

## Horizontal Facility for Western Balkans and Turkey



## Results of actions in Serbia 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 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 seven beneficiary-specific actions for Serbia, with a total budget of EUR 3.6 million.

### CONTRIBUTING TO PENITENTIARY REFORMS

This Action started on 1 January 2017 and will continue until 23 May 2019.

The action contributes to improving the conditions and provision of health care in prisons by addressing shortcomings identified by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the European Court of Human Rights (ECtHR). The focus has been on facilitating prisoners' integration into society and improving the prison psychiatric system.

- Progress has been achieved in enhancing both the legislative framework and the capacity-building of police and prison staff to fight ill-treatment. The by-laws on police powers are being reviewed based on the Council of Europe's expertise. Recommendations were issued to help the authorities improve the custody record system and external oversight mechanism, and to consolidate the police complaints system. A regulatory framework for medical staff in prisons, focusing on documenting and reporting medical evidence of ill-treatment, is being drafted. New innovative course modules for in-service police training to prevent torture and ill-treatment have been developed and the capacity of police staff to prepare training modules has been enhanced.

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- Reflection on further legislative, regulatory and policy improvements in social care and psychiatric institutions regarding the treatment of persons with mental disabilities. Supported by the Action, the Ministry of Health prepared a new strategy together with an action plan, identifying priorities for further action to improve mental health care.
- A reinforced rehabilitation approach towards offenders was adopted, increasing their chances of reintegrating into society after their release. Moving away from a punitive approach required an important shift in prison staff's mindsets and the provision of adequate tools. Two new offending behaviour programmes, which facilitate prisoners' integration into society after their release, were developed and are being successfully tested in pilot prisons.
- By improving the quality of health care, the foundation has been laid for better treatment of persons with mental disabilities. The Action developed model individual treatment plans and risk assessment tools to facilitate the work of medical staff when treating patients with psychiatric problems. Prison staff have increased their skills and knowledge in developing and using these tools, resulting in the adoption of a unified methodology for the development and use of the tools in practice.

## SUPPORTING THE SETTING UP AND IMPLEMENTATION OF EFFECTIVE DOMESTIC REMEDIES TO PROTECT HUMAN RIGHTS

This Action started on 1 January 2017 and will continue until 23 May 2019.

The action focuses on strengthening judicial practices in line with the requirements of the European Convention on Human Rights. The Action supports the authorities in devising measures to implement judgments of the European Court of Human Rights and strengthening the capacities of legal professionals to apply the judgments in practice.

- Progress was made in introducing effective legal remedies to protect citizens' rights guaranteed by the European Convention on Human Rights. A study to assess and identify the reasons behind systemic human rights violations has been completed and endorsed by the authorities. Concrete solutions have been found to remedy these causes. Results are already visible in some areas: the Council of Europe's Committee of Ministers closed its examination of the judgment in the case of *Grudic v. Serbia* on non-payment of pensions, considering that Serbia had complied with the ECHR requirements. The Serbian authorities also prepared a draft law on improving child protection measures, necessary for the execution of the *Zorica Jovanic v. Serbia* judgment.

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- A legal debate was initiated on how to compensate for delays in judicial proceedings and to harmonise the approach of the Serbian judiciary with the practice of the European Court of Human Rights; as a result increased amounts of compensation for lengthy proceedings are now awarded by domestic courts. A manual - prepared and distributed in all courts in Serbia - provided judges with the criteria for evaluating the length of judicial proceedings in line with the requirements of the European Convention on Human Rights. The manual facilitates judges' application of these requirements in practice.
- The capacities of the Judicial Academy to deliver human rights training to judges and prosecutors were enhanced. Curricula, training material, and on-line courses were developed and a pool of trainers established. The trainers are now able to train legal professionals in a variety of human rights topics, by using the new material. Human rights training also became part of the Academy's annual in-service training programme. Around 400 legal professionals have already been trained, improving their knowledge of how to defend property rights, women affected by domestic violence, and the right to a hearing within a reasonable time, in line with European standards. A guidebook on how to effectively use legal remedies in domestic proceedings was also developed to help the legal community to implement ECtHR judgments.
- Special training on mutual legal assistance in criminal matters was provided to prosecutors, judges and lawyers through a tailor-made distance-learning course. 90 legal professionals received training in key Council of Europe standards, thereby increasing their knowledge in this area.
- Steps were taken to better harmonise domestic judicial decisions across the country's courts, when applying the European Convention on Human Rights. Regional inter-judicial dialogue has been instrumental in this regard, contributing to the interpretation of complaints in line with the case law of the European Court of Human Rights. To this end, assessments were made to review judicial practices and suggest how these practices could be better harmonised, so that they comply with European standards.

## STRENGTHENING LEGAL GUARANTEES FOR INDEPENDENT AND IMPARTIAL JUSTICE

This Action started on 1 May 2017 and will continue until 28 February 2019.

