

## Horizontal Facility for Western Balkans and Turkey

Funded  
by the European Union  
and the Council of Europe



Implemented  
by the Council of Europe

## Results of actions in Montenegro under the European Union/Council of Europe Horizontal Facility for the Western Balkans and Turkey

### WHAT IS THE HORIZONTAL FACILITY FOR THE WESTERN BALKANS AND TURKEY?

The Horizontal Facility for the Western Balkans and Turkey is a co-operation initiative of the European Union and the Council of Europe for South East Europe. This It is a three-year programme, which is being implemented as from May 2016 for a period of 36 months. The actions under the Horizontal Facility are funded primarily by the EU and are co-funded and implemented by the Council of Europe.

Through the Horizontal Facility, the European Union and the Council of Europe assist beneficiaries in South-East Europe in complying with Council of Europe standards and the European Union *acquis* in the context of the enlargement process, covering three themes: *ensuring justice, fighting economic crime, and combating discrimination and protecting the rights of vulnerable groups*.

There are six beneficiary-specific actions for Montenegro, with a total budget of EUR 3.33 million.

### SUPPORTING POLICE AND PENITENTIARY REFORMS

This Action started on 1 October 2016 and will continue until 31 January 2019.

The action, which focuses on preventing ill-treatment in prisons and police stations, contributes to the criminal justice reform process by ensuring that persons deprived of their liberty are treated according to international human rights standards. These issues constitute priority areas for reform while addressing the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

- The regulatory framework on health care services in prisons was strengthened to reduce the risks prisoners may pose to society upon their release due to inadequate health care during their prison terms. Regulations on medical screening of prisoners were improved. The Action supported the authorities in drawing up the plans and a feasibility study for a new prison hospital which, once built, will improve the conditions in which prisoners are treated.
- Rehabilitation programmes were reinforced with a view to facilitating the reintegration of prisoners into society after their release. Rehabilitation programmes were enhanced in co-operation with civil society organisations focusing on the most vulnerable members of the prison population (women, minority groups and drug addicts). The programmes resulted in

## Horizontal Facility for Western Balkans and Turkey



strengthening of the capacities of two target groups to integrate into society. The first target group of prisoners completed vocational training while in prison and obtained diplomas certified by the Ministry of Education. This provided prisoners with enhanced opportunities to find jobs on the local labour market. The second target group of prisoners strengthened their ability to fight drug addiction, preparing them for a better life after release.

- The capacities of prison and police staff to sustainably deliver quality training in preventing ill-treatment have been increased. A new curriculum was developed and a pool of trainers established within the prison and police institutions. The trainers have already transmitted their knowledge to 150 police and prison staff and they in turn became multipliers for spreading international human rights standards throughout the country.
- Steps were taken to strengthen ethical behaviour and integrity among prison staff. The first Code of Ethics for prison staff was adopted, with a view to limiting corrupt practices in prisons. To that end, the regulation on the classification of prisoners was amended in order to provide a clear way of managing and classifying prisoners.

### FIGHTING ILL-TREATMENT AND IMPUNITY BY APPLYING EUROPEAN STANDARDS

This Action started on 1 September 2016 and will continue until 23 May 2019.

The action aims to strengthen the institutional capacity to ensure that domestic legislation and practice is interpreted in line with Council of Europe standards, in particular the European Convention on Human Rights.

- Around 800 judges, prosecutors and lawyers gained sound knowledge of the recent case law of the European Court of Human Rights following a large-scale capacity-building programme. About 60% of prosecutors and advisers were trained in investigating cases of ill-treatment and 40% of all registered lawyers underwent training in various aspects of the application of the European Convention on Human Rights. In 2017 the European Court of Human Rights noted a positive trend, given the nearly 20% decrease in the number of applications lodged with this judicial body.
- The quality of judicial decisions in Montenegro has been improved by making increased reference to the case law of the European Court of Human Rights. This positive trend is particularly visible in the rulings of the Constitutional Court and higher courts. The Constitutional Court issued important judgments in 2017 and 2018, finding violations of the principles of effective investigation of cases of ill-treatment and the right to freedom of peaceful

## Horizontal Facility for Western Balkans and Turkey



assembly based on the requirements of the European Convention on Human Rights. Similarly, the High Court in Podgorica confirmed the ruling of a lower court recognising the state's responsibility for an ineffective investigation and awarding adequate compensation to the complainant. Reference to the European Convention on Human Rights in the Supreme Court's decisions increased threefold in 2018 (a 217% increase over the period 2015 to 2017). These facts reveal an enhanced awareness of European standards and European Court of Human Rights case law among judges, resulting in better legal protection for citizens in Montenegro.

