



# Directorate of Co-operation

## Activity report 2010

Directorate General of Human Rights and Legal Affairs



# **Directorate of Co-operation**

## **Activity report 2010**

Directorate General of Human Rights and Legal Affairs  
Council of Europe  
F-67075 Strasbourg Cedex  
[www.coe.int/justice](http://www.coe.int/justice)

© Council of Europe 2011

Printed at the Council of Europe

**“In my view, the third phase of the Council of Europe – the one we have now entered – must be the phase of implementation of our standards and principles – across Europe, and in each and every one of our member states. This is the underlying philosophy of the reform.”**

Thorbjørn Jagland, Secretary General of the Council of Europe



## Contents

### Foreword by the Director General page 5

2010 in figures .....5

### Funding of activities page 6

Extra-budgetary funding by programme areas ..... 6

Headquarters-based/field-based staff ratio ..... 6

### Human rights page 7

#### Ensuring protection of human rights page 7

Enhancing the effectiveness of the European Court of Human Rights .....7

Government agents and legislative compatibility .....7

#### Promoting human rights page 8

Capacity building: awareness-raising and training .....8

Training for professional groups on the European Convention on Human Rights .....8

Combating ill-treatment and impunity ..... 10

Strengthening professional training on the European Convention on Human Rights – European Programme for Human Rights Education for Legal Professionals (the HELP Programme) ..... 12

Enhancing the capacity of legal professionals in the Russian Federation to apply the European Convention on Human Rights in domestic legal proceedings and practices. .... 14

Support for Ombudsman institutions, national human rights structures and civil society ..... 15

Peer-to-Peer II Targeted Project: promoting independent national non-judicial mechanisms for the protection of human rights, especially for the prevention of torture ..... 16

Support for national preventive mechanisms against torture. .... 17

### Rule of law page 19

#### Ensuring justice page 19

Independence and efficiency of justice ..... 19

Increased independence, transparency and efficiency of the justice system of the Republic of Moldova ..... 20

Support to reform of the judiciary in Serbia in the light of Council of Europe standards ..... 22

Transparency and efficiency of the judicial system of Ukraine ..... 24

Access to justice in Armenia ..... 26

Enhancing the role of the supreme judicial authorities in respect of European standards in Turkey ..... 28

Promotion of judicial reform, human and minority rights in Georgia, in accordance with Council of Europe standards ..... 30

Prisons and police ..... 31

Support for prison reform in Azerbaijan ..... 33

Efficient prison management in Bosnia and Herzegovina ..... 35

Democracy Support Programme in the Republic of Moldova ..... 37

Dissemination of Model Prison Practices and Promotion of Prison Reform in Turkey ..... 39

Multilateral project: Promoting European Code of Police Ethics; Protection of national minorities; Penitentiary system ... 40

#### Countering threats to the rule of law page 42

Justice ..... 42

#### Corruption, organised crime and terrorism page 42

Support to the Anti-corruption Strategy of Georgia (GEPAC) ..... 43

Support to the Prosecutors’ Network in South-Eastern Europe (PROSECO) ..... 44

Project against Corruption in Albania (PACA) ..... 46

Eastern Partnership: Support to the Eastern Partnership Panel against Corruption (Bridge Activity) .....	47	Regional Co-operation in Criminal Justice: Strengthening Capacities in the Fight against Cybercrime (Cybercrime@IPA) .....	55
Follow-up project against money laundering and terrorist financing in the Russian Federation (MOLI-RU2) .....	48	<b>Equality, diversity and protecting the rights of the vulnerable</b> page 56	
Project against Money Laundering and Financing of Terrorism in Serbia (MOLI-Serbia) .....	50	<b>Threats to human dignity: trafficking in human beings and violence against women</b> .....	56
Serbia: Capacity building of the Directorate for Confiscated Property and Improving the System for Criminal Assets Confiscation (CAR) .....	51	Combating and preventing trafficking in human beings in Azerbaijan .....	57
<b>Internet security and cybercrime</b> page 52		<b>Children's rights</b> .....	58
Global Project on Cybercrime Phase 2 .....	53	Project on Strengthening and Protecting Women's and Children's Rights in Ukraine (TRES) .....	58
Joint project on Cybercrime in Georgia .....	54		

<b>Democracy</b> page 61			
<b>Promoting democratic governance and stability</b> page 61		Supporting the development of journalism teaching in Azerbaijan .....	64
<b>Good Governance, Internet and Media</b> .....	61	Action Plan for Pre-electoral Assistance in Azerbaijan, Media Component .....	64
Promoting European Standards in the Ukrainian Media Environment .....	62	Action Plan for Pre-electoral Assistance in Bosnia and Herzegovina, Media Component .....	65
Democracy Support Programme in the Republic of Moldova – media component .....	63		

# Foreword by the Director General



Philippe Boillat, Director General of Human Rights and Legal Affairs

The Directorate of Co-operation supports member states in creating the conditions under which they can guarantee full respect for human rights and the rule of law. This is done by providing legislative expertise with the aim of bringing national regulatory frameworks into conformity with Council of Europe standards, by supporting member states in following up the findings of the Council of Europe monitoring mechanisms, and by promoting Council of Europe standards with the aim of increasing the number of signatures and ratifications.

The priorities of the Directorate of Co-operation's activities are first and foremost set by the beneficiary member states and by the recommendations made by the Council of Europe's monitoring mechanisms, the judgments of the European Court of Human Rights, the findings of the Commissioner for Human Rights, evaluation carried out by the European Commission for the Efficiency of

Justice (CEPE), and Parliamentary Assembly reports.

In 2010 our activities covered areas such as: judicial reform; independence and efficiency of the judiciary; enhancing the effectiveness of the European Convention on Human Rights at national level, notably through training on the Convention for legal professionals to enable them to apply the Convention in their daily work; prison reform; action against organised crime, including corruption, money-laundering and cybercrime; protection of women and children; freedom of media. Increased attention was placed, and will continue to be placed, on trafficking in human beings and the protection of children's rights, notably in the context of the Convention on Action against Trafficking in Human Beings and the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

## 2010 in figures

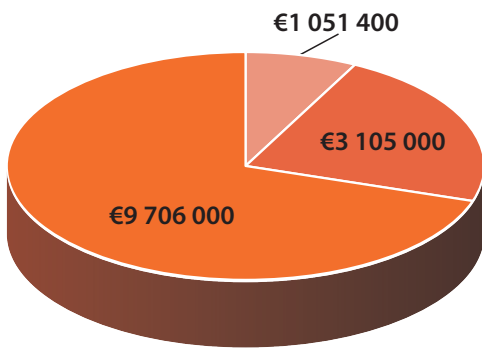
<b>Projects</b>	Projects implemented	32
	Activities carried out (approx.)	1 000
<b>Funding</b>	Ordinary Budget for co-operation activities	€1 051 400
	Extra-budgetary funding (real expenditure)	€12 811 000
	Average duration of a project (months)	24 to 30
	Average budget of a project	€2 000 000
	Average contribution by the Council of Europe towards a project	10%
<b>Staffing</b>	Administrators in headquarters (funded by Ordinary Budget)	10
	Project persons in headquarters (funded by projects; average)	23
	Project persons in the field (funded by projects, average)	50

The majority of the Directorate's work is financed by extra-budgetary resources. The main source of funding is the European Union and a large part of the activities are carried out in the context of Joint Programmes. This is an effective way of pursuing shared objectives. Other sources include voluntary contributions from the member states, other international organisations, the private sector and the Council of Europe Human Rights Trust

Fund. The projects are prepared using a comprehensive approach (needs assessment, legislative expertise, institutional capacity-building, awareness-raising, training, evaluation), paying attention to impact and aiming at sustainability. The projects are conceived, implemented and evaluated in close co-operation with the beneficiaries as well as the donor.

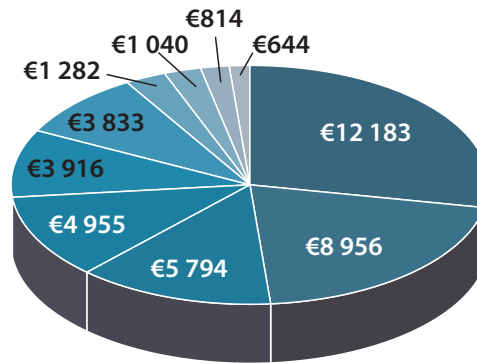
## Extra-budgetary funding by programme areas

Breakdown of sources of project funding



- Ordinary budget: €1 051 400
- Voluntary contributions: €3 105 000
- Joint programmes with the European Union: €9 706 000

Funding by field of activity 2008-2010 (figures in thousands of euros)

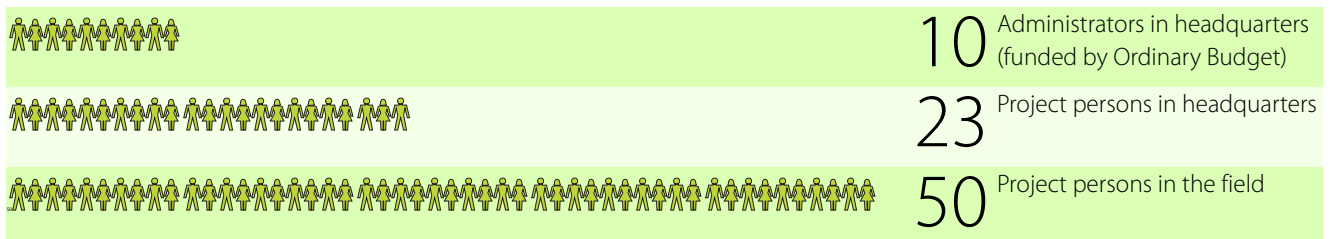


- Independence and efficiency of justice (capacity-building): €12 183 000
- Organised crime and terrorism: €8 956 000
- Corruption: €5 794 000
- Human rights training and awareness-raising: €4 955 000
- Good governance, Internet, media: €3 916 000
- Prisons and police: €3 833 000
- Ombudsmen and civil society: €1 282 000
- Threats to human dignity/children's rights: €1 040 000
- Internet security and cybercrime: €814 000
- Enhancing the effectiveness of the European Convention on Human Rights: €644 000

In 2010 the majority of the Joint Programmes continued to be implemented in the countries of South Caucasus, Moldova, Ukraine and Turkey. A significant and increasing number are multilateral, i.e. regional or covering all member states. Continued effort has been made in 2010 to expand the geographical scope to support the greatest possible number of beneficiaries, always with the aim of supporting full and effective respect for human rights and the rule of law for all.

