

HORIZONTAL FACILITY FOR THE WESTERN BALKANS AND TURKEY 2016-2019

*SUPPORTING REFORMS AND
SETTING THE STAGE FOR
SUBSTANTIVE CHANGE:
OVERVIEW OF THE EUROPEAN
UNION-COUNCIL OF EUROPE JOINT
PROGRAMME'S ACHIEVEMENTS*

Ensuring justice

Fighting corruption,
economic crime and organised crime

Combating discrimination and
protecting the rights of vulnerable groups

Expertise co-ordination mechanism

<http://horizontal-facility-eu.coe.int>

Funded
by the European Union
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by the Council of Europe

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List of abbreviations and acronyms

CDC	Competences for Democratic Culture
CEPEJ	European Commission for the Efficiency of Justice
Convention	European Convention on Human Rights
CSO	Civil Society Organisation
ECM	Expertise Co-ordination Mechanism
ECRI	European Commission against Racism and Intolerance
EU	European Union
European Court	European Court of Human Rights
FCNM	Framework Convention for Protection of National Minorities
GRECO	Group of States against Corruption
Horizontal Facility	Horizontal Facility for the Western Balkans and Turkey
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
NGO	Non-governmental organisation

Horizontal Facility: a strategic tool for supporting reforms in the Western Balkans and Turkey

PROGRAMME	Horizontal Facility for the Western Balkans and Turkey
BUDGET	25,000,000 EUR
FUNDING	European Union (80%) Council of Europe (20%)
DURATION	May 2016 – May 2019
GEOGRAPHICAL COVERAGE	Western Balkans and Turkey
IMPLEMENTED BY	Council of Europe

■ The Horizontal Facility Joint Programme, co-funded by the European Union and the Council of Europe and implemented by the Council of Europe, was created as a co-operation initiative in order to assist Beneficiaries in the Western Balkans and Turkey to comply with Council of Europe standards and, where relevant, the European Union *acquis* in the framework of the enlargement process.

■ The Horizontal Facility followed a two-fold approach:

- ▶ Technical co-operation in the form of advice, development of capacities and other technical support tailored to the needs of each Beneficiary to achieve increased compliance with European standards.
- ▶ The Expertise Co-ordination Mechanism (ECM), through which the Council of Europe provides legislative expertise and policy advice in response to requests.

■ A total of 36 Actions have been implemented since the beginning of Horizontal Facility.

■ The Horizontal Facility was implemented as a three-year programme (May 2016 – May 2019) with a specific focus on three themes:

- ▶ Ensuring justice;



Regional closing conference of the Horizontal Facility for the Western Balkans and Turkey (2016-2019), Tirana, April 2019

- ▶ Fighting corruption, economic crime and organised crime;
- ▶ Combating discrimination and protecting the rights of vulnerable groups.

■ The Horizontal Facility Beneficiaries during this period were Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia and Serbia.¹

■ The Horizontal Facility relies on the recommendations of [the Council of Europe's monitoring bodies](#) relating to improvements in legislation and policies of the Beneficiaries required to comply with the Organisation's treaties and other standards. Horizontal Facility Actions aimed at targeting citizens at large and as such represented a valuable contribution to the implementation of the European Commission's Strategy for '[A credible enlargement perspective for and enhanced EU engagement with the Western Balkans](#)', especially in the areas of joint reinforced co-operation and addressing the specific challenges the Western Balkans face.

■ At the end of Phase I of the Horizontal Facility a Regional Closing Conference took place on 3 April 2019 in Tirana bringing together all the stakeholders to exchange their views on the results of the Programme. The participants analysed the lessons learnt during the implementation, prospects for future co-operation and what could be done differently going forward. On this occasion, the European Union and the Council of Europe confirmed that a Phase II of the Horizontal Facility will continue from 2019 to 2022 building upon and ensuring sustainability of the results of Phase I.

■ This brochure is based upon the results of HF I implementation, as well as the outcomes discussed at the Regional Closing Conference.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

1. Turkey's involvement was limited to selected regional activities.

Cross-cutting issues

Regional Dimension

During Horizontal Facility implementation tailor-made interventions aimed at assisting the Beneficiaries to align with European standards were gradually complemented with a strengthened regional focus. This was based on requests from the Beneficiary institutions that recognised this as an added value of the programme.

As implementation progressed, specific activities were introduced which improved regional networks and allowed actors to learn from each other's experiences in facing similar challenges. Regional initiatives especially focused on areas such as implementation of the European Convention on Human Rights (Convention), prisons, economic crime, education and anti-discrimination.

The strengthened regional approach under the first phase of Horizontal Facility has paved the way for an increased regional dimension under Phase II of the programme.