- The long-term capacity of the Judicial Training Centre to provide quality human rights training to legal professionals was strengthened. New human rights courses and materials have been integrated in the in-service training curriculum. A pool of 16 national trainers was created and they began transmitting their knowledge of human rights to their peers.
- The human rights dimension has been strengthened in university education. The regular curriculum of Montenegro's law faculties is currently being modified by adding human rights related content. Legal clinics specialised in the practical implementation of the European Convention on Human Rights and the case law of the European Court of Human Rights are currently being set up in all undergraduate institutions teaching law in Montenegro. The Council of Europe is the first international organisation to introduce a human rights dimension in the undergraduate law courses in Montenegro.
- The likelihood of more consistent judicial decisions across courts has increased following the establishment of case law departments in all courts in Montenegro and the introduction of regular inter-judicial dialogue between the Constitutional Court and the ordinary courts.

### STRENGTHENING THE ACCOUNTABILITY OF THE JUDICIAL SYSTEM

This Action started on 1 November 2016 and will continue until 23 May 2019.

The action aims to strengthen the independence, accountability, professionalism and overall efficiency of the judicial system in Montenegro in line with European standards.

- The professional evaluation of judges has been considerably improved, thus increasing judicial independence and accountability. 41 judges have been evaluated and, for the first time, 13 judges were promoted under the new transparent system of promoting judges and prosecutors based on a periodic, professional performance assessment.

## Horizontal Facility for Western Balkans and Turkey



- Progress was made in incorporating the principles of ethics and in preventing conflicts of interest among the judiciary, while reviewing and applying the Code of Ethics. The ethical committees of the Judicial and Prosecutorial Councils and approximately 200 judges and prosecutors have been trained to apply ethical and disciplinary liability standards in practice.
- Steps were taken to improve the judiciary's communication with the public in order to increase trust in the justice system. The Judicial Council developed a public relations and information strategy, providing a strategic baseline for improvement, transparency and public communication. The implementation of the Strategy is under way.
- The capacities of the Judicial Training Centre to deliver sustainable quality training were increased. Improving the quality of legal training was made a priority of the Judicial Training Centre Strategy developed under the Action. Members were trained in training cycle management and used their knowledge to prepare the 2018 training programme; the first pool of Judicial Training Centre trainers on ethics was established.
- Steps were taken to improve the legislation on judicial independence and impartiality. The recommendations on how to improve the Law on the Judicial Council and Judges and the relevant by-laws were reviewed and submitted to the Ministry of Justice for further legislative action.

## FIGHTING CORRUPTION AND MONEY LAUNDERING

This Action started on 24 May 2016 and will continue until 23 May 2019.

The action supports institutional capacities to counter and prevent corruption, money laundering and the financing of terrorism in line with the recommendations of the Council of Europe's Group of States against Corruption (GRECO) and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL).

- Several laws were strengthened to take account of the recommendations made under the Action. In 2018, Parliament adopted amendments to the Law on Prevention of Money Laundering and Terrorism Financing and the Law on Law on International Restrictive Measures. Following the revision of the anti-money laundering legislation and the adoption of the international restrictive measures Montenegro was removed from MONEYVAL's enhanced monitoring.