During 2010 the Directorate of Co-operation implemented 32 projects and carried out over 1 000 activities. A large part of the team implementing the projects is located in the beneficiary state and is being directed by a small team in Strasbourg (see *2010 in figures*, above). The team in Strasbourg is also responsible for defining aims and priorities, in liaison with the Directorate of Monitoring, and for designing and negotiating future projects, as well as for their evaluation.

## Headquarters-based/field-based staff ratio



## Ensuring protection of human rights

### Enhancing the effectiveness of the European Court of Human Rights

#### *Government agents and legislative compatibility*

Strengthening the capacity of Government Agents' Offices, improving the compatibility of domestic law and practice with the requirements of the European Convention on Human Rights, as well as identifying appropriate measures to fully execute judgments of the European Court of Human Rights, are all essential and complementary elements to ensure an effective implementation of the European Convention on Human Rights at the national level. The Council of Europe is the privileged interlocutor of Government Agents when it comes to capacity-building, given the latter's key role in the functioning of the European Court of Human Rights' machinery. Government Agents represent the state party in the proceedings before the European Court of Human Rights and in the process of the execution of Court judgments. They also play a crucial role in promoting the implementation of European Convention standards at the national level, for instance by assessing the compatibility of domestic legislation and practice with Convention requirements and facilitating the dissemination of the Court's case-law. In the course of 2010 the capacity of Government Agents' Offices to deal with the increasing number of systemic cases was strengthened through training activities on selected articles of the European Convention on Human Rights in Bosnia and Herzegovina, Montenegro and "the former Yugoslav Republic of Macedonia". These activities also allowed an increased co-operation between Government Agents' Offices and other national structures and contributed to enhancing the role of Government Agents in ensuring effective human rights protection. The need to ensure that the judgments of the European Court of Human Rights are duly executed was highlighted and best practices on that and on the most efficient types of workflow and office management were shared in the course of study visits organised to Government Agents' Offices of other Council of Europe member states. Selected case-law was translated and disseminated. The activities met the expectations of the participants and were used as an

opportunity to draw the attention of the authorities (in addition to Government Agents themselves) to the execution of judgments of the Court and other significant issues, such as systemic structural problems requiring general measures of execution.

Support was also provided to improve the compatibility of draft legislation with European human rights standards, in particular the European Convention on Human Rights, its protocols and its case-law, through legislative expertises carried out at the request of national authorities. Such expertises make it possible to address possible issues in domestic legislation which otherwise could give rise to problems that could lead to the European Court of Human Rights finding violations of the Convention. In this way they help strengthen the implementation of the European Convention on Human Rights at the national level and, ultimately, may prevent a large number of applications being lodged before the European Court of Human Rights.

Reviews of national legislation or draft legislation and practice with European standards were carried out in Bosnia and Herzegovina, Bulgaria, Montenegro, the Russian Federation, Serbia, "the former Yugoslav Republic of Macedonia", Turkey and Ukraine. Over a dozen important pieces of legislation were carefully analysed further to member states' authorities' requests, often at very short notice. New effective synergies were also developed with the Venice Commission.

In most cases the review was preceded by fact-finding missions and followed up by round tables with the national authorities concerned in order to examine more thoroughly the comments made by Council of Europe experts and their implications, obtain more elements on the drafting process and facilitate the inclusion of the Council's recommendations by the national authorities to the greatest possible extent. The main challenge remains to ensure that the Council of Europe's comments are taken on board and that the recommendations find their place in the final texts adopted.

## Capacity building: awareness-raising and training

### *Training for professional groups on the European Convention on Human Rights*

#### *Introduction*

The work on capacity building, awareness-raising and training focuses primarily on the European Convention on Human Rights. The training is aimed at those groups that have a direct role in applying or invoking the Convention in the national judicial systems in member states, that is judges, prosecutors and lawyers. Some of the programmes take the form of traditional in-service training through seminars, round tables and workshops. These offer either an introduction to the Convention system as a whole and its application within national judicial systems, or may concentrate on examining certain themes in-depth, for example the right to a fair trial, the requirements as regards lawful detention and review of detention, the right to peaceful enjoyment of property, etc. All the training is interactive and based on adult learning techniques. It combines straightforward lecturing with tailor-made case studies, following which the actual case used as an example is discussed in depth. The cases analysed are chosen in light of the interests of the trainees and the particular issues being raised in the applications from that country before the European Court of Human Rights.

The trainees are provided with publications and case extracts or full texts of judgments, in the relevant language. They are also given access to on-line materials such as HUDOC and the HELP training tools (see below, page 12). All these materials are available to any individual who wishes to improve his or her knowledge of the Convention, not just those taking in part in organised training.

Whenever possible, training-of-trainers programmes are organised. The aim is to create a sustainable resource for providing training on the European Convention on Human Rights at the national level, without being dependent upon Council of Europe expertise. Such larger-scale programmes are mainly undertaken under externally funded multi-annual projects. Training-of-trainers is a good way of developing local ownership and of fostering a culture of training on the European Convention on Human Rights within the legal professions.

In addition, wider capacity-building is provided to national training institutions and they are encouraged to use systematically the training tools and other materials available free of charge on the HELP website.

The European Programme for Human Rights Education for Legal Professionals (the HELP II Programme) has developed a wide range of substantive and methodological resources for training on the European Convention on Human Rights, including a full curriculum on the substantive Convention rights and cross-cutting themes, case studies, lecture notes, presentation slides and e-learning cases based on Grand Chamber cases. They are available in English, French, German, Russian and Serbian on the HELP website ([www.coe.int/help](http://www.coe.int/help)). The particular added value of the HELP website and its products is that it can be used by any judge, prosecutor or lawyer wishing to learn about the European Convention on Human Rights, as well as by training institutions. The HELP tools are incorporated into all the training activities organised by the Council of Europe.

The training on the Convention should be seen both as an immediate contribution to improving the level of skills and knowledge among legal professionals, and as a longer-term investment towards reducing the number of cases being brought before the European Court of Human Rights. The more familiar judges, prosecutors and lawyers are with the Convention, the more likely they are to apply or invoke it correctly in the national courts. As a result, human rights issues can be solved directly at the domestic level rather than having to be raised in an application to the Court in Strasbourg.

This is the essence of the so-called principle of subsidiarity and was confirmed most recently in the 2010 Interlaken Declaration. The Interlaken Declaration reaffirmed “the fundamental role which national authorities must play in guaranteeing and protecting human rights at the national level” and called on the member states to continue increasing awareness of Convention standards.

The training on the Convention is designed to meet the needs of the beneficiaries, as assessed by Council of Europe judicial and mon-

## Promoting human rights

itoring bodies such as the European Court of Human Rights and the European Committee for the Prevention of Torture. These bodies confirm that there continue to be shortcomings as regards the capacity of legal professionals to apply European human rights standards.

In most cases training and capacity-building activities are organised at the request of the national authorities and partner institutions themselves. The typical partners for the training are supreme and lower instance courts, high councils of justice, offices of prosecutors general, training schools, bar associations and human rights NGOs.

The impact of the activities depends on the full political commitment of the beneficiary countries to encourage the trainees for actual application of their knowledge and skills. It also depends on internal structural and bureaucratic problems, as well as on subjective factors as regards individual perceptions by the trainees. It should be noted that (sometimes radical) changes of legal practices require changes in mentality which can only be achieved over a period of several years of sustained assistance.

The question of national sustainability depends equally on political will to continue implementing the changes proposed, and the stability and commitment within the partner institutions. The availability of financial means by the Council of Europe to consolidate the results achieved is crucial. In addition to the funding by the European Union, which constitutes the major part of funding, the Council of Europe Ordinary Budget and voluntary contributions from Council of Europe member states are used to finance the activities.

A round table on steps towards the abolition of the death penalty was organised in Minsk on 23 September. The objective of the round table was to establish a climate of trust between the Council of Europe and the Belarus authorities, in particular the parliamentary *ad hoc* working group on capital punishment matters (the parliamentary working group), with a view to sharing the Council of Europe's views on the abolition of the death penalty and discuss the obstacles to doing so in Belarus, in order to identify ways to overcome them.



**Mr Robert Badinter, Senator (France), was the keynote speaker at the round table on the abolition of the death penalty held in Minsk on 23 September 2010.**

In the photo (foreground, left to right): Robert Badinter, Philippe Boillat, Tatiana Termacic

Some 40 participants took part in the round table, including the members of the parliamentary working group and its Chairman, the Minister of Justice, the Prosecutor General – and former Chairman of the Constitutional Court – members of parliament and three NGO representatives.

All participants agreed on the temporary character of the death penalty, even those who are not fervent abolitionists. The question is no longer “whether?” but “how?” and “when?” The round table confirmed that there were two main obstacles to the abolition in Belarus: a public opinion strongly in favour of death penalty, and the need to organise a referendum on this question. Because the population of Belarus expressed overwhelming support for capital punishment in a consultative referendum in 1996, the authorities want to ensure that public opinion will now support a moratorium and its eventual abolition. A second referendum is thus not a legal necessity but a political imperative. As a result, the working group's objective is to provide arguments for abolition, so that support for the abolition of capital punishment among the population increases.

The round table allowed a frank discussion between the experts and the participants. It confirmed that there were no legal constraints for the adoption of a moratorium.

Combating ill-treatment and impunity	
Project area	Armenia, Azerbaijan, Georgia, Moldova and Ukraine
Funding	€1 900 000 Council of Europe 50%; European Union 50%
Timeline	January 2009 to June 2011 (30 months)
Objectives	<p><i>Overall objective</i></p> <p>To develop national capacities for combating ill-treatment by law enforcement agencies and investigative institutions, including strengthening the effectiveness of investigations of allegations of ill-treatment.</p> <p><i>Expected result 1</i></p> <p>Regulatory framework for preventing and combating ill-treatment is in better conformity with European and international standards, including the recommendations of the European Committee for the Prevention of Torture, the case-law of the European Court of Human Rights and the Istanbul Protocol.</p> <p><i>Expected result 2</i></p> <p>Institutional/operational systems for prevention of ill-treatment and effective investigation of complaints are reinforced to better process allegations of ill-treatment in accordance with European and international standards, leading to imposition of sanctions when appropriate.</p> <p><i>Expected result 3</i></p> <p>Relevant actors, including parliamentarians, policy makers, prosecutors, judiciary, law enforcement officials, staff of supervisory, investigative and complaints handling structures, lawyers, high level representatives and legal staff of executive and legislative institutions, legal staff of Ombudsman institutions, OPCAT bodies and NGOs, have access to European and international standards for preventing and combating ill-treatment and are able to fulfil their responsibilities in accordance with these standards.</p> <p><i>Expected result 4</i></p> <p>Experience and good practices are exchanged and made use of among the beneficiary countries in the context of regional co-operation, with an input from other Council of Europe member states with relevant experience.</p>

In 2010, in its second year of implementation, the project focused on the dissemination of and follow-up to the recommendations formulated in the five Country Reports prepared under the project which analyse the regulatory framework, procedures and mechanisms for the effective investigations of allegations of ill-treatment in line with European standards. The reports were also a basis for the training campaign for key groups of legal professionals which was launched in 2010.