Gender mainstreaming

Gender mainstreaming formed an integral part of Horizontal Facility implementation. All activities have been conducted with a human rights approach, incorporating principles of gender equality – in accordance with the Council of Europe's [Gender Equality Strategy](#) – to take into account the specific rights and needs of women and men. [The Council of Europe's Gender Mainstreaming Toolkit for Co-operation Projects](#) provided knowledge, guidance and tools to integrate the gender perspective at all stages of the project life cycle.

During Horizontal Facility implementation in areas such as justice and the penitentiary, specific attention was paid to developing measures targeting women, in terms of access to justice and legal aid, health care in prisons and resocialisation programmes.

Gender disaggregated data, including data on penal policies concerning gender-based violence was collected, resulting not only in increasing awareness about gender-sensitive justice but also in designing measures to increase women's representation in the judiciary. In order to address possible gender inequalities, an in-depth gender analysis was completed with respect to one Action on detained and sentenced persons and its results will serve to further

mainstream gender in this field in the Horizontal Facility Phase II, as well as inspiring expressions of interest to undertake similar exercises under other Actions in all Horizontal Facility areas of intervention.

Civil Society Organisations

■ Civil Society Organisations (CSOs) have been involved in all Beneficiaries as a key pre-requisite for achieving a long-term impact on the development of democratic governance and sustainability of reforms.

■ Co-operation with CSOs was ensured in accordance with the Council of Europe's [Guidelines on Civil Society Organisations' participation in Council of Europe co-operation activities](#), and in line with the European Commission [Guidelines for EU support to civil society in enlargement countries](#).

■ CSOs were involved in putting in place rehabilitation programmes for prisoners, shaping judicial reforms, monitoring election expenditures and improving the reporting of conflict of interest. CSOs also played an important role, including through the Horizontal Facility, in strengthening human rights protection, combatting trafficking in human beings and discrimination by defining existing challenges and proposing solutions to the public authorities.



Theme I: **Ensuring justice**

Budget: 12.34 million EUR

Scope: 17 Actions

— Actions in this area focused on prisons and police (including human rights in policing, health care in prisons and safeguards against torture and ill-treatment), human rights standards in the judiciary (focusing on enhancing the application of the case law of the European Court of Human Rights (European Court)), access to justice, independence and accountability of judiciary (with a focus on strengthening independence, accountability and professionalism of the judicial system).

Protection of human rights for detained and sentenced persons

— Support was provided to assist Beneficiaries in bringing their policies, institutions and practices further in line with the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

Achievements

- ▶ Strengthened safeguards and practices that address ill-treatment in prison and police custody.
- ▶ Improved health care provision in prisons and specialised institutions.
- ▶ Strengthened rehabilitation and social reintegration of prisoners.
- ▶ Greater emphasis on vulnerable groups and women within prisons and specialised institutions.
- ▶ Improved treatment for patients in psychiatric institutions.
- ▶ Further professionalisation and capacity development of prison and police staff, including to address radicalisation in prisons.

“Exchange of the best European human right practices will enable a better police performance and it helps us to successfully address the similar problems in the future and to strengthen the partnership with the citizens.”

Hysni Shala, a captain in the Kosovo Police

Highlights

- ▶ The care for prisoners with mental health problems is enhanced by trained health care staff, thanks to the Manual on mental health and a Strategy on the prevention of suicide (Albania).
- ▶ The management of prisons and the treatment of vulnerable prisoners, particularly juveniles and women, is enhanced by trained specialist staff on the basis of newly developed induction and in-service training curricula, including on leadership and management and for staff working with juveniles and women prisoners (Albania).
- ▶ The social reintegration of prisoners and their return to law abiding life is enhanced by trained staff, able to develop individual sentence planning (Albania).
- ▶ Increased capacity for sustainable training of prison, police and medical staff, for dealing with persons deprived of liberty. The level of health care in prison especially for treatment of mentally ill offenders has improved (Bosnia and Herzegovina).
- ▶ Some 450 prison and police officers adapted their working methods to European standards of prisoner’s rehabilitation rather than punishment. (Bosnia and Herzegovina).

