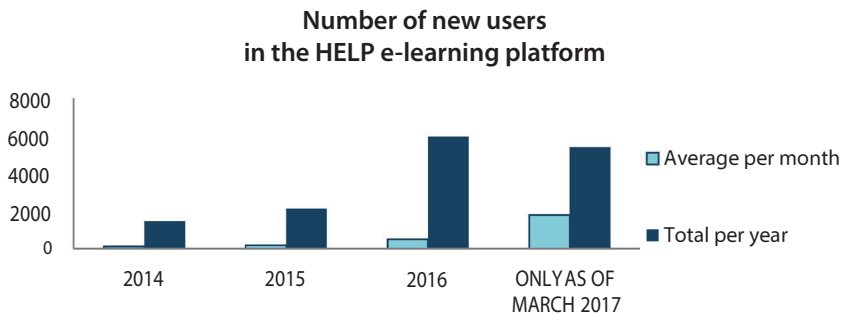
Public institutions integrated the HELP courses and methodology into the initial and continuous training they provide, and acquired the Moodle platform (Stavropol's advocates' school). More universities and training institutions have joined HELP and confirmed their willingness to continue cooperation, such as the Russian State University of Justice, the Academy of the Prosecutor General's Office, the Institute of Legislation and Comparative Law, MGIMO University,

the Institute of Legal Research of Advocacy and Mediation in St. Petersburg, the Institute for Continuing Education of Lawyers of Ulyanovsk Region, the Ulyanovsk State University, and the Voronezh State University. Students and lawyers self-financed study visits to the Council of Europe (Irkutsk and Stavropol);

Legislative changes in the Code of Criminal Procedure occurred partly as a result of the active involvement of the Russian State University of Justice in the development of the HELP course on the admissibility of evidence in criminal proceedings. Discussions on the use of witnesses' testimonies in the absence of witnesses and on investigations into complaints on unlawful methods of the police contributed to forming favourable conditions for legislative changes into the Code of Criminal Procedure. As a result, its Article 281 on witnesses' testimonies was complimented by paragraph 2.1, which enforced the right of the accused to question witnesses against him/her. Furthermore, a landmark Ruling of the Supreme Court of the Russian Federation on the Judgment in Criminal Proceedings adopted on 29 November 2016 took on board the issues raised in the course on the use of evidence obtained under duress and on the courts' approach to the accused's respective allegations. This ruling aims at providing guidelines to lower courts. The Russian experience in using the HELP methodology and tools is a vivid example of reinforced national ownership and increased multiplier effect thanks to the commitment of national partners.

### Statistics and examples of impact

The graphic below shows the exponential increase and interest generated by HELP. At the end of 2016, the number of new users of the HELP platform had increased by 6,000 new users, four times more than the 1,500 at the end of 2014. And the trend continues in 2017.



In France, the participants of the HELP course of data protection and privacy rights (DPPR) set up an organisation that collectively submitted a proposal to improve the new DPPR law to the French data protection authority.

A HELP-trained lawyer said that having undertaken the course on fight against racism, xenophobia and homophobia, she felt better equipped to put forward arguments in favour of her transsexual client.

A Lithuanian labour inspector stated that right after the course, the Lithuanian labour inspectorate received a request from the Norway labour inspectorate to cooperate in joint (cross-border) inspections both in Lithuania and in Norway for “fake posting” and “social dumping”. He said, “The knowledge that I gained during the HELP course helped me to successfully perform in joint inspections, achieve results and, hopefully, accelerate future cooperation of the Lithuanian and Norwegian labour inspectorates.”

“A noteworthy legislative development regarding the impact of the Help programme in Greece has been the establishment - for the first time - of a State-run legal aid system, to assist asylum seekers at the appeals level. Greek law lists as an eligibility requirement for lawyers who want to sign up for the legal aid registry, the successful completion of the Help course on asylum. In this sense the Help programme has contributed to expand the pool of professionals providing legal aid (and also address a need in legal expertise) on asylum and human rights issues in Greece.”

A Croatian senior police trainer, one of the top two students of a HELP course, committed to incorporating the acquired knowledge in his lectures to police cadets.

The promotion of the Spanish School of Judiciary of the HELP course on introduction to the Convention and Strasbourg (optional so far) has led to the decision of making it compulsory for new entry judges as of 2018.

The promotion of the Spanish School of Judiciary of the HELP course on introduction to the Convention and Strasbourg (optional so far) has led to the decision of making it compulsory for new entry judges as of 2018.

## Other capacity development initiatives

In **Azerbaijan**, 38 judges and advocates were trained as human rights trainers and became part of the mentoring pool of the Academy of Justice under the



Ministry of Justice of Azerbaijan. They delivered human rights training to more than 1000 of their peers including to those from outside the capital. A new curriculum on human rights is being developed with the aim of integrating it into the continuous training programme of the Academy of Justice. Taking on their full responsibility, the new HELP Focal and Info points boosted human rights training in Azerbaijan by presenting the HELP methodology and tools and their added value to various groups of legal professionals and by means of social media.

