



HORIZONTAL FACILITY FOR WESTERN BALKANS AND TURKEY

Horizontal Facility Action: Enhancing Human Rights Policing 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 apprehended or persons under police custody in Kosovo. The project will be implemented in close partnership with the Ministry of Internal Affairs, namely the Kosovo Police and the Police Inspectorate (PIK). It will also include other local stakeholders, such as the Kosovo Academy for Public Safety (KAPS), Ombudsperson and the National Preventive Mechanism (NPM), 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 30 April 2019 with an overall budget of 600 000 EUR.

Action's Aim

The project aims at enhancing the human rights protection by the police and further strengthening the system of independent police control.

Further actions to enhance fight against ill-treatment, and to prevent and effectively investigate such cases require improved legislation and operational procedures, capacity building measures and an efficiently functioning investigation mechanism. The Action will support efforts aimed at combating ill-treatment and impunity in police through improving the legal and institutional framework ensuring the protection of human rights by police, strengthening the capacity of police to apply European human rights standards in their daily work and further enhancing the system of independent and effective investigation of cases of alleged cases of ill-treatment.

Action's Outcomes and Outputs

The first outcome aims to enhance compliance with legislation and ethical standards and strengthen the professional performance of the police officers, through the following:

- ✓ Developing training modules on human rights, police ethics and prevention of ill-treatment;
- ✓ Establishing a core group of police trainers and training up to 1.000 police officers Kosovo-wide;

** 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 improve human rights compliance of the police service through strengthening the safeguards against ill-treatment, by:

- ✓ Reviewing legislation and regulatory framework for prevention of ill-treatment in line with European standards;
- ✓ Revising the Standard Operational Procedures (SOPs) for treatment of persons in police custody;
- ✓ Increasing awareness among police officers on the revised regulatory framework and SOPs.

The third outcome will strive to further strengthen the independent control over the police work, through the following:

- ✓ Reviewing PIK's internal regulatory framework, working methodology and tools to ensure independent and efficient police control;
- ✓ Developing PIK's Training Strategy and in-service training modules;
- ✓ Establishing a core group of PIK trainers and training all investigators and inspectors through cascade sessions.

Background information

Although the overall situation has improved over the last years compared to the 2010 visit to Kosovo by the European Committee for Prevention of Torture (CPT), in light of the CPT report on the 2015 visit to Kosovo, the delegation received a significant number of allegations of physical ill-treatment by police officers from detained persons (including juveniles). Most of the allegations concerned slaps, punches and kicks, in the context of police questioning, with a view to extracting confessions or obtaining other relevant information. Greater emphasis should be given, including during in-service training, to modern, scientific methods of criminal investigation, through appropriate investment in skilled human resources, to reduce the reliance on confessions to secure convictions. When it comes to the ill-treatment safeguards, the CPT called upon the relevant authorities to take steps to ensure that the right of access to a lawyer is enjoyed by all persons obliged to remain with the police, from the very outset of their deprivation of liberty, as well as to ensure that all persons deprived of liberty by the police are effectively granted the right of access to a doctor. Finally, CPT made a strong recommendation reiterating its position that all persons must be fully informed of their fundamental rights as from the very outset of their deprivation of liberty, that is, from the moment when they are obliged to remain with the police.

During its regular visits to detention centers in police stations in 7 regional directorates in 2015, the Ombudsperson (OIK) had not received any credible complaints by the interviewed persons on violation of their human rights by the officers of the centers. However, OIK received complaints about the use of force by police at the stage of interviewing, which requires further steps in terms of strengthening the operational procedures on treatment of persons under police custody. In 2016 OIK investigated 43 cases upon complaints received against the Kosovo Police. With regards to PIK, in 2016 they registered a declining trend of cases where force has been used by police officers, still they investigated 31 cases resulting with minor corporal injuries and 14 cases of ill-treatment conducted by police officers while on official duty.

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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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