



HORIZONTAL FACILITY FOR WESTERN BALKANS AND TURKEY

Horizontal Facility Action: Enhancing the Protection of Human Rights of Prisoners in Kosovo*

The Council of Europe (CoE) will assist the local authorities in overcoming the identified shortcomings and practical deficiencies related to the treatment of sentenced persons in Kosovo. The project will be implemented in close partnership with the Ministry of Justice (Correctional Service and Prison Inspectorate) and the Ministry of Health (Prison Healthcare Department). It will also include a wider group of local stakeholders, such as the Ombudsperson and the National Preventive Mechanism, the Public Prosecutor's Office, judiciary and civil society organisations.

The Project is co-funded by the European Union and the Council of Europe as part of the "Horizontal Facility for Western Balkans and Turkey" (Horizontal Facility) and will be implemented by the Council of Europe. The Horizontal Facility will provide technical assistance and expertise in the areas of ensuring justice; fighting corruption, economic crime and money laundering; promoting freedom of expression and information; and promoting anti-discrimination and protection of the rights of vulnerable groups, with the aim to assist the authorities in implementing key recommendations of relevant CoE bodies, prioritised according to the needs within the enlargement negotiations of the European Union.

The project is expected to be completed by 31 August 2018 with an overall budget of 620 000 EUR.

Action's Outcomes and Outputs:

The project aims at enhancing the protection of human rights of prisoners in line with the Council of Europe and in particular the standards of the European Committee for Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT).

The **first outcome** is to enhance the professionalism of the prison staff, including managerial level, which is expected to be accomplished through the following:

- ✓ Improving prison staff recruitment policies, based on required standards of education and proficiency;
- ✓ Introducing the dynamic security concept in the penitentiary system;
- ✓ Enhancing the professional and moral performance of prison staff, based on sound ethical standards;
- ✓ Improving prisoners' risks and needs assessment tools and developing and piloting targeted rehabilitation programmes.

**This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.*

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The **second outcome** will strengthen safeguards aimed at ensuring better protection of the rights of prisoners, which is to be achieved through the following:

- ✓ Revising prisoners' disciplinary procedures and measures in line with the CoE and in particular the CPT standards;
- ✓ Establishing complaints forms for prisoners and possibility to appeal decisions;
- ✓ Strengthening the capacities of the internal prison inspection system.

The **third outcome** aims to improve the provision of health care, including mental health, and the application of medical ethics in prisons. This outcome shall be reached through the following:

- ✓ Enhancing capacities of prison staff through developing and delivering training modules on mental healthcare, transmissible diseases and medical ethics;
- ✓ Strengthening safeguards against ill-treatment and self-harm in prisons;
- ✓ Ensuring efficient transfer of the prison health care from the Ministry of Justice to the Ministry of Health.

Background information

Although the overall situation has improved over the last few years compared to the 2010 CPT visit to Kosovo, the latest CPT report, the European Commission's country report, the EU Rule of Law Mission (EULEX) reports, as well as reports from the Ombudsman and the civil society, detected serious and consistent shortcomings that might lead to violations of the rights of the prisoners. In the report published in September 2016, the CPT noted that in a number of aspects the situation remains the same whilst in some it has even deteriorated, especially in the area of corruption, cronyism and favouritism. The CPT found that there is a serious lack of in-service training for the correctional and health care staff, as well as absence of social rehabilitation for the prisoners. Similar situation has been identified in several EULEX reports, which noted that the in-service and refreshment trainings for correctional staff have been lacking for few years now.

The two latest EC Country Reports for Kosovo emphasized that additional efforts were required by the authorities, and the Kosovo Correctional Service (KCS) in particular, to ensure adequate treatment of prisoners placed under solitary confinement and to aligning it with the United Nations Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules when commissioning such disciplinary measures. The 2015 progress report also stressed the need to address the issue of the housing of prisoners awaiting trial and those convicted for minor offences together with long-term prisoners. On the other side, the 2016 country report highlights that the recommendations stemming from the inspections of KCS facilities by the Internal Inspectorate of the Ministry of Justice are not systematically addressed. Both reports emphasize that inadequate staffing levels, in particular at recently constructed facilities, remain a concern.

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The Council of Europe is the continent's leading human rights organization. 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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