- ▶ Nearly 90% of the medical and non-medical staff enhanced their knowledge on the provision of care to forensic patients. This resulted with the adoption of the concept of individual medical treatment plan and improvement of daily practices such as searches and processing complaints. (Bosnia and Herzegovina).
- ▶ The first Suicide Prevention Strategy was developed to protect prisoners against self-harm, suicide and ill-treatment. 50% of all medical prison staff was trained on prison ethics and mental health care provision (Kosovo).
- ▶ The revised Administrative Instructions and Standard Operational Procedures provide a better framework for human rights compliant policing, taking into account the Council of Europe standards (Kosovo).
- ▶ Rehabilitation programmes were implemented focusing on the most vulnerable members of the prison population – women, minority groups and drug addicts. Target groups of prisoners were trained in prison which enhanced their opportunities to find jobs in the local labour market (Montenegro).
- ▶ The concept of “dynamic security”² was introduced to promote better communication and interaction of prison staff with prisoners based on high professional ethical standards and respect for human rights (North Macedonia).
- ▶ In order to improve the treatment of specific groups, treatment modules were developed for women offenders, life- and long-term prisoners, violent offenders and sex offenders, and successfully piloted in selected prisons (North Macedonia).
- ▶ Human rights protection in policing was strengthened by building police training capacities on different topics related to police ethics, prevention of ill-treatment and police management. The newly established external oversight mechanism (EOM) today provides the necessary means to look into allegations of human rights violations resulting from actions conducted by the employees of the Ministry of Internal Affairs with police authority and the prison police (North Macedonia).
- ▶ Two new offender behaviour programmes, which facilitate prisoners’ integration into society after their release, were developed and successfully tested in pilot prisons (Serbia).

2. Dynamic security highlights the need for prison staff to communicate with prisoners, have regular contact with prisoners, establish professional relationships and involve themselves in prisoner’s daily lives.

- ▶ Individual treatment plans and risk assessment tools when treating patients with psychiatric problems were developed in order to offer better treatment of persons with mental disabilities (Serbia).
- ▶ The Ministry of Health prepared a new Mental Health Strategy, identifying priorities needed to improve mental health care (Serbia).

“The Training Manual for prison officers on core competences with operational procedures, as well as the Handbook on prisoner management and enhancing human rights in a closed environment, help us face challenges and undertake necessary actions in our daily work, while strengthening trust and good relations between prison staff and sentenced persons.”

Muamer Mehić,
a treatment officer at Zenica Prison (Bosnia and Herzegovina)

Human Rights and Judiciary

Actions implemented in this area focused on assisting the Beneficiaries in bringing their policies, institutions and practices further in line with the Convention, the case law of the European Court, and the opinions of the European Commission for Democracy through Law (Venice Commission).

“This Action is one of the most successful in terms of impact and change triggered as a result of its implementation.”

Artur Metani, General State Advocate of Albania

Achievements:

- ▶ Better harmonisation of legislation and practices with the Convention.
- ▶ Improved effectiveness of domestic legal remedies to prevent violations of the Convention.
- ▶ Strengthened domestic capacities to implement the Convention at domestic level.
- ▶ Strengthened capacity of law faculties and students regarding implementation of human rights.



Fighting ill-treatment through implementation of Istanbul protocol training, Budva, June 2018

“The quality of the court decisions has been improved both in reasoning and application of the European Court of Human Rights case-law.”

Dragoljub Drašković,
President of the Constitutional Court of Montenegro

Highlights

- ▶ The *Manushaqe Puto and others*³ case was closed. Required measures were taken to offer compensation for property and to enforce domestic judicial decisions recognising the right to compensation (Albania).
- ▶ The State Advocate Law was amended, reinforcing domestic capacity to effectively execute the European Court judgments (Albania).
- ▶ 800 judges, prosecutors and lawyers gained knowledge on case law of the European Court. 60% of prosecutors and advisers were trained in investigating cases of ill-treatment and 40% of all registered lawyers underwent training on the application of the Convention (Montenegro).
- ▶ The human rights dimension has been strengthened in university education by modifying the law faculty’s curriculum and adding human rights related content (Montenegro).

3. Through the Horizontal Facility, co-operation between the State Advocate of Albania and the Council of Europe’s Department for the Execution of Judgments of the European Court of Human Rights contributed to the decision by the Committee of Ministers of the Council of Europe, in September 2018, to have close supervision of general measures in the leading case *Manushaqe Puto and Others*, by which the Committee of Ministers recognised the existing compensation mechanism in Albania as operational and effective.

- ▶ 400 legal professionals were trained in human rights programmes, improving their knowledge of how to defend property rights, to protect women affected by domestic violence and on the right to a hearing within a reasonable time, in line with European standards. A guidebook on how to effectively use legal remedies was developed to assist implementation of the European Court’s judgments (Serbia).
- ▶ 230 legal professionals were trained to apply the standards of the Convention and an internal pool of trainers was created in order to conduct peer trainings and transmit knowledge to judges and prosecutors on how to interpret the case law of the European Court (North Macedonia).
- ▶ The case of *Selmani and others*⁴ was closed by the Council of Europe’s Committee of Ministers, resulting in a concrete change of the Constitutional Court’s practice on oral hearings in order to avoid similar violations (North Macedonia).

