

HORIZONTAL FACILITY FOR WESTERN BALKANS AND TURKEY

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Increasing judicial capacity to safeguard human rights and combat ill-treatment and impunity

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INTRODUCTION

- This Action 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)
- Implemented by the Human Rights National Implementation Division within the Council of Europe
- Partners/Beneficiaries: Academy for judges and public prosecutors „Pavel Shatev”, Constitutional Court, Supreme Court, Ministry of Justice, Ombudsman. Duration: 18 months (1 December 2016 – 31 May 2018)



Results achieved by the project and its contribution to achieving the goals related to the capacities of the Academy and the judiciary:

- **Strengthened capacities / materials of the Academy for judges and public prosecutors** by developing three manuals on human rights and freedoms;
- **Improved methodology:** Introduction of a new interactive methodology, combined with the case-law of the European Court of human rights, materials on Moot trial for each theme.

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ПРАВО НА ПРАВИЧНО СУДЕЊЕ

Прирачник за обука за Член 6 од ЕКЧП
Македонски судии и обвинители

<http://horizontal-facility-eu-coe.int>



ПРАВО НА СЛОБОДА И БЕЗБЕДНОСТ

Прирачник за обука за Член 5 од ЕКЧП
Македонски судии и обвинители

<http://horizontal-facility-eu-coe.int>



ЗАБРАНА НА МАЧЕЊЕ

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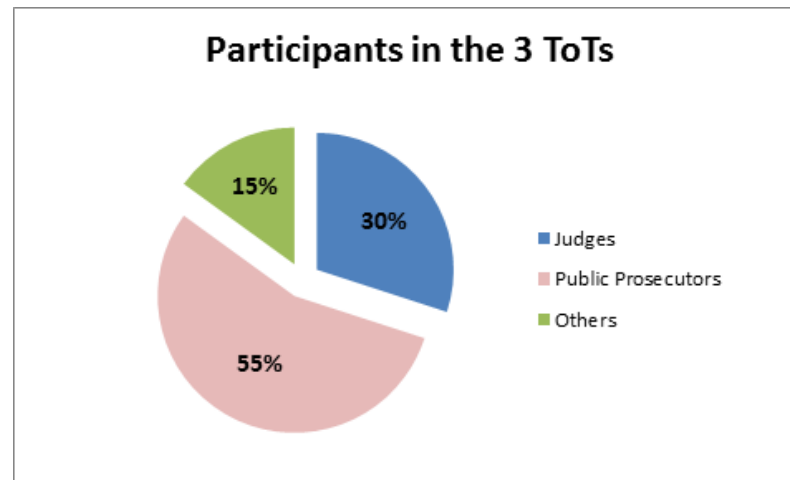
<http://horizontal-facility-eu-coe.int>





Results achieved by the project and its contribution to achieving the goals related to the capacities of the Academy and the judiciary:

- Expanded pool of trainers (20 trainers) on the European Convention of Human Rights (55% public prosecutors, 30% judges and 15% others)



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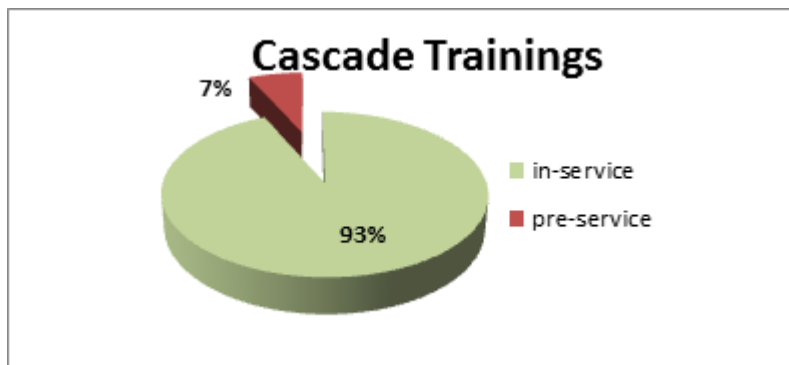
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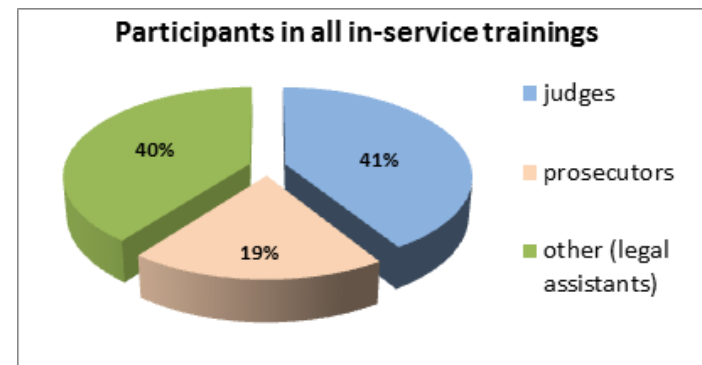


- Improved knowledge of judges and public prosecutors on the standards and the case-law of the European Court of Human Rights
- ***118 judges, 74 public prosecutors trained in total under the in-service trainings***
- ***37 candidates for judges and public prosecutors trained in pre-service training***

Cascade trainings



Participants in total (in-service trainings)



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Good examples from participants' testimonies in the training evaluations:

- Participants are encouraged to apply the case-law of the European Court of Human Rights in their decisions;
- Positive comments on the training methodology and distributed materials on the case-law of the European Court of Human Rights, which will be useful in the day-to-day work of judges and public prosecutors;
- Participants point out that the trainings helped improve their knowledge on the European Court of Human Rights standards on the three thematic areas.
- Improved analytical thinking about the European Court of Human Rights standards and the national case-law;

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Strengthened capacities of the Constitutional Court for human rights and freedoms

- Better accessibility to translated materials on the European Convention of Human Rights;
- Improved knowledge for more efficient protection of human rights according to European Court of Human Rights standards;
- Modernised web-site of the Constitutional Court
- Better electronic access and search for cases related to individual applications on human rights protection;
- Increased transparency and availability of the cases to the public.

