



HORIZONTAL FACILITY FOR WESTERN BALKANS AND TURKEY

Enhancing human rights policing

The Council of Europe will assist the national authorities in overcoming the identified shortcomings and practical deficiencies related to the protection of human rights in the country in line with the international standards and best practices. The project will be implemented in close cooperation and partnership with the Ministry of Internal Affairs, and will include a wider group of national partners and stakeholders, including the Public Prosecutor's Office, the judiciary, the Ombudsman and the National Preventive Mechanism, the Standing Inquiry Committee for Protection of Civil Rights and Freedoms, and prominent civil society organisations active in the field of protection and promotion of human rights.

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 provides 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 Council of Europe bodies, prioritised according to the needs within the enlargement negotiations of the European Union.

The duration of this project is set at 18 months and it is expected to be completed by 28 February 2018, with an overall budget of EUR 550,000.

Expected Project Results

The **overall objective** of the project is to strengthen the protection of human rights in the country in line with the Council of Europe and international standards.

The **first specific objective** is to introduce effective oversight over police work through establishing an external mechanism. This specific objective shall be accomplished through the achievement of the following **results**:

- ✓ The legislative and institutional framework of the independent external oversight mechanism (EOM) over the police work has been established
- ✓ The capacities of the EOM staff on conducting independent and effective investigation of the complaints against the police have been developed

The **second specific objective** is to improve human rights compliance of the police through strengthening the preventive safeguards against ill-treatment and enhancing the internal police investigative mechanism. This specific objective shall be accomplished through the achievement of the following **results**:

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- ✓ The in-service police training mechanisms are made sustainable and procedures on treatment of persons in police custody are in line with international standards
- ✓ The capacities of the internal police control mechanism with respect to investigating and combating ill-treatment are further improved.

Background information

Being party to the European Convention on Human Rights - ECHR (<http://www.echr.coe.int>), as well as the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the member state is obliged to eradicate torture and other forms of inhuman or degrading treatment or punishment.

The reports of the European Committee for the Prevention of Torture - CPT (<http://www.cpt.coe.int>), the EC Progress reports, the reports by the National Preventive Mechanism (NPM) and other reports produced by human rights monitoring bodies confirm the trend towards an improvement in the professionalism of police officers and legal framework for prevention of cases of ill-treatment. Nevertheless, credible allegations are still received of deliberate physical ill-treatment by police officers of persons deprived of their liberty and numerous recommendations have been issued to the national authorities with respect to strengthening the safeguards against ill-treatment. One of the major concerns is the system of accountability for law enforcement officials in cases of ill-treatment. The European Court of Human Rights (ECtHR) held that there have been violations of Article 3 of the ECHR (prohibition of torture and inhuman or degrading treatment) in respect to the beneficiary country, more specifically, ECtHR found violations of the procedural aspect of the article on the account of the failure of the authorities to conduct an effective investigation into the applicants' allegations of police brutality. It is crucial that the authorities remain vigilant and pursue determined action to eliminate completely the problem of police ill-treatment. An important step would be the continuous training for police officers and enhancing the internal police investigative mechanism, however a crucial step in preventing and sanctioning ill-treatment should be the introduction of effective oversight over police work through establishing an external mechanism.

The main result from the project "Support to the establishment of an External Oversight Mechanism", implemented by the Council of Europe in the period December 2015 - April 2016, was the acceptance by all relevant national stakeholders of the need to establish an oversight mechanism in the country and the identification and selection of the two-tier "Prosecutor Plus" model as the most appropriate for the country, i.e. establishing a specialised unit within the Public Prosecution and creation of a new citizen review body with the possibility to have appellate function.

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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.

www.coe.int

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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