

Horizontal Facility for Western Balkans and Turkey



Results of actions in North Macedonia 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 six beneficiary-specific actions for North Macedonia, with a total budget of EUR 3.8 million.

STRENGTHENING THE PROTECTION OF THE RIGHTS OF CONVICTED PERSONS

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

The action, which aims to improve conditions in prisons, supports the authorities in introducing measures to better reintegrate prisoners into society, while addressing shortcomings identified by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Poor prison conditions, which are not conducive to reintegrating prisoners into society, can amount to a violation of the European Convention on Human Rights.

- The Action strengthened the legislative process through a review of penitentiary legislation on prison inspections, external oversight, prisoner disciplinary procedures and recruitment of prison managers so as to align it with European standards.
- To improve prison management, the Action supported the introduction of measures based on the principles of “dynamic security”, aiming to promote routine communication and interaction with prisoners based on high professional ethical standards and respect for human rights. To make these measures more sustainable, a training manual for prison staff was developed and a network of national educators established to train prison staff able to ensure

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safety, security and good order, thereby contributing to the rehabilitation of prisoners and their preparation for release.

- The Action provided a framework for strengthening the capacity of new prison governors with a view to effectively implementing the new Code of Ethics, in line with modern prison management requirements and European prison standards. A total of 270 prison staff were trained to implement ethical standards in practice.
- The Action contributed to improving the treatment of specific groups of prisoners and violent offenders. Treatment modules for different categories of prisoners (women offenders, life- and long-term prisoners and sex offenders) were developed and successfully piloted in selected prisons. A pilot treatment module for women prisoners was successfully implemented.
- To prevent and reduce violence among prisoners, the Action supported the development of a staff training programme and special operative procedures, along with related operational guidelines and staff protocols. A group of national trainers was trained to upstream the implementation of these documents and to increase the focus on the need for prison staff to promote a safe and healthy prison environment.
- To prevent radicalisation in prisons, a Risk and Needs Assessment Tool and a methodology for individual treatment of radicalised persons have been developed.

ENHANCING HUMAN RIGHTS PROTECTION IN POLICING

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

The action aims to combat ill-treatment of prisoners by strengthening the police mechanism for investigating cases of ill-treatment and building police training capacities.

- The Action helped establish the Police External Oversight Mechanism concerning police work. The legislative framework was amended by Parliament in 2018 following advice provided by the Council of Europe;
- The Action supported the national Police Training Centre and the Ministry of the Interior in improving standards and providing in-service police training. Four training modules on police

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ethics and prevention of ill-treatment were developed and integrated into the police training programme.

INCREASING JUDICIAL CAPACITY TO SAFEGUARD HUMAN RIGHTS AND COMBATING ILL-TREATMENT AND IMPUNITY

This Action was implemented from 1 December 2016 until 31 May 2018.

The action aimed to strengthen the capacity of the institutions to ensure that domestic legislation and practice is interpreted in line with Council of Europe standards, in particular the European Convention on Human Rights (“the Convention”).

- The capacities of judges and prosecutors to apply the standards of the European Convention on Human Rights have improved as a result of intensive training provided under the Action. A post-training evaluation among 230 legal professionals showed that the training had led to better understanding among the participants of how to apply certain provisions of the Convention in the domestic legal order. Critical and analytical legal thinking was also promoted while integrating European standards.
- The capacity of the Judicial Academy to sustainably deliver quality human rights training has improved. Comprehensive training curricula and material, with interactive tools and a guide for trainers, were developed and incorporated into the Academy’s annual training programme. An internal pool of trainers, able to transmit knowledge to judges and prosecutors on how to interpret the case law of the European Court of Human Rights (ECtHR), was created. As a result, the Academy has at its disposal 20 trainers (of which 55% are public prosecutors, 30% judges and 15% lawyers). They began conducting peer-to-peer training.
- The prospects of growing harmonisation of judicial decisions across courts have improved following enhanced co-operation among appeal courts, the Supreme Court and the Judicial Council at the national level and within the region. This contributes to national efforts to ensure consistency of national judgments.
- The Action contributed to implementing judgments of the European Court of Human Rights. The support resulted in the closure of several cases by the Council of Europe’s Committee of Ministers, which considered that all the measures required for the execution of a number of judgments (e.g. *Selmani and others*) had been taken at the domestic level. As a result, the Constitutional Court changed its practice concerning oral hearings in order to avoid similar

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violations. This has constituted an important step towards compliance with European standards, revealing a high level of awareness among judges.

SUPPORTING LEGAL AID REFORMS

This Action started on 1 January 2018 and will continue until 23 May 2019.

The action aims to build a more effective legal aid system, bringing it more into line with Council of Europe standards on effective access to justice. The action's main focus is increasing the capacities of the regional legal offices to provide legal aid to citizens and public awareness of the availability of legal aid services.

- Background work was completed to identify shortcomings which hamper access to legal aid within the country - in particular by women and children- and to assess the capacities and needs of the regional offices to provide this aid.
- Based on the assessment recommendations, the Action developed curricula and training materials for legal aid officers, lawyers and authorised civil society organisations, taking into account the needs of women and vulnerable groups.

FIGHTING ECONOMIC CRIME

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

The action aims to build 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).

- The Action strengthened the legislative process, providing recommendations and guidelines for anti-money laundering legislation so as to align legislative provisions and practice with European and international standards.
- The authorities developed a strategic approach towards the fight against money-laundering and counter-terrorism financing. A new strategy was drawn up under the Council of Europe's guidance. The authorities adopted the strategy, encompassing measures to put in place an effective anti-money laundering policy which takes into account international standards and good practices.

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- Progress was made towards the establishment of a Registry of Beneficial Ownership. A road map was prepared, providing a step-by-step guide for the authorities on the measures to be taken in order to establish the Registry. The Registry will record legal owners of properties, making it possible to know who ultimately owns or controls a property in the country. In parallel, guidelines for the private sector were developed to increase transparency of beneficial ownership and facilitate access to information.
- Increased expertise among the authorities – the National AML/CFT Council, the Financial Intelligence Office and the State Commission for Prevention of Corruption - on how to identify risks and develop policies to fight money laundering and terrorism financing, and practices to protect whistle-blowers.

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 take follow-up action on the recommendations of the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings.

- The Action provided a framework for strengthening the capacity of labour inspectors to detect and preliminarily identify victims of human trafficking for the purpose of labour exploitation. 90% of the labour inspectors in the country were trained in human trafficking issues and equipped with a pocket guide on identifying trafficking victims.
- Steps were taken to contribute to establishing a State compensation scheme accessible to victims of human trafficking. The establishment of such a fund was included in the Strategy for the Justice Sector Reform and the Action Plan 2019 of the Ministry of Justice.
- Increased understanding of legal professionals and other key anti-trafficking actors on how to ensure victims' access to compensation.

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- Improved co-operation between countries of destination of Macedonian victims/countries of origin of victims identified in the country and the relevant Macedonian stakeholders, to provide better assistance and protection of trafficking victims' rights.
- Stronger co-operation among key anti-trafficking stakeholders, such as labour inspectors, police officers, social workers, NGO representatives.

FOR MORE INFORMATION:

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

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