The Country Reports were produced by the project's long-term consultants and published in the national language in each beneficiary country. These reports were drafted after fact-finding missions in 2009 which included meetings with the authorities, NGOs, international organisations, visiting police stations and detention facilities. They contained recommendations for the authorities, which in 2010 led to several concrete legislative and structural amendments.

Outputs,  
results and  
possible  
follow-up

In Armenia, a draft of the Presidential Decree on Establishing a Commission Supervising the Law Enforcement Agencies was prepared and sent to the Council of Europe for expertise. The latter was provided and sent back to the authorities for follow-up. The authorities of Azerbaijan stated that the legislation related to torture prevention would be changed in line with the recommendations of the Country Report. The Georgian Inter-Agency Co-ordination Council against Torture adopted the strategy against torture drawn up by its working group on the basis of the recommendations of the Country Report, and intended to prepare the Action Plan against torture in co-operation with the Council of Europe. In Moldova, the National Preventive Mechanism was established and the Office of the Prosecutor General created a separate structure called the Division on Combating Torture. In Ukraine, a Presidential Working Group on Criminal Justice Reform was established, and charged, among other tasks, with the development of an independent mechanism for investigating allegations of ill-treatment in line with the recommendations contained in the Country Report.

I would like to underline that the analysis and recommendations made under the European Union/Council of Europe Joint Programme "Combating ill-treatment and impunity" was of great help while drafting the 2011-2013 Action Plan against ill-treatment. Most of the activities foreseen in the action plan were based on the report submitted under the project. I would also like to confirm the usefulness of the training conducted for prosecutors. We do hope for future co-operation.

*Babutsa Pataraiia  
Head of the International Relations and  
Mutual Legal Assistance Unit  
Department of Public  
International Law  
Ministry of Justice of Georgia*

The operational capacity, knowledge and skills of legal professionals as regards European standards for the effective investigation of allegations of ill-treatment were also addressed in the framework of the project. Gaps were identified in this area which had a nega-

tive impact on criminal justice and risked perpetuating a climate of tolerance towards ill-treatment. The rights of detainees and obligations of law enforcement officials remained a "dark area" and in practice, detainees ran a serious risk in all five beneficiary countries, except Georgia, of being subjected to ill-treatment. In line with its Work Plan, the project started training judges, prosecutors, lawyers, law enforcement officials and human rights NGOs to apply the European Convention on Human Rights in their daily work. Their full access to human rights materials, including the case-law of the European Court of Human Rights and standards developed by the European Committee for the Prevention of Torture in national languages, as well as the country specific recommendations, resulted in developing the capacity of 3 475 legal professionals in all five countries to apply the European Convention on Human Rights at national level.

There is no evidence yet about the actual implementation of the European standards, however the high quality training sessions have clearly developed the legal professionals' capacity to implement the standards. This points in the right direction but does not offer any guarantee in itself of compliance. That will require monitoring (see below) training, and continuous efforts, including at the highest political level, to develop a policy of zero tolerance of ill-treatment.

In 2011 the project will focus on the implementation of the recommendations contained in the Country Reports and on the follow-up of the authorities' initiatives as regards the improvement of the regulatory framework, procedures and mechanisms. Furthermore, the Council of Europe will continue with the training activities and will monitor how the prosecutors, judges and police officers who attended the training use the acquired knowledge and skills in practice. The regional dimension of the project will also be developed by exchanging experiences among the beneficiary countries through regional co-operation highlighting best European practices. Such co-operation is necessary to achieve a measurable and sustainable impact.

## Strengthening professional training on the European Convention on Human Rights – European Programme for Human Rights Education for Legal Professionals (the HELP Programme)

Project area	Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Georgia, Moldova, Montenegro, Russian Federation, Serbia, “the former Yugoslav Republic of Macedonia” and Ukraine
Funding	€1 530 000 The Council of Europe Human Rights Trust Fund
Timeline	February 2010 to January 2013 (36 months)
Objectives	<p><i>Overall objective</i></p> <p>To support member states in implementing the European Convention on Human Rights at the national level by assisting national training institutions of judges and prosecutors in fully incorporating the European Convention on Human Rights into their curricula for initial and continuous training.</p> <p><i>Expected result 1</i></p> <p>Member states integrate the HELP curriculum and use the materials in their national training, using the HELP methodology, and tools.</p> <p><i>Expected result 2</i></p> <p>Further European Convention on Human Rights materials and tools are developed and updated. Member states can access all HELP Convention materials on-line in several languages.</p> <p><i>Expected result 3</i></p> <p>The European HR Training Network for the exchange of good practices and experience among those responsible for initial and in-service training of judges and prosecutors encouraged and facilitated through bilateral and multilateral meetings.</p>

The HELP II Programme was launched in 2010 as a follow-up to the European Programme for Human Rights Education for Legal Professionals (the HELP Programme). It focused on promoting the domestic application of the European Convention on Human Rights by judges and prosecutors through capacity-building of national training institutions as regards training on the Convention. The project’s website (<http://www.coehelp.org>) and resources provided a crucial platform for improving the training capacity of these institutions.

The project resulted in exchange of experience among all twelve beneficiary countries as regards the state of integration of human rights into the training programmes of their national training institutions. The latter’s specific individual needs as regards training and learning processes and methodology were examined. Their approach to development of training materials and e-learning, translation

of European Court of Human Rights case-law and other relevant materials has been highlighted.

Three working groups were established on the following subjects: 1. development of European Convention on Human Rights materials; 2. training-of-trainers; 3. e-learning.

The first working group focused on the state of play as regards the development of training materials in each beneficiary country. Suggestions were formulated as to how materials could be updated in accordance with the specific needs of their respective national training institutions. Feedback on the latter’s needs for thematic training seminars on either a national or regional level, and access to the HELP website and its resources, was discussed.

The working group on training-of-trainers focused on the selection criteria employed in selecting trainers, the details of training pro-

## Deliverables, results and follow-up

grammes for future trainers and problems encountered in selecting, retaining and assessing trainers. The working group discussed refresher courses for national trainers and how to keep and expand upon existing teams of trainers.

The working group on e-learning identified at which stage beneficiary countries were in the implementation of e-learning in their respective national training programmes. Discussions resulted in formulating recommendations on the daily topics and subjects for future co-operation in the field of e-learning. The best European practices of e-learning courses and methodology, as well as e-learning's development, were discussed. Universal training methodology specifically adapted to the different needs of the beneficiary countries and the target groups' programmes has been provided. Furthermore, the training materials and e-learning courses have been developed to reflect the transversal needs of judges and prosecutors in each training institution.

The multilateral aspect of HELP II has enhanced the learning experience of each training institution. This was achieved through the sharing of experiences at regular multilateral meetings and working groups. Similarly, the project benefited from discussion related to best comparable practices of other Council of Europe member states. The HELP II Programme actively encouraged horizontal co-operation between the beneficiary countries

in order to facilitate dialogue and enhance the networking between the training institutions. The Programme therefore valued and relied heavily on the commitment of the training institutions of the beneficiary countries.

The continued success of the project depends heavily on the full and effective ownership of the project by its beneficiary institutions. The partners' good knowledge and grasp of the relevant issues and their suggestions as to how the project could be of further concrete assistance in their efforts to strengthen the training on the European Convention on Human Rights has been a positive indication that this was being achieved.

The priorities for the HELP II Programme in 2011 will be to enlarge the number of countries benefiting from it and to involve, in addition to the national training institutions for judges and prosecutors, also other relevant training institutions such as judges' or prosecutors' associations or relevant NGOs. Additionally, at the request of the donors, the project will begin to involve lawyers' associations to allow lawyers to benefit from the project's resources. The training networks will be maintained throughout national jurisdictions, as well as across the borders. Focus will be placed on the development of e-learning materials. Training programmes will be adapted to suit legal professionals through exchange of experience with their peers from other jurisdictions. The ongoing co-operation will also be multi-country.

## Enhancing the capacity of legal professionals in the Russian Federation to apply the European Convention on Human Rights in domestic legal proceedings and practices

Funding	€1900 000 Council of Europe 50%; European Union 50%
Timeline	December 2006 to June 2010
Objectives	<p><i>Overall objective</i></p> <p>To improve and strengthen the culture of human rights in the Russian Federation.</p> <p><i>Specific objectives</i></p> <p>To strengthen the national capacity to train and re-train judges and prosecutors on the European Convention on Human Rights;</p> <p>To enable judges and prosecutors throughout the Federation to apply European human rights standards in their daily work;</p> <p>To improve access of legal professionals and civil society to human rights materials in Russian;</p> <p>To facilitate the role of the judiciary in the implementation of applicable national and international human rights standards by supporting the role of the Constitutional and Supreme Courts of the Russian Federation;</p> <p>To increase the ability of civil society representatives and practicing lawyers to nationally promote Council of Europe human rights standards and use them in advocacy work and in contacts with the authorities.</p>

The primary purpose of the programme was to train legal professionals on the European Convention on Human Rights, the mechanism of the European Court of Human Rights and how to integrate this into the deliberations and decision-making of national judges. 700 judges, 700 prosecutors, 700 lawyers, 300 NGO representatives, 25 police officers and 50 trainees from the Academy of the Ministry of the Interior underwent training on the Convention. Knowledge of human rights standards was enhanced in numerous regions of the Russian Federation and everywhere a very high degree of motivation for such activities was observed. The training and awareness-raising seminars, conferences and study visits focused on the articles of the European Convention on Human Rights on which the majority of Russian applications to the Court are based. The participation of judges and lawyers from the European Court of Human Rights was deeply appreciated and the involvement of Russian-speaking experts contributed to the successful implementation of these events.

The training events were well received by the audience. The Council of Europe has estab-

lished excellent co-operation with the Russian Academy of Justice, the Academy of the Office of the Prosecutor General, the Federal Chamber of Lawyers and main human rights NGOs, including the St Petersburg Strategy Centre of Humanities and Political Science, the Centre on Federalism and Regional Policy, the Omsk Law Institute and the Rostov-on-Don Centre for Civic and Legal Education. They showed a high level of commitment as regards the efficient implementation of the project activities. Handbooks on the European Convention on Human Rights and its case-law were translated into Russian and disseminated widely. This has reinforced the access of key groups of legal professionals to European standards and their domestic application.