In **Turkey**, a **comprehensive, tailor-made, innovative training programme** was designed and implemented in 2016 under the EU/CoE Joint Project “Strengthening the Capacity of Turkish Judiciary on Freedom of Expression”.

**Interactive, peer-to-peer, learner-oriented** adult education methodologies were used in order not only to transfer knowledge on European human rights standards on freedom of expression, but also to **change mentality** through the **promotion of critical thinking**. For this purpose, attention was paid to the creation of a safe space where Turkish judges and prosecutors could freely come together to exchange their experiences and opinions. With a view to ensuring that training seminars responded to the **practical needs of Turkish judiciary**, specific modules and materials were developed for candidate judges and prosecutors taking part in different pre-service training programmes, and also judges and prosecutors sitting in **criminal and civil defamation cases, terrorist crimes, cases concerning the press and administrative law cases**. An **online course** on defamation and freedom of expression was also created through close co-operation with HELP, in order to reach out to judges and prosecutors who could not attend face-to-face training seminars.

A **pool of trainers** was established with judges and prosecutors who have the necessary skills and knowledge to implement the new training programme and methodology. Approximately **3000 judges and prosecutors** (including candidates) attended these training seminars delivered by **two co-trainers**. **Tool kits for pre- and in-service training** seminars and **resource guides** were published both in print and online, with a view to facilitating the learning process. The content of these materials presented the relevant European human standards, referring to the **case-law of the Strasbourg Court** and also to the **jurisprudence of the Turkish high courts** which were based on the same principles. Additionally, **267 books** focusing on various aspects of freedom of expression were purchased for the human rights library of the Justice Academy of Turkey. These books were made available to both trainers and participants in the course of the implementation of cascade seminars.

As a result of the positive assessment by the Turkish judiciary of the methodology and content of the new training programme, the Justice Academy undertook to revise all its training curricula based on the same principles and requested the CoE's support in this regard. Moreover, taking into account the time needed for such interactive approaches, it increased length of pre-service training course on freedom of expression from 8 hours to 12.

**IMPACT:** In the Judgment on Orhan Pala (No: 2014/2983), the Constitutional Court of Turkey put it very clearly that the presumption of innocence does not create an obligation for journalists to prove the accuracy of their reporting beyond any doubt and in this regard they should not be expected to behave like a prosecutor. This was one of the issues discussed extensively during the workshops which the contributing drafters of the judgment attended.

The Council of Europe was able to significantly bolster the capacity of dedicated institutions to train on human rights related topics by forming pools of trainers, creating and adopting new HELP courses in Armenia, Georgia, Azerbaijan, Moldova, Russia and Ukraine.

In **Armenia**, the **22 trainers** at the Justice Academy were trained to deliver six new training courses to Armenian investigators. All new courses were added to the curricula of the mandatory training programme for investigators. The Council of Europe also worked on improving the capacities of the Ombudsperson's staff to deal with ill-treatment.

In-depth training sessions on the application of various Convention standards contributed to the improvement of skills and knowledge of more than **1000 legal professionals**. In particular, 150 judges and judge assistants had their skills strengthened through seminars on jury trials and ill-treatment in **Georgia**. More Georgian judges are now capable of dealing with reopening of cases following a judgment of the Strasbourg Court.

In **Ukraine** the courses "Introduction to the European Convention on Human Rights" and "Evidence and Proofs" were successfully piloted with 50 judges of the courts of general jurisdiction, while more courses are being developed. 30 legal professionals learned how to use the HELP training methodology and were certified as HELP trainers. The training course on "Labour Rights" was developed and tested by the national experts within a group of 15. The capacities of the Ombudsperson's staff in anti-discrimination, data protection and combatting ill-treatment saw a significant improvement. The Council of



Europe worked extensively on building the capacities of the Human Rights Directorate of the Ukrainian National Police by providing training and expert advice in preparing internal guidelines.

New HELP courses were also introduced in the National Institute of Justice in Moldova. The NIJ benefitted from capacity development activities on the Human rights training methodology for legal professionals based on the HELP approach. The respective HELP Guidebook was translated into Romanian. Judges and prosecutors also were trained on Convention issues related to criminal justice. The capacities of the staff and members of the Equality Council to deal with discrimination cases were improved through training.

# Publications and visibility

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**T**he Division has continued to produce human rights handbooks and to translate its Convention glossary. The HELP guidebook on training methodology was launched during the HELP Annual conference and was translated into Armenian and Romanian.

The second edition of the Handbook “Protecting Migrants under the European Convention on Human Rights and the European Social Charter” by Yannis Ktiskakis was published.