The action focuses on strengthening the independence of the judiciary and the prosecution service in order to increase public confidence in the judicial system. It relies on the recommendations of the

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Group of States against Corruption (GRECO) and involves working closely with the High Judicial Council and the State Prosecutorial Council.

- The capacities of judges and prosecutors to detect and counter the risk of undue influence were increased. So far, around 100 judges/judicial assistants and 100 prosecutors/prosecutorial assistants have been trained to identify, report and better counter undue pressure. Members of the High Judicial Council and the State Prosecutorial Council, together with court presidents and heads of prosecution offices, were trained on the same topic.
- Internal rules and procedures to further strengthen the independence of the judiciary were developed, providing guidelines to judges and prosecutors on how effectively to counter risks of undue influence.
- Prosecutors were supported by strengthening the role and the capacity of the newly established Commissioner for Autonomy of the Public Prosecution, who takes action if any acts threatening the autonomy and integrity of holders of prosecutorial office come to light.
- The Action facilitated the discussions on constitutional amendments regarding the judiciary. The Government decided to initiate the process to amend the Constitution before Parliament on 29 November 2018.

## STRENGTHENING INTEGRITY AND COMBATING CORRUPTION IN HIGHER EDUCATION

This Action started on 1 April 2017 and will continue until 30 March 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 Serbia was conducted to identify gaps and solutions to fill these gaps.
- A resource pack on integrity, ethics and transparency for higher education institutions was developed as a special course for undergraduate and postgraduate studies.

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- 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.

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

This Action started on 1 April 2017 and will continue until 30 March 2019.

The action was designed to introduce and monitor specific anti-discrimination measures and the Council of Europe Framework of Competences for Democratic Culture (CDC) in selected pilot schools' teaching and extracurricular activities, with a view to scaling-up best practices at the policy level.

- Full adoption and integration of the Council of Europe CDC Framework in the teaching and extracurricular activities of the 20 pilot schools.
- Better understanding of the CDC and enhanced recognition of democratic citizenship education by the pilot schools, parents and local communities. 19 pilot schools, 2,150 students and 250 teachers were involved in revising education quality standards in relation to democratic education; more than 15,000 persons were involved in various awareness-raising activities (student parliaments, open classes on analytical and critical thinking skills, class planning, Democratic School Days, etc.); high visibility and wide media coverage that reached thousands of people.
- Greater impact and benefits deriving from local knowledge and experience scaled up to inform policy-makers. A roadmap for creating a safe and inclusive school environment at the curriculum, pedagogy, assessment and teacher education levels was developed and endorsed by the Ministry of Education, Science and Technological Development and other relevant institutions.

### PREVENTING AND COMBATING TRAFFICKING IN HUMAN BEINGS

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

The action provides the national authorities with expertise in order to give follow-up action to the recommendations of the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) as set out in the 1st and 2nd GRETA reports concerning implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Serbia. The results achieved include the following:

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- Strengthened capacity of labour inspectors to detect and preliminarily identify victims of human trafficking for the purpose of labour exploitation. 40% of the labour inspectors in the country were trained in human trafficking issues and equipped with a pocket guide on identifying trafficking victims.
- Increased understanding by legal professionals and other anti-trafficking stakeholders of how to ensure victims' access to compensation.
- Improved co-operation between countries of destination of Serbian victims/countries of origin of victims identified in Serbia and the relevant Serbian stakeholders to provide better assistance and protection of trafficking victims' rights.
- Stronger co-operation among key anti-trafficking stakeholders.

## STRENGTHENING THE PROTECTION OF NATIONAL MINORITIES

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

The action aims to support the authorities in enhancing the rights of persons belonging to national minorities in Serbia, on the basis of recommendations issued by the monitoring bodies of the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML). The results achieved include the following:

- The Law on National Councils of National Minorities was amended in June 2018 in line with the FCNM recommendations and the expert opinion provided to the Ministry of Public Administration and Local Self-Government.
- Fact-based and targeted information about national minorities was made available to the authorities. This information included (i) the results of a baseline opinion poll conducted in five municipalities to assess, in particular, the level of awareness and knowledge of rights and procedures relating to the use of minority languages in education, administration and the justice system; (ii) expert analyses on the use of minority languages in the Serbian public administration and the judiciary; (iii) expert reports on the adequate representation of national minorities in compulsory curricula, teaching standards and textbooks for primary and secondary schools.
- Guidelines and recommendations for the appropriate representation of national minorities in compulsory curricula, standards and textbooks for primary and secondary schools were prepared, drawing on the Council of Europe's expertise.

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- Guidelines and recommendations on the use of minority languages in education, administration and the judiciary are under preparation.
- Five local initiatives to promote the use of minority languages in education or administration at the local level were supported through small grants.

### FOR MORE INFORMATION:

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

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