The final conference took place in Moscow on 17 June 2010. It was attended by representatives of the Presidential Administration of the Russian Federation, representatives of the Federal Chamber of Lawyers, the General Prosecutor's Office, the Russian Academy of Justice, judges and representatives of the Council of Europe and the Delegation of the European Union to Russia. This event confirmed the commitment of the Russian

## Deliverables, results and follow-up

authorities and legal professionals to additional training on the European Convention on Human Rights in order to make sure that human rights are effectively protected at the national level in line with the Interlaken Declaration of 19 February 2010.

The project resulted in the target groups being able to apply European standards in their daily work. However, there is still a need to strengthen the domestic protection of human rights in the Russian Federation. Awareness of human rights standards should

be further increased among legal professionals. The Council of Europe is therefore fully committed to continue its work with partners in Russia to promote the effective implementation of European human rights standards by the national authorities, funding permitting. Other areas needing continued attention are: the ability of the judicial professions to apply the European Convention on Human Rights; and strengthening the human rights advocacy capacity within civil society.

## *Support for Ombudsman institutions, national human rights structures and civil society*

### *Introduction*

A small number of activities financed by the ordinary budget were co-organised with ombudsmen, such as a conference on the occasion of the 60th anniversary of the European Convention on Human Rights in Baku and a seminar on the protection of asylum seekers in Athens (together with the UNHCR). The most important and effective large-scale work was carried out under the project financed by the European Union and the Human Rights Trust Fund "P2P II/NPM" (see below, page 16).

In 2010 all but 7 of the Council of Europe member states had set up Paris Principle compliant national human rights structures (i.e. nationwide operating ombudspersons with a general mandate and national human rights commissions or institutions). In several of those that did not have any national human rights structures, targeted activities allowed for the advancement of the idea to set up a national human rights structure (Monaco, Italy, Turkey).

The fact that national human rights structures accepted on an *ad hoc* or an on-going basis to make valid contributions on various specific Council of Europe concerns (Interlaken, CM Execution, ESC, ECRI, CDDH) was to be welcomed. Some national human rights structures unexpectedly found themselves in institutional limbo due to the non-designation of their heads (e.g. Albania). New ways have to be sought to draw the attention

of the authorities concerned to such situations.

Several donors have entrusted the Council of Europe with bilateral programmes to build up the operational capacities of national human rights structures in member states, rather than asking the specialised United Nations unit. Offers for joint action to advise national authorities on the technical options for setting up national human rights structures were made to the above-mentioned United Nations unit and accepted by them, in two cases (Monaco and Italy). As a result, the international community spoke with a single voice on these occasions which made the messages more complete and more forceful.

As concerns support for civil society, small fruitful and very specific activities with a number of NGOs in a range of countries have created both a demand and donor readiness to contribute. Both these elements are expected to make it possible to carry out low input/high output projects beyond 2011.

A proposal to co-ordinate some aspects of the co-operation activities with United Nations unit on the part of the Council of Europe, the OSCE and the United Nations led to a useful meeting between the heads of the units involved in those organisations, as a result of which some overlap should be avoided in the future. Representatives of both organisations were invited to participate in certain Council of Europe co-operation activities.

### Peer-to-Peer II Targeted Project: promoting independent national non-judicial mechanisms for the protection of human rights, especially for the prevention of torture

Project area	All Council of Europe member states
Funding	€1 600 000 Council of Europe 25%; European Union 75%
Timeline	March 2010 to February 2012 (24 months)
Objectives	<p><i>Overall objective</i></p> <p>To help avoid, put an end to or compensate for human rights violations in Council of Europe member states which are not European Union members, as well as, to the extent possible, Belarus and observer states to the Council of Europe.</p> <p><i>Specific objective 1</i></p> <p>NHRS and national protection mechanisms are set up at national, regional or local level. Their independent and efficient functioning is strengthened and defended, in conformity with the Paris Principles and OPCAT.</p> <p><i>Specific objective 2</i></p> <p>Specialists within these structures are trained on non-judicial protection in specific areas of human rights and deepen their knowledge of the European system of human rights protection, in particular, of the case-law of the European Court of Human Rights and its admissibility criteria. As a result, domestic human rights monitoring by national human rights structures and national protection mechanisms is enhanced.</p> <p><i>Specific objective 3</i></p> <p>Know-how on torture prevention of the European Committee for the Prevention of Torture and the United Nations Sub-Committee for the Prevention of Torture is transferred to the national level of national protection mechanisms.</p> <p><i>Specific objective 4</i></p> <p>An active network of the national human rights structures, the European Committee for the Prevention of Torture and the United Nations Sub-Committee for the Prevention of Torture is created to combine effectively the defence of the human rights in question at national and international level, under the auspices of the Council of Europe. Information comes from national human rights structures/national protection mechanisms to help the Council of Europe and UN bodies react more speedily <i>vis-à-vis</i> potential or real human rights violations.</p>

Positive echoes were received by the European Commission on the Council of Europe's co-operation activities with the European NHRS and National Preventive Mechanism networks set up under the P2P I and II Projects. This was the result of the participation of EIDHR staff in at least one project activity, a good substantive report on the P2P I Project

made to the European Union, and many references nowadays made in the annual reports of European national human rights structures, as well as in those of the United Nations Sub-Committee for the Prevention of Torture, the Association for the Prevention of Torture and others. Interest in an additional project (P2P III) has been signalled by the European Union to

Deliverables,  
results and  
follow-up

finalise the work done with the national human rights structures and the national pro-

tection mechanisms after the end of the P2P II Project in 2012.

<b>Support for national preventive mechanisms against torture</b>	
Project area	All Council of Europe member states which have set up national protection mechanisms
Funding	€480 000 The Council of Europe Human Rights Trust Fund
Duration	January 2010 to December 2011 (24 months)
Objectives	<p><i>Overall objective</i></p> <p>To reduce the number of torture/ill treatment-related cases brought before the European Court of Human Rights, by putting in place adequate independent national protection mechanisms, in line with the recommendations made by the European Committee for the Prevention of Torture and with commitments under the Optional Protocol to the UN Convention Against Torture (OPCAT).</p> <p><i>Specific objective 1</i></p> <p>To share the international know-how of the European Committee for the Prevention of Torture and the United Nations Sub-Committee for the Prevention of Torture with the national protection mechanisms that have been recently set up or will be set up in the coming months. In the case of national protection mechanisms that have already started operating, their working methods and those of the international bodies will be compared with a view to optimising each body's performances.</p> <p><i>Specific objective 2</i></p> <p>To set up and nurture an active network of European national protection mechanisms to address challenges they have identified in their activities, such as suicide prevention, preventing contagious diseases in places of deprivation of liberty, the specific needs of women in detention facilities, how to conduct preventive visits to psychiatric institutions, etc.</p> <p><i>Specific objective 3</i></p> <p>To ensure a regular flow of selected information to the national protection mechanisms by way of monthly newsletters to all interested subscribers, with copies on a dedicated part of the Council of Europe's website.</p>

## Deliverables, results and follow-up

The European National Preventive Mechanism Project is designed to share know-how on effective torture prevention between independent actors. All existing national protection mechanisms in Europe, together with the United Nations Sub-Committee for the Prevention of Torture and the Council of Europe's Committee for the Prevention of Torture, as well as the leading international NGO in the field of torture prevention (Association for the Prevention of Torture) have demonstrated their interest in this project by contributing to

virtually all the co-operation activities organised under it in 2010.

Common thinking about technical issues and the candid exchange of experiences and ideas have allowed the newly established national protection mechanisms to achieve a high degree of professional competence within a short time span. This has been certified by leading experts who were given the occasion to observe national protection mechanisms accomplish their domestic work during week-

long so-called On-site exchanges of experiences.

The national human rights structures and national protection mechanisms have asked to receive user-friendly, timely information on the Council of Europe's findings and activities that are relevant for their domestic and international work. Their demand was met in 2010 by the production under this project of the RSIF (Regular Selective Information Flow, issued every second week in English) and of the European National Preventive Mechanism Newsletter (issued every other month in English). Both these publications were warmly welcomed at the annual meetings of the national human rights structures and national protection mechanisms in December of the year. Their readership now goes far beyond this audience.

The interim report presented to the Human Rights Trust Fund in November 2010 on the European National Preventive Mechanism Project that is co-funded by it, the European Union and the Council of Europe, was also well received. The Human Rights Trust Fund may accept to fund continued work in this field beyond 2011 to allow the newcomers among the rapidly expanding number of national protection mechanisms in Council of Europe member states to benefit from the

transfer of national and international know-how.

The European National Preventive Mechanism Project has profiled the Council of Europe as an organisation capable of steering in an effective manner a new type of co-operation project in which two high-profile bodies from the UN and the Council of Europe (the European Committee for the Prevention of Torture and the United Nations Sub-Committee for the Prevention of Torture) work together with newly created, specialised independent bodies in the member states. The work done under the project in the field of mental health issues has drawn praise from the World Health Organisation who has been invited to contribute.

Some national protection mechanisms are still reluctant to invite international experts under the European National Preventive Mechanism Project to observe their working methods on the spot and give them confidential feed-back. One or two national protection mechanisms are prevented from making use of this possibility because domestic legal rules do not allow them to invite persons from outside their National Preventive Mechanism to accompany them to places of deprivation of liberty. Member states are being invited to review these rules.

# Rule of law

## Ensuring justice

### Independence and efficiency of justice

#### *Introduction*

The project “Independence and efficiency of justice” aims at providing beneficiary countries with knowledge of the requirements of an independent and efficient judicial system according to European standards. Specific assistance is provided to help them apply these standards in practice through different initiatives. This includes review of legislation on the judiciary in line with European standards, comprehensive institutional capacity-building support (in particular to Ministries of Justice, High Councils of Judges and Prosecutors, Training Schools for judges and prosecutors, to help these bodies fulfil their responsibilities in line with Council of Europe standards), assistance with improving the performance of the judicial system through the implementation of new court management or practice or effective IT tools. Assistance is also provided to improve access to the justice system through advice on the setting up or improvement of free legal aid systems, support to Bar Associations and/or Chamber of Advocates. Special emphasis is placed on strengthening the role and status of the judicial and legal professions – in particular through assisting in defining the requirements to access these professions, drawing up Codes of Ethics, reviewing the procedures for appointment, application of disciplinary sanctions and dismissals of judges and prosecutors.

The project is relevant to the needs of the beneficiaries, as assessed by Council of

Europe monitoring bodies such as the European Court of Human Rights, the European Commission for the Efficiency of Justice (CEPEJ), the Venice Commission and the Consultative Councils of Judges (CCJE) and of Prosecutors (CCPE). These bodies confirm that there continue to be shortcomings as regards the independence and the efficiency of justice in the beneficiary countries. The project seeks to help the beneficiaries address these shortcomings through targeted co-operation activities. Very often these activities are organised at the request of the national authorities and partner institutions themselves.