The glossary developed by the Division aims to guide legal professionals from Council of Europe member states in using the correct terminology when they make Convention-based arguments in national proceedings and to develop a full understanding when reading judgments in English. In 2016, the following linguistic versions were available: Albanian, Armenian, Azerbaijani, Bulgarian, Bosnian, Georgian, Romanian, Russian, Serbian and Ukrainian.



Glossaries of the European Convention of Human Rights

In addition, project-specific publications were produced, including:

## **In Armenia**

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Under the “Supporting criminal justice reform and fight against ill-treatment and impunity” project:

- ▶ Handbook for Prosecutors on the Admissibility of Evidence in Criminal Proceeding by Artak Harutyunyan and Tigran Poghosyan
- ▶ Pre-trial detention and related investigatory issues by Juan Carlos Da Silva and Ara Ghazaryan
- ▶ Investigations involving vulnerable victim/witnesses and suspects by Wayne Jordash and David Tumasyan
- ▶ Investigations of alleged torture and ill-treatment and cases involving the right to life by Sergey Arakelyan and Julia Kozma
- ▶ General criminal investigative methodology by Ara Ghazaryan and Wayne Jordash

## **In Azerbaijan**

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- ▶ Guide on Article 5 of the Convention by the Strasbourg Court
- ▶ Guide on Article 6 of the Convention by the Strasbourg Court
- ▶ Guide to Good practices in respect of domestic remedies
- ▶ Protecting the right to freedom of thought, conscience and religion under the European Convention on Human Rights by Jim Murdoch
- ▶ Protecting the right to respect for private and family life under the European Convention on Human Rights by Ivana Roagna
- ▶ Protecting the right to a fair trial under the European Convention on Human Rights by Dovydas Vitkauskas and Grigory Dikov

## **In Georgia**

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- ▶ Study of the best practices of application of the standards set by the European Court of Human Rights by Georgian Courts by Nana Mchedlidze
- ▶ Pre-trial detention assessment tool, by Ara Ghazaryan

## **In Moldova**

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Under the “Criminal Justice Reform” project, the following publications were translated and published:

- ▶ Manual «Prison health care and medical ethics» by Anders Lehtmetts and Jorg Pont
- ▶ Handbook “Combatting ill-treatment in prison” by Jim Murdoch and Vaclav Jiricka
- ▶ “HELP Guidebook Human rights training methodology for legal professionals”

## **In Montenegro**

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Anti-discrimination booklets, developed under the “Support to the National Institutions in Preventing Discrimination in Montenegro” (PREDIM) project, including a series of five booklets by Dagmara Rajska on the following topics:

- ▶ Equality of Political Rights in Montenegro in the light of case law of the European Court of Human Rights
- ▶ Prohibition of Disability Discrimination in Montenegro in the light of case law of the European Court of Human Rights and the Court of Justice of the European Union
- ▶ Prohibition of Employment Discrimination in Montenegro in the light of case law of the European Court of Human Rights and the Court of Justice of the European Union
- ▶ Prohibition of Gender Discrimination in Montenegro in the light of case law of the European Court of Human Rights and the Court of Justice of the European Union
- ▶ Prohibition of Sexual Orientation Discrimination in Montenegro in the light of case law of the European Court of Human Rights and the Court of Justice of the European Union.

The video of the conference “The role of the Constitutional Court in developing the rule of law and protecting human rights and freedoms” was produced under the FILL project.

## In Serbia

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Publications under “Human Rights Friendly Judiciary” project:

- ▶ Guidebook for civil law judgments, with guidance on bringing an application to the Strasbourg Court (in Serbian) by Ljubica Milutinovic and Snezana Andrejevic
- ▶ Qualitative study on the European Court of Human Right’s case law on the Republic of Serbia jurisprudence (in Serbian) by Ljubica Milutinovic, Ivana Krstic and Bojana Cuckovic
- ▶ Human Rights European Law (in Serbian) by Ivana Krstic and Tanasije Marinkovic
- ▶ Comparative study on the implementation of the ECHR at national level (in English and Serbian) by Alessia Cozzi, Athanassia Sykiotou, Dagmara Rajska, Ivana Krstic, Maria Filatova, Nikolina Katic, Petra Bard - Karoly Bard, and Stephanie Bourgeois
- ▶ Protecting Migrants under the European Convention on Human Rights and the European Social Charter (in Serbian) by Yannis Ktistakis
- ▶ Comparative study of remedies against excessive length of proceedings in Poland and Serbia (in English) by Dagmara Rajska

Under the same project, videos were also produced on “Let’s bring human rights protection back home”, “Council of Europe support to teaching human rights at the Belgrade Law Faculty” and “The pilot and the judge”.

