



HORIZONTAL FACILITY FOR WESTERN BALKANS AND TURKEY

Supporting effective domestic remedies and facilitating the execution of ECtHR judgments

As part of the European Union and Council of Europe cooperation framework “Horizontal Facility for the Western Balkans and Turkey”(Horizontal Facility), the Council of Europe implements the Action “Supporting effective domestic remedies and facilitating the execution of ECtHR judgments” in Albania, in close partnership with the Ministry of Justice, the Constitutional Court, the High Court, the General Prosecution Office, the Magistrate School, the Office for the Treatment of Property, the School of Advocacy and Civil Society Organisations active in this field.

On 1 January 2017, the European Court of Human Rights (ECtHR) counted 504 pending applications from Albania. During 2016 the Court dealt with 66 applications concerning Albania, of which 44 were declared inadmissible or struck out. The Court delivered 10 judgments (concerning 22 applications), which found at least one violation of the European Convention on Human Rights. To this end, an assessment followed by the design and implementation of training programmes on the standards of the European Convention of Human Rights (ECHR) will be implemented. Following the recommendations of the 2016 EU Progress Report under Chapter 23, this Action also supports the revision of domestic regulations to ensure the effective enforcement of domestic judgments and administrative decisions.

The Action will be completed in July 2018 and it has an overall budget of 700.000 EUR.

The objectives of the Action

The overall objective of the Action is to improve the capacity of the judiciary to apply the ECtHR case-law at the national level, as well as to enable legal professionals to effectively apply remedies related to non-enforcement of national judgments, closely targeting undue length of proceedings (outcome 1), property compensation/restitution (outcome 2), and fairness of criminal proceedings (outcome 3).

The outcomes of the project will be achieved through the fulfillment of the following **expected results**:

Under outcome 1:

- ✓ To identify the shortcomings concerning the non-enforcement of national judgments/decisions and length of proceedings and to propose national effective remedies;
- ✓ To strengthen the capacity of the School of Magistrates to develop and implement human rights training curricula and materials in line with European human rights standards;
- ✓ To strengthen capacities of legal professionals to interpret and apply the provisions of Article 6§1 of the ECHR.



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Under outcome 2:

- ✓ To ensure that requirements to render the mechanism to execute judgments in relation to compensation or restitution of property are effective and clear;
- ✓ To assess legislative measures concerning non-execution of judgments and administrative decisions in context of compensation/restitution of property;
- ✓ To improve knowledge of legal professionals on the issue of enforcement of judgments in the context of compensation/restitution of property.

Under outcome 3:

- ✓ To propose amendments for the national criminal legislation allowing for the reopening of criminal proceedings in case of violation of the right to fair trial;
- ✓ To strengthen capacity of the School of Magistrates to train judges and prosecutors on the reopening of criminal proceedings and fair trial;
- ✓ To strengthened capacity of judges and prosecutors to apply the requirements of Article 6 of the ECHR and the relevant case law of the ECtHR with regards to the fairness and reopening of criminal proceedings.

Background information

On 11 April 2016, the Secretary General of the Council of Europe, Thorbjørn Jagland, and the European Union's Commissioner for European Neighbourhood Policy and Enlargement Negotiations, Johannes Hahn, announced a new co-operation initiative of the two organisations aimed at supporting South-East Europe and Turkey in their efforts to comply with European standards. The initiative is called the European Union/Council of Europe Horizontal Facility for Western Balkans and Turkey (Horizontal Facility). It is a three-year programme (May 2016 – May 2019), focusing on three themes: ensuring justice, fighting economic crime as well as combating discrimination and protecting the rights of vulnerable groups. It has a budget of €25 million, of which €20 million has been provided by the European Union and €5 million by the Council of Europe. Through the Horizontal Facility, the European Union and the Council of Europe will assist beneficiaries in South-East Europe and Turkey to comply with Council of Europe standards and the European Union *acquis*, through a complementary two-fold approach of technical co-operation and the provision of expertise. The Horizontal Facility relies on the Council of Europe's unique working methods, whereby tailor-made technical co-operation activities are based on conclusions and recommendations of the Council of Europe's monitoring bodies.

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