The impact of the activities depends on the full political commitment of the beneficiary countries to actually implement the changes proposed. In certain countries, progress is noticeable, whereas in others the lack of political commitment has not allowed to reach the expected results in full. It should be noted that (sometimes radical) changes of judicial systems require changes in mentality which can only be achieved over a period of several years of sustained assistance.

The question of sustainability depends equally on political will to continue implementing the changes proposed, and the stability and commitment within the partner institutions. In addition, the availability of financial means by the Council of Europe to consolidate the results achieved is crucial. Council of Europe/European Union Joint Programmes continue to be essential tools in this respect.

Increased independence, transparency and efficiency of the justice system of the Republic of Moldova	
Funding	€3 300 000 Council of Europe 9.09%; European Union 90.91%
Timeline	October 2006 to June 2010
Objectives	<p><i>Overall objective</i></p> <p>To improve the independence, transparency and efficiency of the justice system in the Republic of Moldova and guarantee a fair access to justice for all citizens based on the rule of law and the respect of common European democratic values and standards.</p> <p><i>Specific objectives</i></p> <p>The legal framework of the judiciary is brought in line with European standards</p> <p>The National Institute of Justice is fully operational. The capacity of judges, prosecutors and auxiliary court personnel is strengthened through improved training</p> <p>The capacity of the Superior Council of Magistrates and the Ministry of Justice with regard to justice administration is strengthened. Access for citizens to justice is improved through the implementation of legal aid system</p> <p>The lawyers' profession is reinforced</p> <p>The reform of the Public Prosecution Service is continued</p> <p>The enforcement of judicial decisions is improved.</p>

The Joint Programme between the Council of Europe and European Union on "Increased independence, transparency and efficiency of the justice system of the Republic of Moldova" addressed the needs of the Republic of Moldova to accomplish the reform of the judiciary in line with relevant European standards. 2010 was the last year of implementation of the Project, which had to meet the challenges deriving from an unstable political situation in the country and the changes in the Government's composition. In particular, the Government's majority introduced reforms to the lawyers' profession and privatised the system of enforcement of domestic court decisions. The main target groups were the professions contributing to the administration of justice (judges, prosecutors, lawyers, court clerks, bailiffs, administrative and teaching staff of the National Institute of Justice).

The Project assessed all important Moldovan legislation or legislative amendments in the field of justice. A permanently updated database of the Moldovan legislation and drafts being considered by the Moldovan authorities was created. All documents included in

the database (Council of Europe recommendations, expert reports, laws, etc.) are available in English and Moldovan.

The National Institute of Justice was established and became operational, with the Project's support. Initial and in-service training of judges, prosecutors and other legal professions was considerably improved. A needs assessment in the field of continuous training, an unprecedented initiative in Moldova, was carried out and recommendations for its improvement were formulated. The Project also assisted in the organisation of several human rights training events for judges and prosecutors and ongoing training in this field for the National Institute of Justice's trainers.

The Project assisted the Superior Council of Magistrates in the creation of its new web page through the provision of expert advice, drafting of corresponding regulation, IT and design services and by the procurement of IT equipment for strengthening the technical infrastructure of the Superior Council of Magistrates. It contributed to preparing and publishing guidelines on freedom of expression and freedom of information. In addition,

## Deliverables, results and follow-up

the Project conducted several activities on legal drafting techniques.

The Project provided assistance with a view to improving the transparency of the judicial system and the access to legal information. Following an assessment of the situation concerning access to legal information, the Project decided to provide IT expert assistance to the Ministry of Justice with the aim of designing a new information system of case law and purchasing additional IT equipment for the Ministry of Justice databases and information services. The Project also provided assistance with IT infrastructure and databases of the Ministry of Justice, the Internet site of the Superior Council of Magistrates, the Communication Strategy of the Public Prosecution Service, all official publications and public debates on important amendments to legislation.

As a priority of the new Government, comprehensive amendments to the Law on the Bar Association were drafted, changing the conceptual vision of lawyers' profession. The Project used this opportunity to review all the Council of Europe experts' opinions on the subject and to highlight those objections and recommendations which had not been addressed in the past and which continue to be highly relevant. In addition, the Moldovan procedural legislation was assessed by Council of Europe experts in order to bring lawyers' rights in the exercise of the defence of their clients in line with European standards and best practice. The report was submitted to the national stakeholders and will be used for drafting further amendments to procedural legislation.

The project advised the Moldovan authorities on the possible shift from a state to a private system of enforcement of domestic court decisions. The experts pointed out the assets and shortcomings of a privatised system and necessary steps for a change of systems. The Moldovan counterparts were made aware of the different systems in Europe, and a possible roadmap towards privatisation and typical pitfalls during such a changeover were outlined. Furthermore, the Project ensured an in-depth expert assessment of the draft Law on Bailiffs. The expert's report contained detailed recommendations on improving the concept and design of the draft law before its adoption. The draft was commented on article by article, including concrete wording for different provisions which lacked clarity and consistency. The recommendations were based on the expert's experience with the introduction of private bailiffs system in several European Union member states.

The project's expected results were achieved through the expert assessment of legislation and assistance in drafting new and amending existing laws, monitoring achievements and shortcomings, as well as through joint working groups, round tables, seminars, training workshops, study visits, informational and technical assistance activities, and the improvement of facilitating equipment and technology.

The Council of Europe intends to combine its capacity-building approach with policy advice to the Moldovan authorities as regards the drafting of a new strategy in the field of justice. A Council of Europe/European Union Joint Programme is currently being negotiated to this purpose.

## Support to reform of the judiciary in Serbia in the light of Council of Europe standards

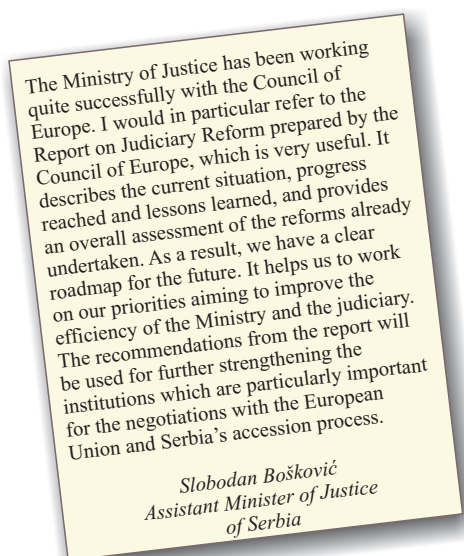
Funding	US\$200 000 (€160 000) Council of Europe 17%; World Bank 83%
Timeline	January 2010 to August 2010 (8 months)
Objectives	<p><i>Overall objective</i></p> <p>To support the on-going process of reform of the judiciary with a view to increasing the independence, efficiency, transparency and accessibility of the Serbian judicial system.</p> <p><i>Expected result 1</i></p> <p>A comprehensive stock-taking of the reforms undertaken and the results produced by them is conducted and the legislative gaps and obstacles hindering the reform of the judiciary in Serbia are identified in the light of European standards concerning the independence, efficiency, transparency and accessibility of justice.</p> <p><i>Expected result 2</i></p> <p>On the basis of the Council of Europe experts' findings and recommendations, future steps and specific measures are proposed to the Serbian authorities with a view to ensuring a continued sustainable reform of the judiciary in Serbia.</p>

The project was implemented by the Council of Europe following a specific request made by the World Bank and the Ministry of Justice of Serbia. The choice of the Council of Europe as the implementing partner was made in the light of the standard-setting role of the Council of Europe and its experience in implementing judicial reform projects in its member states, including Serbia.

The project's activities provided the opportunity to discuss different aspects of the justice reform process. Fact-finding missions and thematic round tables with Serbian high-level officials from the judiciary and the executive, representatives from the international community and civil society allowed the experts to gain a better understanding of the progress made and still to be made in this field. As a result of these activities, the experts drew up a detailed report which was presented to the Serbian stakeholders in September 2010.

The project report reviewed the state of implementation of the 2006 National Judicial Reform Strategy (NJRS) in Serbia. To reflect the close relationship the report has with the requirements of the NJRS, it was divided into four chapters corresponding to the main principles of the NJRS i.e. independence, transparency, accountability and efficiency. In each chapter the experts provided recommenda-

tions on ways to address the implementation of the NJRS. A road map indicating the degree of priority of the project recommendations (short-, medium- and long-term) was appended to the report.



The report did not assess the compatibility of the Serbian legal framework and case-law with European standards regarding the independence, transparency, efficiency and accessibility of the judiciary as during the project

## Deliverables, results and follow-up

implementation it appeared that an analysis of the factual (as opposed to legal) obstacles hampering the implementation of the NJRS would be more beneficial and necessary in the light of the sensitive developments in the field of the Judiciary in Serbia – in particular the (re)-election process of judges and prosecutors.

The report addressed the extent to which the NJRS had or had not been implemented in Serbia, what were the factual obstacles preventing full implementation of the NJRS and what would be necessary to ensure its full implementation. It will be up to the Serbian authorities to decide the best way to implement the experts' recommendations, according to their knowledge of the situation in Serbia. The Council of Europe has confirmed its readiness to assist them in this respect, *inter alia* through a future comprehensive European Union/Council of Europe Joint Programme in the field of the judiciary. Pending the negotia-

tion of this Joint Programme, the Council of Europe has continued to provide assistance to the Serbian authorities. In particular, the Council of Europe has reviewed the draft amendments to the Law on the High Judicial Council and the Law on Judges, which lay the foundations for the establishment of a Permanent High Judicial Council and describe the procedure for the processing of complaints made by non-elected judges. The expertise stressed that transparency and fairness should be the underlying principles which should guide the Serbian authorities in the process of adoption and implementation of these amendments. The Council of Europe will continue to assist the Serbian authorities in the process of adoption of the necessary by-laws, to improve their compatibility with relevant European standards. A new comprehensive project is being negotiated with the European Union.