## In Turkey

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Publications under the EU/CoE Joint Project “Strengthening the Capacity of Turkish Judiciary on Freedom of Expression”:

### Training materials

- ▶ Tool Kits for Pre- and In-Service Training on Freedom of Expression and Media Freedom
- ▶ Resource Guide on the Strasbourg Court case law concerning Freedom of Expression
- ▶ Resource Guide on the Jurisprudence of Turkish High Courts
- ▶ Resource Guide on the Summary of Constitutional Court Judgments

## Books and Editorial Publications (including translations)

- ▶ Freedom Of Expression: Essays In Honour Of Nicolas Bratza, President Of The European Court Of Human Rights, Josep Casadevall, Egbert Myjer, Michael O'Boyle and Anna Austin (Eds),
- ▶ Freedom of Expression and the Internet, Wolfgang Benedek and Matthias C. Kettemann, Special Edition of Journal of Justice Academy on Freedom of Expression

## In Ukraine

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- ▶ "Implementation of the International Standards of Ill-Treatment Prevention in the Activity of the Criminal Justice Bodies in Ukraine" by Mykola Gnatovskyy, Iurii Bielousov, Sergii Shvets, Volodymyr Venger, Oleksandr Bondarenko.

## Under the "Criminal Justice Reform Ukraine" project:

- ▶ Assessment of the Free Secondary Legal Aid System in Ukraine in the Light of Council of Europe Standards and Best Practices (February – June 2016) by Peter van den Biggelaar, Nadejda Hriptievschi, Professor Alan Paterson, Oleksandr Banchuk and Gennadiy Tokarev

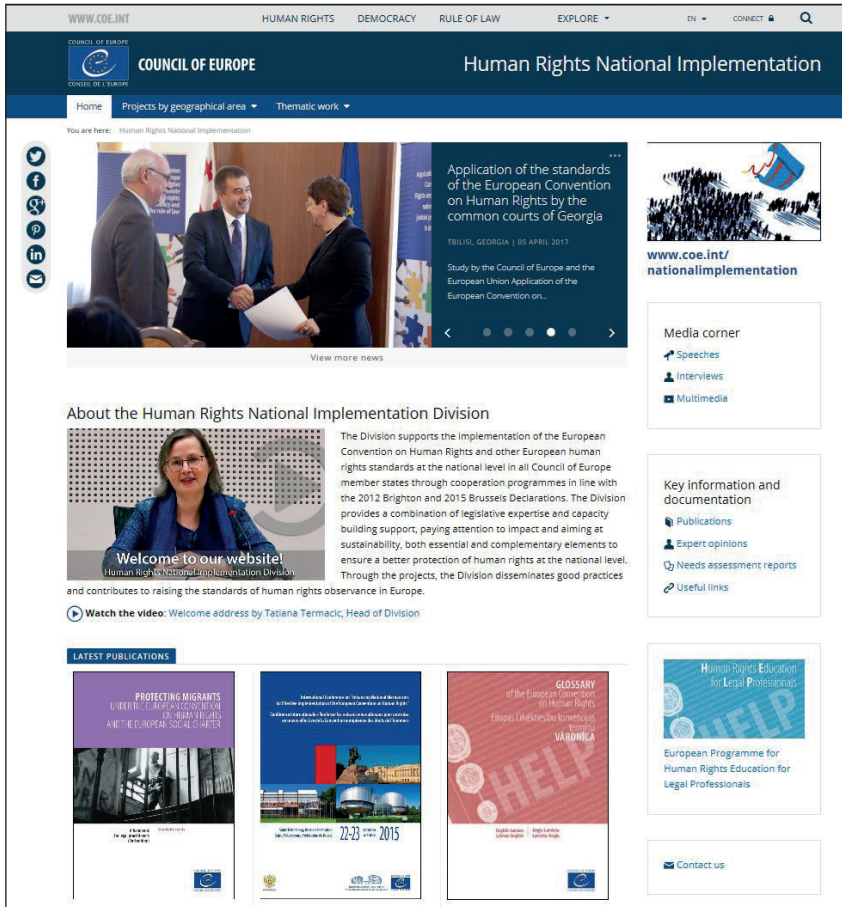
## Proceedings:

- ▶ Report of the International Forum "Dialogue of Courts - a tool for the harmonisation of judicial practice", Sarajevo, 21-22 June 2016.
- ▶ Effective use of national remedies in domestic legal proceedings in the Balkan region and the subsidiary role of the European Court of Human Rights.
- ▶ Report of the International Conference on "Enhancing National Mechanisms for Effective Implementation of the European Convention on Human Rights", St. Petersburg, 22-23 October 2015.
- ▶ Report of the Conference on "Use of Domestic Remedies, Judicial and Non-judicial Mechanisms by Legal Professionals", 28 June 2016.
- ▶ Constitutional Protection of Human Rights and Fundamental Freedoms, Constitutional Court of Montenegro, 50 Years.

**All publications are available free of charge on the Division's website:**  
[www.coe.int/nationalimplementation](http://www.coe.int/nationalimplementation)

# Website

Finally, the Division's website migrated and was fully revamped in line with Council of Europe visibility rules and to make it more user-friendly.



