



HORIZONTAL FACILITY FOR WESTERN BALKANS AND TURKEY

Fighting ill-treatment and impunity and enhancing the application of ECtHR case law on the national level

As part of the European Union and Council of Europe programmatic framework “Horizontal Facility for the Western Balkans and Turkey” (Horizontal Facility), the Council of Europe will implement the Action “Fighting ill-treatment and impunity and enhancing the application of the ECtHR case law on national level (FILL)” in Montenegro, in close partnership with the Ministry of Justice, the Judicial Council, Supreme Court, Constitutional Court, Appellate Court, High Courts, Basic Courts, Administrative Court, Misdemeanour Courts, Judicial Training Centre, Chief State Prosecutor’s Office and Bar Association.

The Action will focus on enhancing the capacities of judges, prosecutors and lawyers to apply human rights standards in their daily work. To this end, first an assessment will be carried out of the application of the European Convention on Human Rights (ECHR) by the courts in Montenegro, followed by the design and implementation of training programmes on various standards of the ECHR. This will be done in close cooperation with the Judicial Training Centre, thus strengthening its capacities to facilitate human rights trainings for legal professionals, with a specific focus on protection and application of the right to a fair trial (Article 6 of the ECHR) and prohibition of torture and ill-treatment (Article 3 of the ECHR). In addition, the public dialogue on prevention of torture and ill-treatment in places of deprivation of liberty shall be enhanced.

The Action, which started on 1 June 2016 and will finish on 28 February 2018, has an overall budget of 700.000 euros.

The objectives of the Action

The **overall objective** of the Action is to contribute to the efforts in Montenegro to strengthen the judicial institutions and rule of law, thus ensuring that human rights of the people / population under the jurisdiction of Montenegro are better respected.

The project aims at accomplishing the following two **specific objectives**:

- ✓ Improve the capacities of the judiciary to apply case-law of the European Court of Human Rights (ECtHR) at the national level;
- ✓ Strengthen the capacities of legal professionals to more effectively combat ill-treatment and impunity;

Accordingly, the outcomes of the project will be achieved through realisation of the following **expected results**:

- ✓ Strengthened capacities of the Judicial Training Centre to facilitate human rights trainings for legal professionals;
- ✓ Enhanced capacities of judges and legal advisors of the national courts to apply European human rights standards in their daily work;

Horizontal Facility for Western Balkans and Turkey

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- ✓ Enhanced institutional capacities of the Constitutional Court towards better application of the ECtHR case-law;
- ✓ Strengthened capacities of the legal professionals (judges, prosecutors and lawyers) and certain civil society organisations to effectively address issues of ill-treatment and impunity in line with the ECHR and ECtHR case-law;
- ✓ Enhanced public dialogue on prevention of torture and ill-treatment in places of deprivation of liberty through increased engagement of civil society organisations.

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 economic 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 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 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.

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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