## Transparency and efficiency of the judicial system of Ukraine

Funding	€6 000 000 Council of Europe 10%; European Union 90%
Timeline	June 2008 to June 2011 (36 months)
Objectives	<p><i>Overall objective:</i></p> <p>To assist with the establishment of an independent, impartial, efficient and professional judiciary in Ukraine, and to ensure that the Ukrainian judiciary is transformed into a transparent and fair judicial system that is accessible to all citizens, working effectively and transparently <i>vis-à-vis</i> citizens and civil society.</p> <p><i>Specific objectives</i></p> <p>Legal framework for a transparent, accessible and efficient judiciary established</p> <p>Legal framework on the judiciary is brought in line with European standards</p> <p>Judiciary system accessible to all</p> <p>Court rulings, prosecution decisions and procedural information accessible to the public</p> <p>Legal aid system established</p> <p>Lawyers profession organised in a transparent and unified manner</p> <p>Efficiency of the judicial system strengthened and quality of judicial decisions corresponding to European standards</p> <p>Administrative organisation of courts and case management strengthened</p> <p>Financing system of the courts is improved</p> <p>Initial and continuous training system for judges and prosecutors becomes efficient</p> <p>Legislation for Alternative Dispute Resolution is in place and institutionalised</p> <p>Transparency and accountability of the judicial system increased</p> <p>Increased accountability of members of the judiciary (judges, prosecutors, lawyers, etc.) regarding integrity and ethical standards</p> <p>Clarity of judicial procedures at all stages is reinforced and confidence of the population in the judiciary is strengthened</p>

The project continued to provide assistance to the Ukrainian authorities on the reform of the judiciary in close co-operation with all partners and beneficiaries. The reform of the judiciary was one of the major commitments undertaken by Ukraine when it joined the Council of Europe on 9 November 1995. Since then, a number of co-operation programmes, including joint initiatives with the European Union, have aimed at building an effective and transparent national judicial system. The present project has been one of the milestones in this connection. 2010 was an impor-

tant year since it was the last full year of the project's implementation.

The newly elected President and the new Government of Ukraine made it their priority to speed up the reform of the judicial system. The project activities for providing the Ukrainian institutions with expert advice on judicial reform, in particular concerning the legislative framework, were therefore particularly timely and relevant. Given the adoption of the latest legislation in May and July (Law of Ukraine No. 2181-VI on amending certain legislative Acts of Ukraine in relation to the prevention of abuse of the right to appeal and

## Deliverables, results and follow-up

the Law on the Judiciary and the Status of Judges), the project focused on supporting the priorities and requests of the Ukrainian counterparts, in particular as regards the preparation of the legal expertises for both laws, jointly with the European Commission for Democracy through Law (Venice Commission).



Study visit of the High Qualification Commission, Constitutional Court and Supreme Court of Ukraine with the President of Catalonia (Barcelona, April 2011)

A major result achieved by the project relates to the drafting of legislation on an automatic case-management system in Ukrainian courts. The project, together with the Ukrainian counterparts, prepared a draft regulation, commonly agreed, which was adopted and entered into force on 1 January 2011. This regulation creates the basis for making the courts' work more efficient and transparent. In addition, a list of categories of cases and their levels of complexity was drawn up. Implementation allows the further specialisation of judges, based on objective criteria, and provides an efficient and realistic tool for the evaluation of the workload and allocation of resources between courts. This will contribute to an efficient administrative organisation of the judicial system.

The project also started improving the system of funding for the judicial system. Both judicial and governmental institutions requested the project's assistance and emphasised their interest in the results in this area.

The implementation in a short period of time of new additional activities requested by the stakeholders, such as training for judges on the application of the European Convention on Human Rights and the case-law of the European Court of Human Rights, as well as the organisation of a conference on judicial education, proved to be viable and successful for promoting European human rights standards and their domestic application by legal professionals. The project managed to bring together, for the first time under the same

umbrella, the key stakeholders: the Academy of Judges and the Academy of Prosecutors. This has resulted in dialogue and improved co-operation.

As a tool of Alternative Dispute Resolution (ADR), mediation was included by the project on the agenda for Ukrainian citizens and authorities. Mediation was successfully introduced in four pilot courts (Bila Tzerkva City Court of Kyiv Region, Vinnitsa Circuit Administrative Court, Appeal Administrative Court of Donetsk Region and Ivano-Frankivsk City Court) as a means of decreasing the number of cases in the courts and of strengthening the judicial efficiency. The project organised in-depth training on mediation focusing on skills and tools for judges to carry out mediation in cases assigned to them. Mediation has proved to be an important indicator of the project's results.

The IT systems known as Local Area Networks (LANs) and Virtual Private Networks (VPNs) in the courts of Ukraine have been key initiatives under the project. On the one hand, the purchased LAN equipment resulted in the establishment of internal networks in all courts of general jurisdiction throughout Ukraine. Such infrastructure was necessary for the subsequent mass computerisation of the courts. On the other hand, the VPNs aimed at providing remote offices with a secure access to their organisational networks. In this way, the beneficiaries have been provided with the equipment needed to establish a proper link between the central judicial authorities and local courts.

During 2010 capacity-building for the main beneficiaries of the project continued to be a priority within the framework of every project objective. The Project Team assisted them in overcoming differences and facilitating dialogue through institutional support. It also enhanced networking and the exchange of information through participation in conferences, seminars and training activities organised by other donors.

2011 will be the last year of implementation of this challenging project. It will be important to ensure that the legislative reforms adopted in 2010 are implemented effectively and that Ukraine continues to benefit optimally from the Council's experience in promoting support to its member states so that they can achieve an independent, efficient and transparent judiciary. The emphasis will be placed

on reinforcing the national capacities for the reform of the judicial system, and in particular supporting the Academy of Prosecutors and the future National School of Judges through

series of targeted activities, including as regards the improvement of the regulatory framework ensuring their functioning.

Access to justice in Armenia	
Funding	€4 157 000 European Union
Timeline	October 2009 to December 2011 (27 months)
Objectives	<p><i>Overall objective</i> To support reform of the justice sector, promote the rule of law and human rights in Armenia and help Armenia meet European standards as regards the judiciary.</p> <p><i>Specific objective 1</i> To strengthen the capacity of the judicial professions and advocates, including the Chamber of Advocates of Armenia.</p> <p><i>Expected result 1</i> School of Advocates established.</p> <p><i>Expected result 2</i> Regulations on the examination and testing procedures of the School of Advocates developed. Operational capacities for the implementation of these procedures established.</p> <p><i>Expected result 3</i> Mandatory training introduced for candidate advocates and licensed advocates.</p> <p><i>Specific objective 2</i> To improve the efficiency of the judiciary.</p> <p><i>Expected result 1</i> Legislation adopted on the examination procedures for the selection of candidate judges at the Judicial School and their initial training which meets European standards.</p> <p><i>Expected result 2</i> Initial and in-service training for judges and training for court personnel strengthened.</p> <p><i>Specific objective 3</i> To provide practical and sustainable solutions for better accountability within the justice system in Armenia; To improve access to justice for the population in general and free/affordable access for vulnerable groups of the population.</p> <p><i>Expected result 1</i> Appropriate legislative framework and procedures on free legal aid in place.</p> <p><i>Expected result 2</i> Legislation on appeals, the notification of judgments and payment of court fees are in conformity with the requirements of the European Convention on Human Rights.</p>

## Deliverables, results and follow-up

Despite a lack of progress in the adoption of core legislation necessary for the further implementation of the project (see below), a number of outcomes and results were achieved in 2010 through the 45 activities organised under its three components (support to the Chamber of Advocates, support to the improvement of training of judges and court personnel, support to the facilitation of access to justice).

The project aims at supporting the establishment of the School of Advocates. In this regard, the Charter of the School of Advocates, as well as its staffing plan and the selection criteria were discussed and quasi-adopted.

The ability of lawyers to represent and defend clients was further developed through training organised by the Council of Europe in co-operation with the Chamber of Advocates. In particular, the study visits reinforced their knowledge and skills. An added value of the study visits was the establishment of partnerships between the Chamber of Advocates and national bar associations where the visits took place (the Paris Bar Association and the Czech Bar Association).

The project also envisages to strengthen the training for judges and court personnel. In this regard, an in-depth analysis of the exam templates to be applied by the future Justice Academy was made, the results of which were presented to the Council of Courts' Chairmen and the Council of Justice (the bodies responsible, *inter alia*, for the training of judges). The in-depth analysis of the training needs started, the proposals in the field of initial training of judges were endorsed and the development of the training curriculum and materials for the candidates for judicial vacancies started.

The Council of Europe established a group of 20 national Convention judges' trainers for the initial and continuous training programmes within the Judicial School. In addition to securing the sustainability of the knowledge transferred/gained through its dissemination by the trainers via pilot cascade training sessions and the inclusion of the European Convention on Human Rights in the training curriculum of the Judicial School, the letter and spirit of the Convention were embedded into the professional values and skills of the trainers. The quality-check of the training sessions at the Judicial School was secured by introducing performance

assessment tools through the evaluation of all training sessions; the quality of teaching and efficiency of learning were improved by introducing adult learning principles and techniques.

Finally, the project foresees an appropriate legislative framework and procedures on free legal aid. In this regard, the current draft legislation on legal aid (aimed at extending free legal aid) was examined and a follow-up was organised in the form of direct consultations between the representatives of the Chamber of Advocates and the Parliamentary Legal Affairs Committee (with the participation of the Council of Europe long-term consultants in the parliamentary discussions on the draft law "On Advocacy").

Visits were organised to study the legal aid systems to the legal aid offices in Paris and Brno (Czech Republic) which nourished the process of amending the law while relevant examples of the systems in place in these countries were examined during discussions in Yerevan.

The importance of a flexible approach to the project planning and implementation has become clear. In 2011, more activities were requested by the beneficiaries under the existing objectives, such as expertise as regards judicial salaries, collective complaints, the organisation of further study visits for the Chamber of Advocates, and the development of additional publications in co-operation with a new beneficiary, the Court of Cassation.

The first year of implementation of the project nevertheless proved challenging. Implementation was affected by lack of progress as regards the adoption of draft legislation (still not finalised in February 2011). However, it is considered something of a milestone that the recommendations of the Council of Europe were taken into account by the law-makers and are reflected in the draft laws or, when the latter were re-drafted again, that the project had another opportunity to have new amendments incorporated which refine the text of the draft laws and bring their final formulation even closer to European standards.

It is also clear that not all initially planned activities and the purchase of equipment for the future schools for lawyers and judges will be implemented according to the work plan until the end of the project planned for December 2011, due to the on-going legislative process and notably the postponement of the crea-

tion of a School of Advocates. With this in mind, the project's Steering Committee has planned a mid-term evaluation in the summer of 2011 to confirm whether there is a need for

a no-cost extension of the project in 2012 and to indicate the objectives which should be pursued in case of such an extension.