Improving access to justice, independence and accountability of judiciary

Actions implemented in this area contributed to the Beneficiaries’ efforts in strengthening independence, accountability and professionalism of the judicial system in line with the [Council of Europe 2016-2021 Action Plan on strengthening judicial independence and impartiality](#), the European Court jurisprudence and facilitating implementation of the recommendations of the Group of States against Corruption (GRECO) and the Venice Commission.

Achievements

- ▶ Strengthened capacities of the Judicial and Prosecutorial Councils to handle ethical questions.
- ▶ Enhanced capacities of free legal aid providers, including staff of the Ministry of Justice, non-governmental organisations (NGOs) to professionally handle free legal aid applications so to improve access to justice.
- ▶ Strengthened guarantees for independent and impartial tribunals by developing tools to protect judges and prosecutors from undue pressure and reinforce a professional culture of impartiality.

4. Horizontal Facility support resulted in the closure of the *Selmani and others* case, where the Constitutional Court decided to change the practice and the interpretation of its own Rules concerning the holding of oral hearings in order to prevent violations of the European Convention on Human Rights.



Regional Winter Academy of Human Rights for the students of law faculties, Šabac, March 2019

“The knowledge prosecutors gained through these activities is important and tailor-made training have significantly strengthened our capacities.”

Gordana Janicijević, Deputy Republic Prosecutor in Serbia

Highlights

- ▶ Judicial independence and accountability has increased through the professional evaluation of judges (41 judges evaluated and 13 judges promoted) under the new transparent system (Montenegro).
- ▶ Adoption of the Code of Ethics for Prosecutors was followed by the introduction of new working methods by the Ethnical Committees of the Judicial and Prosecutorial Councils (Montenegro).
- ▶ A comprehensive curriculum and training materials were developed covering the knowledge and skills needed to deal with legal aid applicants, including modules on gender awareness and specific needs of vulnerable groups (North Macedonia).
- ▶ The first professional training was organised for 51 representatives of the Ministry of Justice, including almost 100% of the staff working in the regional offices, as well as representatives of registered NGOs and the Bar Association (North Macedonia).
- ▶ Following GRECO’s recommendation, 100 judges and 200 prosecutors were trained to identify, report and better counter undue pressure in an effort to increase public confidence in the judicial system (Serbia).
- ▶ Specific module on women judges and prosecutors victims of undue pressure was organised to draw attention to topics of gender equality and harassment within prosecution offices and in the context of investigations (Serbia).

Strengthening the quality and efficiency of justice systems

Actions implemented in this area contributed to implementing key aspects of judicial reforms using the tools and methodology of the European Commission for the Efficiency of Justice (CEPEJ) at the institutional and court levels.

Achievements:

- ▶ Progress in establishing a consistent methodology within the judiciaries to collect judicial statistics using CEPEJ standards in courts and judicial councils.
- ▶ Improved knowledge of the functioning of justice systems with better statistics for sound policy making.
- ▶ Enhanced measures to improve case management systems and the general use of Cyberjustice.
- ▶ Enhanced measures used by judicial institutions to address reforms (judicial map, improved use of IT, etc) and to improve the satisfaction of court users.

“KoSEJ project provided the most accurate data so far regarding to judiciary, and therefore the role of this project is vital for the future work of the Ministry.”

Tea Blakaj, representative of the Ministry of Justice (Kosovo)

Highlights:

- ▶ Beneficiaries and partners, including civil society, understand and use CEPEJ indicators and methodology to collect and analyse reliable and specific statistics to identify problems and establish long term solutions (Albania, Kosovo).
- ▶ In-depth analysis of the functioning of the justice system based on the latest and reliable statistics identified shortcomings and resulted in recommendations that were used as a solid basis for reforms of the justice sector (Kosovo).
- ▶ Relevant European practices were shared to support the development of case management systems (Albania, Kosovo).
- ▶ Court Presidents and staff were trained to understand more concretely their court management role (Albania, Kosovo).



Presentation of the second CEPEJ assessment report on the judicial system in Kosovo, Pristina, March 2019

- ▶ Better capacities of courts to use tools needed for improving the quality of court's services, specifically surveys (Albania).
- ▶ Improved capacities of the media and of the judiciary to communicate and increase public trust (Albania).

"The reports on the new evaluation scheme for judges and prosecutors help me in everyday work, to establish performance evaluation indicators and based on them, carry out the judges' performance evaluation."

Brikena Ukperaj, member of the High Judicial Council in Albania



Training on investigation prosecution adjudication of money laundering, Durres, February 2019

Theme II

Fighting corruption, economic crime and organised crime

Budget: 4.01 million EUR
Scope: 6 Actions

■ The Horizontal Facility in three Beneficiaries (Albania, Montenegro and North Macedonia) targeted the fight against corruption, money laundering and the financing of terrorism, which included, in particular, measures to address the transparency of funding of political parties, asset-declaration systems, national risk assessments and capacity development of financial intelligence units.