## Horizontal Facility for Western Balkans and Turkey



- A new asset declaration verification methodology was developed. This strengthened the capacities of the Agency for the Prevention of Corruption to run checks regarding illicit enrichment among selected public officials and changes and transfers of assets, and to identify the origins of assets. The methodology was transposed into operational rules and the staff of the Agency receiving training concerning these provisions, thereby improving its application in practice by the Agency. All these tools made the process of verifying asset declarations more efficient.
- As also recognised by the Group of State against Corruption (GRECO), progress was made towards preventing conflicts of interest and ensuring that Parliament, the judiciary and the police apply ethical standards. Ethical guidelines were adopted by all three institutions, thus strengthening their adherence to the principles of ethical behaviour. The Police Academy incorporated the guidelines into the police training programme.
- Monitoring political and electoral campaign funding was improved through a newly developed methodology applied by the Agency for the Prevention of Corruption during the local elections in 2018. The methodology helps detect and process irregularities in electoral campaign funding, thus making the monitoring more efficient.
- Inter-institutional co-operation between the Agency for the Prevention of Corruption and the State Audit Institution was enhanced, improving the fight against corruption. The two institutions signed a memorandum of understanding which strengthens their co-operation, in particular in controlling the financing of political entities and election campaigns. A protocol of co-operation between the Supreme State Prosecution and State Audit Institution was signed, enhancing their fight against abuse of public funds.
- The Agency for the Prevention of Corruption, the police, the prosecution service and the judiciary have gained specialised knowledge and skills concerning the prevention and investigation of corruption and money laundering: 50 judges and 65 police officers now know how to implement the protection of whistle-blowers in civil and criminal proceedings decided by the courts; and 90 of them learnt about the best techniques to trace, identify and seize assets.

## Horizontal Facility for Western Balkans and Turkey

Funded  
by the European Union  
and the Council of Europe



Implemented  
by the Council of Europe

### STRENGTHENING INTEGRITY AND COMBATING CORRUPTION IN HIGHER EDUCATION

This Action started on 1 July 2016 and will continue until 23 May 2019.

The action aims to support the public authorities in upholding the integrity framework of the higher education system, while working to increase awareness of the benefits of integrity standards and ethics among the main educational stakeholders, including students, academic staff and administrative management. The results achieved include the following:

- A Baseline Assessment on Integrity in Higher Education in Montenegro was developed.
- Building on the recommendations of the Baseline Assessment, a draft Law on Academic Integrity was prepared to address the various forms of academic misconduct, including plagiarism and unethical behaviour, and to introduce minimum standards for protecting academic integrity in higher education institutions (HEIs).
- Increased awareness of corruption and integrity issues among students and the wider public, was achieved through numerous outreach measures, including conferences and public debates in universities. Digital material is being developing for use in web-based promotional material and courses for students. At the University of Montenegro courses for first year students will become compulsory.

### FOSTERING A DEMOCRATIC SCHOOL CULTURE BY APPLYING ANTI-DISCRIMINATORY APPROACHES

This Action ran from 1 July 2016 to 31 December 2018.

The action, which aimed to combat discrimination in schools, was designed to introduce and monitor specific anti-discrimination measures at grassroots level, through work with pilot schools, and to scale up best practices at the policy level. The action entails enhancing knowledge and awareness of democratic school culture among teachers, staff, students, and local communities, and in general improving the capacities of schools to eradicate discriminatory approaches towards vulnerable or marginalized students, including Roma and Egyptian children. All the activities sought to promote methods for minimising inequalities, combating discrimination and avoiding marginalisation or exclusion. The results achieved include the following:

## Horizontal Facility for Western Balkans and Turkey



- Better recognition of democratic citizenship education by the pilot schools. 26 pilot schools, 1,000 education professionals and local community representatives were involved in developing local action plans to strengthen democratic culture in schools. Furthermore, 10,000 members of communities, including pupils, teachers and parents, were involved in organising the “Inclusive Days” and other similar local level activities.
- 11 October was designated as national “Inclusive Day” in Montenegro.
- 200 teachers underwent certified training in how to teach democracy and human rights and build cross-cutting knowledge through extracurricular activities.
- Action plans including measures for eradicating prejudices and discriminatory approaches toward vulnerable or marginalised students were developed by the pilot schools.
- Greater impact and benefits deriving from local knowledge and experience scaled up to inform policy-makers. A draft roadmap for creating a safe and inclusive school environment at the curriculum, pedagogy, assessment and teacher education levels is being developed.

### FOR MORE INFORMATION:

Website: <https://pjp-eu.coe.int/en/web/horizontal-facility/home>

Nichola Howson, Communication Officer, +33 3 88 41 22 39

Marija Simic, Regional Communication Officer, +38 1 63 60 13 37