The revamped website of the Division





Group photo from the Division meeting 2016

### **The team behind: focus on the Division meeting**

The second annual division meeting was held on 6 & 7 September 2016 in Strasbourg and brought together the team members from 11 external offices and the Strasbourg Headquarter. Altogether, a very diverse workforce of 80 colleagues (35 different nationalities from the Council's various member states) was present. The meeting was an excellent opportunity to get to know the colleagues working in the different field offices and in Strasbourg and on the other hand to foster the skills and knowledge in work related issues.

The focus of this year's division meeting was on the harmonisation of work processes and project implementation methodology.

A new way of hosting large group discussions, the world café, was introduced around 5 themes. This way of dialogue encourages active participation and created some interesting new synergies and outcomes.

Some of the proposed solutions, (eg. introduction of a three-month work plan), were introduced for the division before they became mandatory for the rest of the Council, also very helpful tools for the implementation of activities were the checklist or activity follow up list, developed during the world café.

At the end of the meeting the achievements were celebrated around a BBQ to which all colleagues contributed with homemade specialties and other delicacies brought by the colleagues from the different countries.



# Annex I – List of projects implemented in 2016

## HELP Unit

HELP Programme (OB 2822106)	
Duration:	1 January 2016 to 31 December 2017
Total budget:	€ 500 000
Funding sources:	OB
Objective:	To support member states in implementing the European Convention on Human Rights (ECHR) at the national level, by enhancing judges, prosecutors and lawyers' capacity to apply the ECHR in their daily work.
Partner countries	47 member states

HELP in the 28	
Duration:	1 January to 31 March 2017
Total budget:	€ 1 600 000
Funding sources:	EU DG-JUST
Objective:	To support member states in implementing the European Convention on Human Rights (ECHR) at the national level, by enhancing judges, prosecutors and lawyers' capacity to apply the ECHR in their daily work.
Partner countries:	28 EU member states

<b>HELP in Russia</b>	
Duration:	1 January 2017 – 31 December 2018
Total budget:	€ 500 000
Funding sources:	HRTF
Objective:	To support the Russian Federation in implementing the European Convention on Human Rights (ECHR) and the European Social Charter (ESC) at national level, by coordinating and improving training activities for legal professionals, enhancing judges, prosecutors and lawyers' capacity to apply the ECHR in their daily work.
Partner country:	Russian Federation

<b>HELP in the Western Balkans &amp; Turkey</b>	
Duration:	1 January 2016 – 30 June 2017
Total budget:	€ 450 000
Funding sources:	HRTF
Objective:	Enhancing the effectiveness of the European Convention on Human Rights (ECHR) and of its implementation at a national level in Albania, Bosnia and Herzegovina, Montenegro, Serbia, "the former Yugoslav Republic of Macedonia" and Turkey.
Partner countries:	Albania, Bosnia and Herzegovina, Montenegro, Serbia, "the former Yugoslav Republic of Macedonia" and Turkey

## Eastern Partnership & Russian Federation Unit

Supporting the criminal justice reform and combating ill-treatment and impunity – Armenia	
Duration:	1 July 2015 – 31 December 2017
Total budget:	€ 500 000
Funding sources:	EU/CoE Joint Programme (PCF)
Objective:	To support the criminal justice reform and the fight against ill-treatment and impunity.
Partner country:	Armenia

Strengthening the Application of European Human Rights standards in the Armed Forces	
Duration:	28 months from 1 October 2016
Total budget:	€ 1 000 000
Funding sources:	UK
Objective:	To contribute to a better protection of human rights in the armed forces in Armenia and to strengthen the prevention of and the fight against ill-treatment in the armed forces.
Partner country:	<b>Armenia</b>

Application of the European Convention on Human Rights and the case-law of the European Court of Human Rights – Azerbaijan	
Duration:	1 January 2015 – 31 December 2017
Total budget:	€ 1 400 000
Funding sources:	EU/CoE Joint Programme (PCF)
Objective:	Enhance the capacity of national training institutions and judicial authorities to achieve more effective application of ECHR and the ECtHR case law in judicial proceedings.
Partner countries:	Azerbaijan

<b>Application of the ECHR and harmonization of national legislation and judicial practice in line with European Standards - Georgia</b>	
Duration:	1 June 2015 – 31 December 2017
Total budget:	€ 900 000
Funding sources:	EU/CoE Joint Programme (PCF)
Objective:	To strengthen the criminal justice legal framework in line with European human rights standards and enhance the capacity of legal professionals to apply it at national level.
Partner country:	Georgia