■ In addition, specific Actions in three Beneficiaries (Kosovo, Montenegro and North Macedonia) were implemented to support the authorities in upholding the integrity framework in the higher education system and to prevent corruption in education.

“The Horizontal Facility is really about people – justice means that citizens can feel safe that their legal system will protect them efficiently against injustice and abuse. The absence of corruption and economic crime means that more resources will be available to citizens for essential services.”

Statement by Liselotte Isaksson, Head of Sector, Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR), European Commission, in her conclusions at the Regional Closing Conference.

Fight against Economic Crime

Actions in this area supported authorities in implementing measures to prevent and investigate corruption and money laundering by addressing shortcomings identified in the evaluations by the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism and GRECO.

Achievements

- ▶ Strengthened legislative frameworks on asset declaration, political party financing, and anti-money laundering.
- ▶ Improved integrity frameworks for the judiciary, police and members of parliaments through development of ethical guidelines and Code of Conduct/Guidelines for Members of Parliament.



The establishment of the electronic system for asset declarations in Albania, Tirana, April 2019

- ▶ Steps taken towards stronger asset recovery and management systems.
- ▶ Strengthened capacities of public administrations and anti-corruption agencies to prevent and combat corruption.
- ▶ Groundwork laid out for more efficient measures to fight laundering of proceeds from crime and financing of terrorist activities by national financial intelligence authorities.
- ▶ Strengthened capacities of the authorities to combat money laundering and counter terrorism financing).

“In the framework of the Horizontal Facility and with the assistance of the Council of Europe, we developed a Registry of Beneficial Ownership that will truly help us in the risk assessment, verification of ownership data and beneficial exchange with neighbouring stakeholders to achieve our common goals.”

Blažo Trendafilov,

Head of the Financial Intelligence Office (North Macedonia)

Highlights

- ▶ The Law on political party financing and the Criminal Code were amended taking into account the Council of Europe’s recommendations, and the Prime Minister issued an order prohibiting political parties from using state resources in electoral campaigns for party purposes (Albania).
- ▶ Law enforcement agencies’ capacities to fight money laundering and corruption were reinforced through practical guidelines, workshops and training on asset tracing and confiscation (Albania).
- ▶ In line with advice from the Action against Economic Crime a specific oversight unit was set up within the Central Election Commission in order to reinforce its capacities to oversee the financing of electoral campaigns (Albania).
- ▶ Progress was made towards preventing conflict of interest and ensuring that parliament, the judiciary and the police apply ethical standards. Ethical guidelines were adopted relating to the three target groups (Montenegro).
- ▶ A memorandum of understanding between the Agency for the Prevention of Corruption and the State Audit Institution was signed resulting with strengthened inter-institutional co-operation, in particular when it

comes to controlling the financing of political entities and election campaigns (Montenegro).

- ▶ Judges and police officers gained specialised knowledge and skills through dedicated training on the implementation of protection of whistle-blowers in civil and criminal proceedings (Montenegro).
- ▶ Within a new approach towards the fight against money laundering and counter-terrorism financing, a strategy and an anti-money laundering action plan have been prepared which take into account international standards and good practices (North Macedonia).
- ▶ Progress was made towards the establishment of a Registry of Beneficial Ownership with the aim to record legal owners in order to know who controls or owns a property. In parallel, guidelines for the private sector were made available to relevant stakeholders in order to increase transparency and facilitate access to information (North Macedonia).
- ▶ Regional activities complemented efforts in the Beneficiaries in strengthening a common understanding of the standards and comparative practices to identify terrorist financing risks and put in place effective oversight among not-for-profit organisations. This helped transfer good practices from one Beneficiary to another. All of the Beneficiaries, including Turkey, participated in regional activities.

Strengthening Integrity and Combating Corruption in Higher Education

Actions in this area provided assistance in national and regional efforts to design and/or strengthen anti-corruption policies and integrity frameworks in higher education, in line with the Council of Europe Recommendation of the [Committee of Ministers on ensuring quality of education](#), and the knowledge base of the Council of Europe Pan-European Platform on Ethics, Transparency and Integrity in Education (ETINED).

Achievements

- ▶ Enhanced integrity frameworks to prevent corruption in higher education.
- ▶ Designed innovative legislative framework for safeguarding academic integrity.
- ▶ Increased awareness of the benefits of integrity standards and ethics among the main educational stakeholders, including students, academic staff and administrative management.



A seminar "Integrity in higher education – a challenge for university administration", Budva, December 2018

"As a representative of a CSO, I can say that with this project we have demonstrated that the institutions and the system can join forces and work together effectively."