Enhancing the role of the supreme judicial authorities in respect of European standards in Turkey	
Funding	€3 300 000 Council of Europe 3.86%; Turkish Authorities 5.23%; European Union 90.91%
Duration	January 2010 to July 2012 (30 months)
Objectives	<p><i>Overall objective</i></p> <p>To contribute to enhancing the role of the higher judiciary in Turkey in initiating further changes in the normative framework and its implementation in line with the <i>acquis</i>, the rights and freedoms guaranteed by the European Convention on Human Rights, the provisions of the European Social Charter and other European standards. The specific objective of the project is to enhance the respective roles of the Higher Courts (Constitutional Court, Court of Cassation and Council of State) and of the High Council of Judges and Prosecutors as the superior judicial authorities in the accession process and in the adoption of European high judicial standards.</p> <p><i>Expected result 1</i></p> <p>Greater awareness of the members of the beneficiary institutions of the European Union institutions, their decision-making processes and the <i>acquis</i>, as well as of the implications of Article 90 of the Turkish Constitution, the European Convention on Human Rights, the case-law of the European Court of Human Rights and the execution of its judgments, and the European Social Charter.</p> <p><i>Expected result 2</i></p> <p>Enhanced co-operation of the High Council of Judges and Prosecutors and of the Higher Courts (Constitutional Court, Court of Cassation and State Council) as superior judicial authorities with equivalent European institutions.</p>

The project succeeded in bringing the representatives of all supreme judicial authorities (Constitutional Court, Court of Cassation, Council of State, and the High Council of Judges and Prosecutors) together for the first time with judges and lawyers from the European Court of Human Rights. Critical issues concerning Turkey before the Court were examined and discussed exhaustively. Ways of preventing violations were identified and all the parties gained greater awareness of the points of view of their counterparts. The beneficiaries stated that as a result of the activities so far, they were considering revising their interpretation of the law on a number of points. In addition, social rights and the protection

mechanisms have been accorded top priority in the agenda of the Turkish supreme judicial authorities. It remains to be seen when and how the judgments issued by them will reflect the acquired skills and knowledge.

The current discussions on judicial reform in Turkey also attracted the attention of the media which resulted in an increased level of participation in the conference. This media coverage contributed positively to the visibility of the project: the speeches were broadcast live by important national TV channels or on the news of the same day on the main TV channels and featured in the headlines of various national newspapers on the day following the conference.

## Deliverables, results and follow-up

During 2010 a total of 73 justices and members of the Constitutional Court, the Court of Cassation and the Council of State, including the Presidents of the Court of Cassation and the Council of State reinforced their skills and knowledge as regards European standards and their domestic application. They visited the Council of Europe, the European Court of Human Rights and the European Court of Justice. Their capacity to develop the regulatory framework for developing the judicial system in Turkey, setting up new procedures, rules and regulations, as well as running new mechanisms on the basis of similar provisions, rules and regulations in the European Court of Human Rights and the European Court of Justice was strengthened. The beneficiaries were also familiarised with recent developments as regards important topics and cases relevant to Turkey. They attended a Grand Chamber hearing before the European Court of Human Rights and met with the President of the Court and its judges. Issues examined included the authority of the case-law of the European Court of Human Rights, the right to life, the prohibition of torture, fair trial standards, the right to freedom of expression and to freedom of thought, conscience and religion, and the right to peaceful enjoyment of property. The knowledge of the highest judicial authorities was also strengthened as regards the development of the lawyers' profession and their role in the court proceedings.

The operational capacity, knowledge and skills of a total of 314 members, prosecutors and reporters from the High Courts legal professionals as regards the domestic application of European standards, including social and economic rights, was developed during series of round tables in Ankara. Access was provided in Turkish to human rights materials, including the case-law of the European Court of Human Rights and standards developed under the European Social Charter. These training materials were also disseminated among broader groups of legal professionals and they are available in the project's website (<http://www.yargitay.gov.tr/abproje>). They include:

- 15 books and handbooks;
- 35 key documents (conventions, decisions, recommendations and reports by the Committee of Ministers of the Council of Europe, Venice Commission, Consultative Council of European Judges, etc.);

- 45 presentations by the experts and judges who took part in the round tables.

In addition to the quantitative indicators mentioned above, the interest of the beneficiary courts was also clear and the results of evaluation of the training events showed general satisfaction with the content, programme and experts chosen for the activities, during which the participants exchanged knowledge and experience, contributing to the development of a close relationship between the Turkish supreme judicial authorities and the European institutions for a better protection of human rights at the national level.



Finally, it is worth mentioning that the project was launched at a conference on 24 February in Ankara. The high level of participation by the beneficiaries and project stakeholders, including all the presidents of the courts, the Ambassador of the European Union delegation, the Head of the Central Finance and Contracts Unit of Turkey, the Director of Co-operation of the Directorate General of Human Rights and Legal Affairs of the Council of Europe demonstrated the high interest in the project.

The project team is planning an external evaluation of the project in mid-2011 to assess the impact of the activities with a view to taking appropriate measures to ensure that by the end of the project, the higher courts of Turkey effectively implement European human rights standards.

## Promotion of judicial reform, human and minority rights in Georgia, in accordance with Council of Europe standards

Funding	DKK 20 000 000 (€2 813 000) Council of Europe: 4.44%; Voluntary Contribution by Denmark, represented by the Ministry of Foreign Affairs of Denmark 95.56%
Timeline	July 2010 to March 2013
Objectives	<i>Overall objective</i> To improve the judicial and penitentiary system of Georgia in accordance with relevant European standards; to develop and strengthen the capacity of the Public Defender's Office to achieve its objectives and fulfil its role in the light of European human rights standards; to further the sustainable and credible governance on national minorities in Georgia in accordance with the Council of Europe's Framework Convention for the Protection of National Minorities.

The project "Promotion of Judicial Reform, Human and Minority Rights in Georgia" is built on the achievements of "Denmark's Caucasus Programme 2008-2009: Enhancing the Good Governance, Human Rights, and the Rule of Law in Georgia". Two out of three project components are implemented by the Council of Europe: Component 1 – improving the judicial and correctional system; and Component 2 – building the capacity of the Public Defender's Office. The third component, tackling the state mechanisms for public consultation on minority issues, is implemented by the European Centre for Minority Issues (ECMI) in co-operation with the Council of Europe.

The project was launched in July 2010. The project methodology and implementation plan have been agreed with the key project partners (the High School of Justice, the High Council of Justice, the Prosecution Service of Georgia, the Ministry of Justice, the Ministry of Correction and Legal Assistance, the Training Centres of the Ministry of Justice and Penitentiary and Probation and the State Ministry for Reintegration).

The project has strengthened the capacity of the High School of Justice (HSOJ) to provide training on human rights. The trainers of the school have deepened their knowledge of the requirements of the European Convention on Human Rights and subsequently trained judges and judges' legal assistants, as well as students of the HSOJ.

The project contributed to improving primary health care in three penitentiary institutions (Tbilisi No. 8 Prison, Rustavi No. 6 Prison and

Women's Prison and Penitentiary Institution No. 5). The basic necessary diagnostic equipment and stock of medical instruments have been purchased with the project assistance. This has allowed to provide first-level health care assistance on the spot and to improve the early detection and prevention of transmittable diseases.

Following the entry into force of the Code of Imprisonment on 1 October 2010, the project trained all staff of the penitentiary institutions in Western Georgia (Kutaisi and Geguti prisons) on the novelties introduced by the new Code of Imprisonment and relevant European human rights standards; awareness of the new provisions of the Code of Imprisonment was also raised among a selected group of judges and prosecutors. The main objective of the training sessions was to ensure that the implementation of the Code is in line with Council of Europe standards.

Following the entry into force of the new Criminal Procedure Code, training was provided to judges and prosecutors on the main innovations in the Criminal Procedure Code.

Special focus has been put on improving the capacity of the Public Defender's Office to act effectively as a National Preventive Mechanism under the United Nations Convention against Torture. Training sessions on the European standards of monitoring of all types of closed institutions, as well as the translation and preparation of guidelines for the Prevention and Monitoring Department have been organised to this purpose. In addition, training on media relations has significantly improved the skills of the staff of the Public

## Deliverables, results and follow-up

Defender's Office in handling media and media inquiries.

The project activities are being implemented smoothly and enjoy full support from the Georgian authorities. It may be too early to assess the project impact after only a six-month period, yet there is no doubt that work has been successfully undertaken in a number of areas. The project is monitoring the situation with regard to the implementation of the new Criminal Procedure Code and the Code of Imprisonment. The Criminal Procedure Code fundamentally changes criminal procedure by shifting from investigative to adversarial proceedings, and the first months of application of the new codes already have revealed a number of problematic areas. In particular, the implementation of the principle of equality of arms could be a challenge in a country with historically a strong prosecution service and weak defence bar. New aspects have been introduced, such as jury trial. There is a risk that jury trial (in the absence of motivated verdict by the jury) may not be considered compatible with the Convention by the Court (see judgment *Taxquet v. Belgium*, November 2010). Moreover, the public needs to be adequately informed about the concept and implications of jury trials, including the role of jurors.

## Prisons and police

### *Introduction*

For police, overall objective is to enable law-enforcement officials implement European standards as regards their role and conduct. The aim is to promote human rights guarantees and safeguards in the course of the exercise the important powers granted to the police. The co-operation activities should facilitate the effective implementation of European and other international standards in this respect.

The continuous flow of applications to the European Court of Human Rights involving allegations of ill-treatment by the police or other abuses by law-enforcement agencies, as well as the findings of the European Committee for the Prevention of Torture during its visits to specific countries and Human Rights Commissioner's reports confirm that there continues to be a considerable need for Council of Europe assistance to member states in

The project attaches utmost importance to a correct implementation of the new Code of Imprisonment in line with European standards, particularly as regards the use of alternatives to pre-trial detention and prison sentences. The project will follow up on these issues through targeted training to legal professionals and staff of penitentiary establishments and for the relevant ministries. In addition, the project will provide assistance to the ministries concerned to assess the process of implementation of the new codes, in line with Council of Europe standards.

The project will also seek to help the Georgian authorities improve their penitentiary primary health care system. The activities will focus on supporting the Medical Department of the Ministry of Corrections and Legal Assistance. Activities will include a study visit of the Department's staff to France to examine the modalities of transfer of the penitentiary health care supervision to the Ministry of Labour, Health and Social Affairs, with a view to its future application in Georgia. The project will also assist the Ministry in developing a primary medical health care policy and raising awareness of Council of Europe standards on penitentiary healthcare and medical ethics.

this field. Thanks to its well developed standards and its high profile monitoring mechanisms, the Council of Europe is in a unique position to provide human rights awareness in policing. The co-operation programmes help enable police officers in member states to gain a sound knowledge of the human rights standards which have concrete implications for policing and to acquire the skills to apply these standards in their daily work.

The co-operation takes the form of legal expertise and advice, assistance and training on the European Convention on Human Rights and standards of the European Committee for the Prevention of Torture in respect of police and training on the European Code of Ethics. Most activities took place within Joint Programmes between the European Union and the Council of Europe. Beneficiary member states were Armenia, ("Combating ill-treatment and impunity in South Caucasus,

Moldova and Ukraine”), Moldova (“Democracy Support Programme”) and Turkey.

