



HORIZONTAL FACILITY FOR WESTERN BALKANS AND TURKEY

Strengthening Legal Guarantees for Independent and Impartial Tribunals

As a part of the co-operation framework co-funded by the European Union and the Council of Europe, known as the “Horizontal Facility for the Western Balkans and Turkey” (Horizontal Facility), the Council of Europe is implementing the Action “Strengthening Legal Guarantees for Independent and Impartial Tribunals”. The Action is implemented in close partnership with the Ministry of Justice, the High Judicial Council, the State Prosecutorial Council and the Judicial Academy. The Action also includes a wide spectrum of different national stakeholders, as well as civil society organizations engaged in the field of rule of law.

This Action aims to strengthen the guarantees for independent and impartial tribunals (Article 6 of the European Convention on Human Rights) by supporting and initiating measures to build the capacity of the High Judicial Council (HJC) and of the State Prosecutorial Council (SPC) in countering and dealing effectively with undue internal and external pressure on the decision making process of individual judges, prosecutors, judicial and prosecutorial assistants. The Action also aims to protect judges, prosecutors, judicial and prosecutorial assistants from such risks by developing a set of internal documents to strengthen guarantees of independence, and develop a professional culture of impartiality.

The duration of the Action is set at 22 months, with an overall budget of EUR 400,000 and is expected to be completed by 28 February 2019.

Objectives and expected results

The **overall objective** of the Action is to strengthen legal guarantees in place to grant independent and impartial tribunals to the people of Serbia.

This objective is to be achieved by increasing protection of judges, prosecutors, judicial and prosecutorial assistants against undue pressure and by strengthening their impartiality (**specific objective**).

Through the Actions, beneficiaries are expected to attain three **main results**:





- The HJC has a strengthened capacity to assist judges and judicial assistants to report both external and internal undue influence in decision making to the court president and to the HJC, and have them dealt with effectively, by supporting and implementing internal mechanisms, rules and procedures for providing guarantees.
- The SPC has built its capacity to support and implement internal mechanisms, rules and procedures, for providing guarantees for prosecutors and prosecutorial assistants to report concerns of undue pressure and have them dealt with effectively.
- Public confidence in the judicial system as a whole is increased by better understanding of the role of the HJC and the SPC in protecting judges and prosecutors from undue pressure.

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 corruption, economic crime and organised 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 beneficiary countries to comply with Council of Europe standards and the European Union acquis in the framework of the enlargement process, 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, which highlight areas where improvements are needed in the legislation and policies of the beneficiaries to comply with the Organisation's treaties and other standards.



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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.

The European Union is a unique economic and political partnership between 28 democratic European countries. Its aims are peace, prosperity and freedom for its 500 million citizens – in a fairer, safer world. To make things happen, EU countries set up bodies to run the EU and adopt its legislation. The main ones are the European Parliament (representing the people of Europe), the Council of the European Union (representing national governments) and the European Commission (representing the common EU interest).

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