Zoran Vujičić, representative of NGO Civic Alliance (Montenegro)

Highlights

- ▶ Model codes of ethics for students, academic staff and university management were developed and submitted to the Ministry of Education, Science and Technology. They were also endorsed by the public universities (Kosovo).
- ▶ Conferences and public debates were organised in universities, accompanied by digital material and web-based promotional material and practical courses for students (Kosovo, Montenegro, Serbia).
- ▶ A Law on Academic Integrity was prepared in order 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 and adopted in March 2019 (Montenegro).
- ▶ A resource pack on integrity, ethics and transparency for higher education institutions was developed as a special course for undergraduate and postgraduate students (Serbia).
- ▶ On-line courses on academic integrity (mandatory for the first-year students) both for students and teaching staff at the University of Montenegro.



Marking the Anti-Bullying Day in Albania, Tirana, November 2018

Theme III

Promoting anti-discrimination and protecting the rights of vulnerable groups

Budget: 5.53 million EUR

Scope: 13 specific Actions

Support was provided to address racism, bullying, segregation and extremism in the education system, to support the work of ombudspersons' institutions, to combat trafficking in human beings (with a focus on assistance to victims of trafficking), and to counter different forms of discrimination such as discrimination against national minorities as well as discrimination based on sexual orientation or gender identity.

Preventing and combating discrimination in schools

Actions in this area provided assistance to the authorities in particular in implementing recommendations of the European Commission against Racism and Intolerance (ECRI), the Framework Convention for the Protection of National Minorities (hereafter: FCNM) and the Commissioner for Human Rights.

Achievements:

- ▶ Contributed to evidence-based policy in education that is consistent with the principles of non-discrimination and equality.
- ▶ Specific anti-discrimination measures, including strategies and responses to bullying, were introduced in pilot schools and then mainstreamed nationally.
- ▶ Strengthened capacities of pilot schools in fostering a democratic school culture in line with the principles of non-discrimination and equality.
- ▶ The Council of Europe Framework of Competences for Democratic Culture (CDC) was introduced in pilot schools.

“Climate between students and teachers has changed, it has become more friendly and collaborative. Parents and community have become more active in school life. It helps students to be involved in (anti-bullying) activities. Our point of view of the phenomenon has changed”

Social Worker in Albania

Highlights

- ▶ Recommendations on bullying in schools were integrated the new Law on the Rights and Protection of the Child as well as the “National Agenda for the Rights of the Child 2017-2020”, and 21 November has been designated as the National Day against Bullying in School. Over 14,000 citizens and young people were reached through activities (Albania).
- ▶ The Teacher Training Programme to reduce bullying was accredited by the Commission for the Accreditation of Training Modules and Programmes for the period 2017-2021 following its piloting among 210 teachers from 21 pilot schools (Albania).
- ▶ These pilot practices against bullying will be mainstreamed in all schools following the Joint instruction of Ministry of Education and Ministry of Finance and Economy for the school year 2019-2020 (Albania).
- ▶ Policy Recommendations with a Roadmap to promote quality education in Multi-Ethnic Societies in BiH endorsed by all ministries responsible for education and based on an assessment study, focus groups and support to implement measures to address ethnic segregation in the formal education system in nine pilot schools. (Bosnia and Herzegovina).



A training and peer exchange for 40 members of Serbian pilot schools, Budapest, July 2018

- ▶ In-service teacher training curriculum (targeting educational professionals at all levels of pre-university education) developed and ready to undergo national accreditation process (Montenegro).
- ▶ Road Map on fostering a democratic school culture developed to inform and guide education policy-makers on how to foster democratic culture at the level of curriculum, pedagogy, assessment, teacher education, and through the whole school approach (Montenegro).
- ▶ 200 teachers, school principals, psychologists, and community representatives from 20 pilot schools were trained on human rights, bullying and violence in schools, social inclusion and gender mainstreaming in education. In addition, 26 April was designated as an official “Day of Diversity and Inclusion” (Kosovo).
- ▶ Roadmap, including recommendations for policies supporting democratic school culture and respect for diversity were endorsed by the Ministry of Education, Science and Technology (Kosovo).
- ▶ 26 pilot schools, 1,000 education professionals and over 10,000 members of communities were involved in organising 11 October as the national “Inclusive Day”. Additionally, 200 teachers underwent certified training on how to teach democracy and human rights and build cross-cutting knowledge through extracurricular activities (Montenegro).
- ▶ Council of Europe Competences for Democratic Framework was fully adopted and integrated in the teaching and extracurricular activities in 20 pilot schools and recommendations to scale up the results were

endorsed by the Ministry of Education. 2150 students and 250 teachers were involved in revising education quality standards in relation to democratic education (Serbia).

- ▶ Guidelines 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 (Serbia).
- ▶ Unprecedented media attention reaching at least 100,000 citizens in all parts of Serbia including national minorities as the reports are published in the minority languages as well (Serbia).