<b>Improving the operational capacities of the Public Defender's Office of Georgia</b>	
Duration:	1 January 2015 – 31 December 2016
Total budget:	€ 500 000 (€ 400 000 secured)
Funding sources:	HRTF
Objective:	To reinforce the impact of the PDO's actions relating to the fight against intolerance, the protection of vulnerable persons, the protection of social rights and the fight against ill-treatment in Tbilisi and the regions.
Partner country:	Georgia

<b>Support to criminal justice reforms in the Republic of Moldova</b>	
Duration:	1 January 2015 – 31 December 2017
Total budget:	€ 2 000 000
Funding sources:	Danish voluntary contribution
Objective:	To support the Republic of Moldova in the fulfillment of its outstanding statutory and accession commitments towards the Council of Europe in the field of criminal justice.
Partner country:	Moldova

### Support to a coherent national implementation of the European Convention on Human Rights in the Republic of Moldova

Duration:	1 January 2013 – 29 February 2016
Total budget:	€ 600 000
Funding sources:	HRTF
Objective:	To improve the implementation of the European Convention for the Protection of Human Rights and Fundamental Freedoms in Moldova by developing the capacity of judicial and law enforcement authorities to effectively implement the ECHR and the case law of the European Court of Human Rights.
Partner countries:	Moldova

### Supporting national efforts of prevention and combatting discrimination – Moldova

Duration:	1 June 2015 – 31 December 2017
Total budget:	€ 500 000
Funding sources:	EU/CoE Joint Programme (PCF)
Objective:	Support the alignment of Human Rights policies and practice by ensuring compliance of legislative and regulatory frameworks with European standards and capacity-building for legal professionals and National Human Rights Institutions, including the reinforcement of Ombudsperson's Offices.
Partner country:	Moldova

### Consolidation of Justice Sector Policy Development in Ukraine

Duration:	24 months
Total budget:	€ 1 000 000
Funding sources:	EU/CoE Joint Programme
Objective:	To contribute to strengthening the rule of law in Ukraine by supporting a sustainable reform of the justice sector in line with the Council of Europe standards.
Partner country:	Ukraine

<b>Continued Support to the criminal justice reform in Ukraine</b>	
Duration:	1 September 2015 to 28 February 2019
Total budget:	€ 2 900 000
Funding sources:	Danish voluntary contribution
Objective:	To support key justice actors to strengthen and apply their increased capacity to implement the criminal justice reform, ensuring full compliance with relevant Council of Europe standards.
Partner country:	Ukraine

<b>Strengthening the implementation of European Human rights standards in Ukraine</b>	
Component 1:	Strengthening the Ombudsperson's Office operational capacities in Ukraine
Component 2:	Support to police reform and fighting against ill-treatment and impunity
Component 3:	Implementation of ECHR
Duration:	1 January 2015 – 31 December 2017
Total budget:	€ 1 700 000
Funding sources:	EU/CoE Joint Programme (PCF)
Objective:	Strengthening the Ombudsperson's Office operational capacities in Ukraine, Providing support to police reform and fighting against ill-treatment and impunity, Supporting Ukraine in implementation of the ECHR.
Partner country:	Ukraine

## Southern East Europe & Turkey Unit

Supporting effective domestic remedies and facilitating the execution of judgments “D-REX”	
Duration:	20 months (starting date: November 2016)
Total budget:	€ 700 000
Funding sources:	SEE-HF South East Europe Horizontal Facility (EU-CoE)
Objective:	<ol style="list-style-type: none"> <li>1. Support to setting up effective remedies for non-enforcement of national judgments/decisions and length of proceedings under the ECHR.</li> <li>2. Facilitate the execution of judgments and administrative decisions, particularly in context of compensation/restitution of property.</li> <li>3. Promote the reopening of domestic proceedings due to the ECHR findings for unfairness.</li> </ol>
Partner country:	Albania

Enhancing the effectiveness of the Albanian system of human rights protection and anti-discrimination	
Duration:	1 December 2015 – 30 November 2017
Total budget:	€ 2 200 000
Funding sources:	EU/CoE Joint Programme
Objective:	To enhance the capacity of non-judicial mechanisms of human rights protection and anti-discrimination in Albania.
Partner country:	Albania

<b>Strengthening the Human Rights Ombudsman to fight discrimination “DISCO”</b>	
Duration:	1 September 2016 – 28 February 2017
Total budget:	€ 800 000
Funding sources:	SEE-HF South East Europe Horizontal Facility (EU-CoE)
Objective:	To strengthen the role of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina to identify, prevent and combat discrimination.
Partner countries:	Bosnia and Herzegovina

<b>Reinforcing the capacity of the judiciary as regards the implementation of the European Convention on Human Rights in Bosnia and Herzegovina</b>	
Duration:	1 March 2014 to 31 August 2017
Total budget:	€ 1 500 000
Funding sources:	Norwegian voluntary contribution
Objective:	To increase the independence of courts of BiH through fostering their cooperation and harmonisation of practice and strengthening their capacity as regards the implementation of the ECHR and its case law at national level.
Partner country:	Bosnia and Herzegovina