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ACTIVITIES WITH THE CONSTITUTIONAL COURT



УСТАВЕН СУД НА РЕПУБЛИКА МАКЕДОНИЈА

ПОЧЕТНА ЗА СУДОТ РАБОТЕНЕ ОДЛУКИ И РЕШЕНИЈА ОБРАКАЊЕ ДО СУДОТ КОНТАКТ

Новости

23 МАЈ ПРЕГЛЕД НА ИНИЦИЈАТИВИ ЗА ОЦЕНУВАЊЕ НА УСТАВНОСТА И ЗАКОНИТОСТА ПРЕДЛОЖЕНИ ЗА 15-ТА СЕДНИЦА НА УСТАВНИОТ СУД НА РЕПУБЛИКА МАКЕДОНИЈА ЗАКАЖАНА ЗА 30.05.2018 ГОДИНА (СРЕДА), СО ПОЧЕТОК ВО 09,30 ЧАСОТ

1. РАЗГЛЕДУВАЊЕ НА ИНИЦИЈАТИВИ ЗА ОЦЕНУВАЊЕ НА УСТАВНОСТА И ЗАКОНИТОСТА НА: 1. Член 4 став 2 од Законот за основање на Државна комисија за одлучување во управна постапка и постапка...

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Exchange of regional and international experiences and knowledge between judges and prosecutors and the Constitutional Court

Few study visits / regional conference, shared and compared experiences with other countries in the region / Great Britain / Council of Europe and the European Court of Human Rights



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- **Support to the harmonization process of the national case-law and supporting dialog among the appellate courts, the Supreme Court and the Judicial Council**
 - ✓ Several conclusions were adopted on the working meeting among the appellate courts on harmonizing the inconsistent national case-law
 - ✓ Exchanged regional standards, mechanisms and good practice on establishing more effective national mechanisms for harmonised case-law and cooperation with the European Court of Human Rights on this issue.
 - ✓ Two studies developed:
 1. *Comparative study : Mechanisms for case law harmonisation in selected member states of the Council of Europe*
 2. *The inconsistency of the case-law versus the legal uncertainty through the cases of the European Court of Human Rights .*

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ADDITIONAL ACHIEVED RESULTS

- Synergy and coordination with other institutions in the Council of Europe, among other, the Department for the execution of judgments of the European Court of Human Rights and the HELP Programme.
- Support to the Bureau for representation before the European Court of Human Rights for more efficient execution of the judgments of the European Court of Human Rights related to cases such as the ElMasri, Hajlurahu, Selmani and others.
- Dialog among the Ombudsman, the public prosecution, the Ministry of Interior Affairs, the judiciary and NGOs on strengthening the fight against torture and ill-treatment.

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Sustainability

- **Enormous dedication of national partners** with implementing all activities.
- **Trainers trained within the project will become part of the academy's pool of trainers.**
- **The three modules/manuals, developed for the three articles of the European Convention on Human Rights were implemented under the annual programme of the Academy** within the trainings on human rights and freedoms and will be part of the curricula of the Academy.
- **The materials developed under the project will be available to the Academy and to the trainers for future trainings.**
- **Further modernization of the improved web-site of the Constitutional Court** to help increase the transparency and the access to Constitutional Court's case-law and all the decisions, including those individual applications for human rights.

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Gender perspective

- **Especially high participation of women/judges/public prosecutors/legal advisors in all project activities.**
 - *63% of the Steering Committee members were women*
 - *40% of the trainers trained under the project were women*
 - *64% of the participants in the cascade trainings were women*
 - *41% of the participants in the study visits were women*
- **Alternatives to detention and gender representation, with focus on international standards related to this issue- a separate part of the Manual on right to freedom and security**

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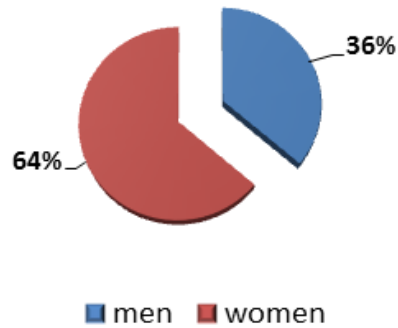


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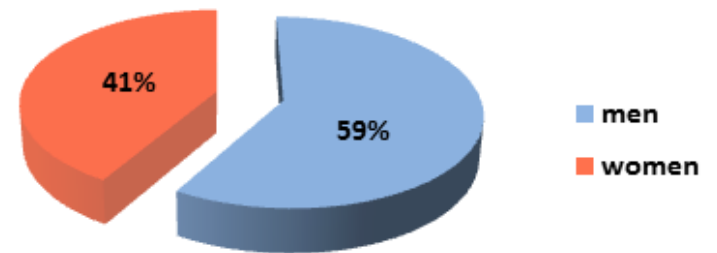


Gender representation

Gender representation in trainings



Gender representation during the three Study visits



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Future preconditions for improvement

- Introduction of a new qualitative assessment/evaluation of trainings, especially in relation to applying ECHR standards;
- Access to and analysis of the quality of the judgments, especially in the part on giving proper reasoning of judgment, which will increase the faith in the judiciary and will have a positive impact on the transparency;
- Availability and better promotion of trainers on human rights protection;
- The Academy for judges and prosecutors should continue with training trainers;
- Constant dissemination of the materials / their availability to judges and prosecutors;
- Maintain the dialog among the appellate courts and the Supreme Court on harmonized case-law.

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Thank you for your attention

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