The Ministry of Education, Science and Technological Development is extremely, extremely satisfied with the results of this project so we are thinking about how it can be continued.

Anamarija Viček,
State Secretary in the Ministry of Education,
Science and Technological Development of Serbia

Human Rights and Discrimination

Actions implemented in this area focused on assisting the Beneficiaries in bringing their policies and practices further in line with the Convention, and the recommendations of the Commissioner for Human Rights and ECRI.

Achievements

- ▶ Strengthened the Institution of the Human Rights Ombudsman to fight discrimination.
- ▶ Progress achieved in following up ECRI recommendations through targeted training on preventing discrimination on the basis of sexual orientation and gender identity.

"This was the first time the lawyers were a direct target of activities and our analytical skills have contributed to the quality of the numerous drafts relating to discrimination cases."

Lawyer from the Institution of Human Rights
Ombudsman from Bosnia and Herzegovina

Highlights

- ▶ To prevent and combat discrimination on the grounds of sexual orientation and gender identity, an inter-ministerial team for monitoring of the National Action Plan for Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons was established and over 150 police officers were trained to identify and address hate crimes towards LGBTI people (Albania).
- ▶ A guide on “Policing Hate Crime against LGBTI persons: Training for a Professional Police Response” was developed and integrated into the curriculum of the Security Academy for in-service police training (Albania).
- ▶ The capacities of the Institution of the Human Rights Ombudsperson to prevent and combat discrimination were strengthened. An anti-discrimination manual was produced and a mechanism for data collection was introduced (Bosnia and Herzegovina).
- ▶ Dialogue between the Ombudsman Institutions and 43 public institutions at central, regional and municipal level was reinforced and closer links with the judiciary were established, to increase the quality of national judgments (Bosnia and Herzegovina).
- ▶ Co-operation between the Ombudsman Institutions, the national Gender Equality Agency and the Gender Centres of the Federation of Bosnia and Herzegovina and Republika Srpska was strengthened to better combat gender-based violence (Bosnia and Herzegovina).

Strengthening the protection of national minorities

■ The Actions focused on assistance with implementing recommendations of the Commissioner for Human Rights, as well as those emanating from the monitoring of the Framework Convention on National Minorities (FCNM) and the European Charter for Regional or Minority Languages.

Achievements

- ▶ Strengthened capacities of the institutions dealing with the protection of persons belonging to national minorities.
- ▶ Enhanced legal frameworks to protect rights of national minorities.
- ▶ Improved intercultural dialogue and institutional co-ordination among the relevant stakeholders.



The first competition of elementary schools about national minorities in Bosnia and Herzegovina, Prnjavor, February 2019

“This Action has truly contributed to the better position of national minorities in Bosnia and Herzegovina. We have witnessed the capacity building of the bodies representing the minorities, better communication between the Ministry of Human Rights and Refugees and CSOs on the field, and the different perspective that media has adopted when it comes to national minorities in Bosnia and Herzegovina.”

Tihomir Knežiček,
member of the Council of National Minorities
of Bosnia and Herzegovina

Highlights

- ▶ The Framework Law on the Protection of National Minorities was adopted, which abolished differentiation between national minorities and ethno-linguistic communities and introduced nine national minorities and the principle of self-identification (Albania).
- ▶ A Minority Co-ordination Group was set up under the auspices of the Ministry of Human Rights and Refugees as the first formal forum to improve dialogue between minorities and authorities (Bosnia and Herzegovina).
- ▶ Five local self-governments (Brcko, Prijedor, Prnjavor, Sarajevo and Tuzla) were supported through small grants to promote cultures, languages, traditions of minorities as well as their participation in public life (Bosnia and Herzegovina).

- ▶ The Law on National Councils of National Minorities was amended in line with FCNM recommendations (Serbia).
- ▶ Guidelines on the use of minority languages in education, administration and the judiciary are under preparation (Serbia).
- ▶ Five local self-governments (Bosilegrad, Bujanovac, Medvedja, Sombor and Vranje) were supported through small grants to promote minority languages in education, administration and justice system, including the promotion of linguistic heritage and identity and the placement of bilingual topographical signs (Serbia).

Preventing and combating trafficking in human beings

■ The Actions focused on the assistance in implementing recommendations of the Group of Experts on Action against Trafficking in Human Beings.

Achievements:

- ▶ Strengthened capacities of the Labour inspectorates and key anti-trafficking stakeholders to (prevent trafficking in human beings for the purpose of labour exploitation.
- ▶ Progress in increasing access to compensation for victims of trafficking.