<b>Support to the implementation of European human rights standards in Kosovo*</b>	
Duration:	15 October 2014 – 28 February 2017
Total budget:	€ 1 100 000
Funding sources:	Voluntary contribution Norway & Switzerland
Objective:	To enhance the capacity of legal professionals as regards the application of the ECHR and to strengthen judicial and non-judicial mechanisms of human rights protection in Kosovo*
Partner country:	Kosovo*



<b>Improving the protection of European Human Rights standards by the Constitutional Court of Kosovo*</b>	
Duration:	36 months
Total budget:	€ 276 000
Funding sources:	Voluntary Contribution
Objective:	To improve the capacity of the Constitutional Court in ensuring the protection of individual human rights and fundamental freedoms in Kosovo* through the effective application of European human rights norms to individual complaints.
Partner countries:	Kosovo*

<b>Fighting ill-treatment and impunity and enhancing the application of ECtHR case law on national level "FILL"</b>	
Duration:	18 months (starting date: September 2016)
Total budget:	€ 700 000
Funding sources:	SEE-HF South East Europe Horizontal Facility (EU-CoE)
Objective:	<ol style="list-style-type: none"> <li>1. To enhance the harmonisation of the court practice in Montenegro with European human rights standards.</li> <li>2. To contribute to the improved prevention and investigation of torture and ill-treatment by the legal professionals and CSO activists in Montenegro.</li> </ol>
Partner country:	Montenegro

<b>Support to the National Institutions in Preventing Discrimination in Montenegro (PREDIM)</b>	
Duration:	1 January 2016 – 31 December 2017
Total budget:	€ 870 000
Funding sources:	EU/CoE Joint Programme
Objective:	To contribute to more effective legislative and institutional mechanisms for protection from discrimination in Montenegro. In more concrete terms, this action will improve social and institutional responsiveness towards promotion, protection and enforcement of human rights and equal opportunities, specifically focusing on implementation of the anti-discrimination policies.
Partner country:	Montenegro

<b>Human Rights Friendly Judiciary in Serbia</b>	
Duration:	1 January 2016 – 31 December 2016
Total budget:	€ 350 000
Funding sources:	HRTF
Objective:	To strengthen the protection of human rights in Serbia by enhancing the responsibility of national courts to embed the European Convention on Human Rights (ECHR) in their decisions at national level.
Partner countries:	Serbia

<b>Increasing judicial capacity to safeguard human rights and combat ill-treatment and impunity "CAPI"</b>	
Duration:	18 months (starting date: November 2016)
Total budget:	€ 700 000
Funding sources:	SEE-HF South East Europe Horizontal Facility (EU-CoE)
Objective:	<ol style="list-style-type: none"> <li>1. To improve the capacity of the judiciary to apply and safeguard European human rights standards.</li> <li>2. Support the judiciary in combating ill-treatment and impunity through capacity building.</li> </ol>
Partner country:	"The former Yugoslav Republic of Macedonia"

<b>Strengthening the Capacity of the Turkish Judiciary on Freedom of Expression</b>	
Duration:	2 September 2014 – 31 March 2017
Total budget:	€ 2 800 000
Funding sources:	EU/CoE Joint Programme
Objective:	To contribute to a better protection of human rights and fundamental freedoms, especially the right to freedom of expression, in Turkey.
Partner country:	Turkey

<b>Supporting the Individual Application to the Constitutional Court in Turkey</b>	
Duration:	36 months
Total budget:	€ 6 300 000
Funding sources:	EU/CoE Joint Programme
Objective:	To ensure the effectiveness of the newly introduced individual application system in Turkey by empowering the judiciary in line with the rights and freedoms guaranteed by the Constitution of Turkey, the ECHR and other European standards.
Partner country:	Turkey

# ANNEX II – List of the Division’s team

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**DGI: Directorate General Human Rights and Rule of Law**  
Director General: Philippe Boillat DGI: Directorate

**Directorate of Human Rights**  
Director: Christos Giakoumopoulos

**Human Rights Policy and Co-operation Department**  
Head of Department: Mikhail Lobov

**Human Rights National Implementation Division**  
Head of Division: Tatiana Termacic

### Central Unit

Camille Gangloff  
Mireille Moegling  
Stefanie SchAAF

### HELP Unit

Head: Natacha De Roeck

Eva Pastrana (HELP in 28)  
Ségolène Chesneau (HELP)  
Seran Karatari Kostu (HELP)  
Kim-Andreas Larsen (HELP in 28)  
Stephanie Denton (HELP)  
Nataliya Tretjakova (HELP)  
Valentina Boz (HELP in the WBt, Belgrade)  
Anastasia Shadarova (HELP in Russia, Moscow)  
Allia Dyubanova (HELP in Russia, Moscow)  
Milena Lukac (HELP in the WBt, Belgrade)