“This project presents pioneer work in preventing and combating trafficking in human beings for the purpose of labour exploitation in Serbia, since labour and market inspectors were not previously involved nor trained on this topic”

Mitar Djuraskovic, National Anti-trafficking coordinator (Serbia).

Highlights

- ▶ 60% of the labour inspectors in Serbia and 90% in North Macedonia trained in human trafficking issues.
- ▶ Stronger co-operation achieved among key anti-trafficking stakeholders and between places of destination of victims/places of origin of victims in order to provide better protection of trafficking victim's rights in North Macedonia and Serbia.
- ▶ Progress in drafting legislation that ensures access to state compensation fund for victims of crimes, including trafficking victims (North Macedonia).



A workshop on indicators on detecting and preliminary identifying child victims of trafficking, Skopje, February 2019

- ▶ Increased understanding of legal professionals and other key anti-trafficking actors on how to ensure victims' access to compensation (North Macedonia and Serbia).

“Professionally, participation in this project is very important for me, because it has enabled me to improve my knowledge and skills in the field of combating trafficking in human beings. Now I have new approaches that will make my work more efficient”

Fatime Bytyqi, State Labour Inspectorate (North Macedonia).



A delegation of the Venice Commission and the OSCE/ODIHR visiting Albania, Tirana, September 2018

Expertise Co-ordination Mechanism

Ad-hoc advice and expertise was provided under the Expertise Co-ordination Mechanism (ECM) in response to requests for legislative analysis and related assistance. Council of Europe bodies and departments provided legislative expertise and policy advice in response to specific requests in areas such as: ensuring justice, fighting economic crime, anti-discrimination and the protection of the rights of vulnerable groups, and freedom of expression and the media, as well as constitutional issues falling within the area of competence of the Venice Commission.

In the three years of implementation, a total of 21 requests were received, of which 14 referred to Venice Commission expertise and 7 to other Council of Europe entities, including the Office of the Special Representative of the Secretary General on Migration.

Key achievements include:

- ▶ At its plenary session on 14-15 October 2016, the Venice Commission adopted an *amicus curiae* brief on the Law on Treatment of Property and Finalisation of the Process of Compensation of Property, in response to a request from the President of the Constitutional Court of Albania.

- ▶ At its plenary session on 14-15 October 2016, the Venice Commission adopted an *amicus curiae* brief on the method of election to the House of Peoples of the Federation of Bosnia and Herzegovina, in response to a request from the Constitutional Court of Bosnia and Herzegovina.
- ▶ At its plenary session on 9-10 December 2016, the Venice Commission adopted an *amicus curiae* brief on the law on the transitional re-evaluation (or 'vetting') of judges and prosecutors in Albania in response to a request from the Constitutional Court of Albania.
- ▶ Following the request from the State Election Commission from North Macedonia, in March 2017 an expert from the Venice Commission was seconded to provide assistance for the administration of the local elections.
- ▶ The Law on Foreigners was adopted in Montenegro in accordance with recommendations made by the Council of Europe's Office of the Special Representative of the Secretary General on Migration Issues, which represents positive progress in the overall protection of migrants' rights in Montenegro.
- ▶ At its plenary session on 16-17 March 2018, the Venice Commission adopted the Opinion on the Draft Law on the Prevention of and Protection against Discrimination in North Macedonia.
- ▶ Legal expertise and policy advice were provided to key judiciary institutions in North Macedonia, including the Judicial Council, the Council of Prosecutors and the Supreme Court in order to advance the ongoing reform processes in the area of judiciary.
- ▶ Following the assistance provided during the process of drafting the Amendments to the Constitution of Serbia concerning the judiciary, the Venice Commission Opinion on the proposed Amendments was adopted at the plenary session of the Venice Commission on 22-23 June 2018.
- ▶ The Venice Commission Opinion on the Amendments to the Law on the Judicial Council and Judges in Montenegro, relating to the appointment of the Judicial Council's lay members, was adopted at the plenary session of the Venice Commission on 22-23 June 2018 as an urgent response to the risk of the total paralysis of the judicial branch of power in Montenegro.
- ▶ The Venice Commission Opinion on the draft Law on Amending and Supplementing the Law on Financing of Political Parties in Kosovo was adopted at the plenary session of the Venice Commission on 22-23 June 2018.

- ▶ Steps were taken by authorities in Montenegro to improve media legislation. The ECM supported the drafting of three new media-related laws. The draft laws, as they stand now, appear to reflect many Council of Europe recommendations.
- ▶ At its plenary session on 15-16 March 2019, the Venice Commission adopted a legal opinion on the amendments to the Law on Courts prepared by the Ministry of Justice of North Macedonia. Following the Venice Commission's opinion, North Macedonia adopted the amended Law on the Judicial Council. The main concerns expressed in the opinion were addressed in the law promulgated in May 2019.

MORE INFORMATION

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