### Eastern Partnership & Russian Federation Unit

Head of Unit: Tigran Karapetyan

Mahir Mushteidzada (HRTF Georgia, PCF AZ)  
Bozhena Malanchuk (CJR Ukraine, CJR Moldova)  
Milica Djunic (PCF Georgia, PCF Moldova)  
Maria Oreshkina (Consolidation Ukraine & PCF Armenia)  
Ketevan Tskhomidze (CRJ, Kyiv)  
Margarita Galstyan (CJR, Chisinau)  
Tinatin Uplisashvili (PCF, Tbilisi)  
Gayane Hovhannisian (PCF, Yerevan)  
Victoria Galperina (PCF, Kyiv)  
Olena Trapeznikova (Consolidation, Kyiv)  
Olga Dubinska (CRJ, Kyiv)  
Diana Cealic (PCF, Chisinau)  
Olha Shevchenko (Consolidation, Kyiv)  
Armen Grigoryan (Armed Forces, Yerevan)  
Vafa Rovshanova (PCF, Baku)  
Lucia Popescu (CJR, Chisinau)  
Giorgi Giorgadze (PCF Georgia, Tbilisi)  
Fanny Detrez (PCF)  
Srdjan Radojevic (PCF Azerbaijan, Ombudsperson Georgia)  
Yoni Stojanova (CJR Ukraine&Moldova, PREDIM)  
Marta Arabski (Consolidation)  
Lena Atonyan (PCF, Yerevan)  
Nubar Salmanova (PCF, Baku)  
Nino Shengelaia (PCF, Tbilisi)  
Nino Andia (PDD, Tbilisi)  
Nelea Bugaevski (CRJ, Chisinau)  
Victoria Fomari (PCF, Chisinau)  
Yulia Skabovska (CRJ, Kyiv)  
Irina Krutova (PCF, Kyiv)  
Viktor Borysiuk (Consolidation, Kyiv)

### Southern East Europe & Turkey Unit

Head: Daniel Schmidt

Sergey Dikman (BiH, SEE-HF BiH, Serbia, Kosovo, Belarus)  
Elena Jovanovska-Brezoska (FoE Turkey, SEE-HF "the former Yugoslav Republic of Macedonia")  
Milica Vesovic (Serbia, PREDIM)  
Suranga Soysa (SIAC, Turkey)  
Ksenia Gnuss (SEE-HF)  
Andrey Esin (Pristina)  
Tea Jaliashvili (Antidiscrimination, Tirana)  
Yucel Erduran (SIAC, Ankara)  
Tankut Taksin Soykan (Ankara, 50%)  
Sanel Karadzic (DISCO, SEE-HF, Sarajevo)  
Silvija Panovic-Djuric (HR Friendly Justice, Belgrade)  
Boris Risticov (PREDIM, Podgorica)  
Rodika Goci (Antidiscrimination Tirana)  
Murat Kilic (SIAC, Ankara)  
Ivona Dragotinovic (FILL SEE-HF, Podgorica)  
Güniz Güler (FoE, Ankara)  
Atanas Georgievski (SEE-HF, Skopje)  
Antuen Skenderi (SEE-HF, Tirana)  
Ekin Esener Uysal (Ankara, 50%)  
Deniz Biyikli (SIAC, Ankara)  
Alba Kokalari Antidiscrimination (Antidiscrimination, Tirana)  
Maria Milovanova (SEE-HF Serbia, Montenegro, Albania, FYRoM)  
Konstantinos Vratsidas (BiH, FoE Turkey)  
Veronique Fenech (SIAC, Albania)  
Sanja Leskovic (SEE-HF, Belgrade)  
Ana Krusic (PREDIM, Podgorica)  
Hana Oberintca (Pristina)  
Evrim Senol (FoE, Ankara)  
Eldira Myftari (Antidiscrimination, Tirana)  
Nilcan Özalp (SIAC, Ankara)  
Sedef Ergun (SIAC, Ankara)  
Ina Papa (SEE-HF Tirana)  
Ana Jovanovic (FILL, SEE-HF, Podgorica)  
Nejla Sahacic (Reinforcing the capacity as regards the implementation of the ECHR in BiH (Phase II), Sarajevo)  
Sardzida Tulic (DISCO, SEE-HF, Sarajevo)





The Human Rights National Implementation Division provides support for the implementation of the European Convention on Human Rights (the Convention) and other European human rights standards at the national level in all Council of Europe member states through cooperation programmes in line with the 2012 Brighton and 2015 Brussels Declarations. It provides a combination of legislative expertise and institutional development, as well as capacity building support. When doing so, it pays attention to impact and aims at sustainability, both essential and complementary aspects of ensuring a better protection of human rights at the national level. Through the projects, the Division has been disseminating good practices and contributed to raising the standards of human rights observance in Europe.

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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