Examples of successful training on thematic issues relevant to daily policing and human rights include domestic violence, ethnic minorities and policing and investigative interviewing. At the request of the Turkish police, a seminar was designed and carried out on domestic violence for law enforcement officers (police and gendarmerie). The seminar provided the occasion for an in-depth exchange of views on domestic violence, seen both within the Turkish context and from a European human rights standpoint. Ways of tackling and preventing it were discussed using examples taken from the strategies developed by the London Metropolitan Police.

The Council of Europe’s specific programme of co-operation with the Russian Federation for the Chechen Republic has been implemented since January 2004 in liaison with the Office of the Ombudsman for Human Rights of Russia who is responsible for the co-ordination of the programme on behalf of the Russian Federation. The activities organised in 2010 by the Directorate of Co-operation included training for Chechen law-enforcement officials on relations with local authorities and civil society. The co-operation between different public authorities and agencies is crucial for increasing public trust in the police. As a result of the training, the participants learned about practical examples of co-operation and good practices in this field from other Council of Europe member states. The multi-disciplinary core group of police officers participating in the training demonstrated a good knowledge and understanding of co-operation in the field of policing.

As can be seen, only a relatively small number of activities were organised under the Ordinary Budget. However, they nevertheless permitted the Council of Europe to maintain important relationships with national partners and the undertake work which may create the basis for subsequent larger-scale projects.

Significant positive changes with regard to policing can only be made if the authorities and the Council of Europe take into account the organisational culture within the police of the beneficiary countries. These changes require further monitoring and working on a long term relationship in order to ensure continued progress in law enforcement in con-

formity with European standards. The co-operation activities will be continued within the limits of the ordinary budget but in particular under the large-scale Joint Programmes and Voluntary Contributions in order to ensure a satisfactory level of human rights protection in law enforcement institutions of all Council of Europe member states.

In the field of prisons the overall objective of the co-operation is ensure that ministries and prison administrations take due notice of European standards when preparing laws and policies as regards sanctions policy, imprisonment and rehabilitation and to contribute to the full implementation of those standards in practice.

The Council of Europe has a unique experience in promoting more human and socially effective prisons. In this context a number of legal instruments have been adopted, including the revised European Prison Rules (EPR) and recommendations on education and health care in prisons, prison staff and prison overcrowding, etc.

In 2010 technical co-operation remained focused on facilitating improvement of the legal and institutional frameworks, implementing training programmes and raising awareness on human rights matters. Throughout all co-operation, references were made to the findings and standards of the European Committee for the Prevention of Torture, the case-law of the European Court of Human Rights under Articles 3 and 8, the Human Rights Commissioner’s Reports, the EPR and relevant CM recommendations. In this way it was possible to address specific needs and assist the corresponding countries in meeting their international commitments and improving the general protection of human rights in prisons.

The most important areas of intervention included improving prison management in line with Council of Europe standards and European best practices, capacity building for the staff of penitentiary systems, in particular through training on European standards related to prisons with specific focus on human rights, improving the situation of vulnerable and high-risk prisoners by developing targeted treatment, programmes and guidelines on appropriate security measures, introducing or improving the use of alternative sanctions through the development of probation and by making community sanctions

available, and assisting with the development and efficient functioning of an independent inspection mechanism as a fundamental safeguard against human rights violations in prisons.

Legal expertises to assist the national authorities in drawing up legislation necessary for the prison reform, based on Council of Europe standards on sanctions policy, imprisonment and rehabilitation were provided to Bosnia and Herzegovina, Georgia and Moldova. At the request of the Georgian authorities, an expert assessment of the revised draft Code on Imprisonment was provided in order to examine its compatibility with European standards. The assessment followed the amendment of a previous draft in light of earlier recommendations and comments from Council of Europe experts. The Council also organised an expert opinion on the Law on the enforcement of non-custodial sentences and probation of Georgia, in order to examine its compatibility with European standards.

The new Albanian legislation provides a legal basis for the enforcement of a wider range of community sanctions and measures and the functioning of the probation service. Three training sessions were organised for judges and prosecutors on the implementation of alternative sentences, in close co-operation with the Albanian School of Magistrates.

A seminar on prison regime and pre-release programmes was organised in Armenia for

management and operational prison staff, to disseminate the standards of the EPR and the standards of the European Committee for the Prevention of Torture. In order to enable prison staff to gain first-hand practical experience and complement the theoretical knowledge they had previously acquired, a study visit on prison management was organised to Estonia. The study visit helped the participants to examine possible changes to their work approaches and facilitated professional networking.

The Council of Europe's ownership of the most important European standards for prisons and adjacent areas of criminal justice consolidates its role as a provider of advice, expertise and other types of assistance to member states where further efforts shall be made to improve the human rights record.

The activities implemented require follow-up in order to achieve a sustainable impact. For example, teams of national trainers were created and used in the implementation of the training activities (Azerbaijan, Bosnia and Herzegovina and Turkey). Periodical refresher training seminars is a means of keeping the national trainers up-to-date with developments in the European standards in the field of prisons. This practice creates the basis for sustainability and increases local ownership. Nevertheless, additional support would be really needed to embed these results within the national structures.

## Projects

Support for prison reform in Azerbaijan	
Funding	€484 560 Voluntary contribution by the Government of Norway
Timeline	June 2008 to June 2010 (24 months)
Objectives	<i>Overall objective</i> The overall objective is to strengthen the penitentiary system in Azerbaijan based on the rule of law and respect for fundamental rights and European democratic values and standards.

## Deliverables, results and follow-up

The key aims pursued under the objective related to training were achieved through the enhancement of the human rights aspect of the curricula, with the integration of European Convention on Human Rights and standards of the European Committee for the Prevention of Torture, and the establishment

of a core group of national human rights trainers. The positive impact of both elements has considerably increased the capacity of the Training Centre for Prison Staff in Baku. The group of trainers, trained through training-of-trainers sessions, successfully carried out (how many) cascade training sessions inte-

grating Convention standards, as part of the European system for the protection of human rights of the persons deprived of liberty and the European Prison Rules in the daily prison practice regarding sentence planning for prisoners, allocation, needs and risk assessment, regime and management, treatment of vulnerable prisoners and the development of a complaint system. The cascade sessions proved that this group of trainers grasped enough knowledge and skills to be able to provide further training on these issues throughout the country and reach a wider number of prison staff. As a follow-up, periodical refresher training seminars could be a means of keeping the national trainers up-to-date with developments in human rights standards, as applicable in prisons. This was confirmed by experts and participants at the Closing Conference. The Directorate of Co-operation will make an effort to integrate this into its annual programme of activities.

The objective of improvement of the provision of health care was achieved which has created a good basis for further work in this field. Prison medical staff became acquainted with the applicable Council of Europe standards and were trained to apply them in practice. Their professional knowledge and skills were increased and European standards could be better applied in the light of Committee of Ministers' Recommendations R (98) 7 on the ethical and organisational aspects of health care in prisons and R (93) 6 on prison and criminological aspects of the control of transmissible diseases including AIDS and related problems in prison. The trained medical staff got a better understanding and was able to apply the necessary medical arrangements for the prevention and the treatment of contagious diseases. This is especially related to the necessary measures taken to limit to the extend possible the spread of TB, HIV/AIDS and hepatitis B/C in Azerbaijani prisons. The medical staff was also trained to apply the ethical and organisational aspects regarding mental care of prisoners with mental health promotion, suicide prevention and a proper treatment of vulnerable prisoners. Further attention was paid to the support given to prisoners with drug-related problems, the establishment of therapeutic programmes for drug users and a follow-up therapy upon discharge of the prisoners into the community, the provision of initial and in-service training sessions for medical and non-medical staff

etc. The positive feedback received from the medical staff during the group work sessions clearly showed their great interest and commitment to improve the provision of health care for prisoners.

The promotion of the use of alternative sanctions and measures and the support for the establishment of a Probation Service, one of the key objectives of this project, were achieved to the extent that awareness was raised among relevant Azerbaijani institutions of the importance of establishing a probation service. Models of probation services from other European countries have created a clearer understanding of the steps to be taken towards the establishment of this new service and the practical and legislative implications. They acknowledged the need to extend the use of the alternative sentences already defined in the Azerbaijani legislation, to develop a comprehensive approach to any further changes in the relevant legislation, to establish an organisational structure with a clear understanding of the role of the probation service and an implementation plan with proper recruitment procedures and training curricula and with an efficient co-operation with courts, other institutions and the public. The translation of the Committee of Ministers' Recommendations in this field, especially the newly adopted Recommendation (2010) 1 on the Council of Europe Probation Rules, will facilitate the efforts of the Azerbaijani authorities to carry out the process, once a decision to establish a probation service in Azerbaijan has been taken.

A Closing Conference of the project was held to provide an overview of the implementation of the project and assess the results achieved and suggest for future steps. The authorities expressed their readiness and interest in follow-up projects or even stand-alone activities in order to further consolidate the improvements of the penitentiary system.

The Council of Europe has drafted a new proposal for a project, which would build upon the results already achieved and the capacities that now exist. The new project would cover the same areas in order to further consolidate the changes and take the prison reform process forward. Further Council of Europe support would contribute to:

- strengthening the capacity of the Training Centre for Prison Staff with an update of the training curricula with developments

- in human rights standards in prison. Issuing the Committee of Ministers' recommendations in Azerbaijani would facilitate wide access to Council of Europe standards and their integration into the training curricula for initial and continuous training. Training of trainers and cascade training sessions would be provided;
- building upon the knowledge and understanding of medical ethics by medical staff and extended to non-medical staff in prison also. Focus will be placed on health care promotion as part of the whole prison community and on health care education of inmates in order to reduce health risks in prison. This will be achieved by carefully selecting trainers to be trained in training-of-trainers sessions in order to provide cascade training;
- giving further support to the Azerbaijani authorities in taking steps necessary to start the process of establishing a fully functional probation service following a decision to define a suitable model of a probation service and its placement within the state structure.

#### Efficient prison management in Bosnia and Herzegovina

Budget	€788 376 Council of Europe 23.90%; European Union 76.10%
Timeline	February 2009 to December 2010 (23 months)
Objectives	<i>Overall objective</i> The overall objective is to improve staff and management capacity in prisons, promote the use of non-custodial sanctions, and strengthen the ability to remedy shortcomings and to provide suitable support for prisoners with special needs.

## Deliverables, results and follow-up

Working group meetings on the development of a policy paper to be presented to the Ministries with recommendations on the enforcement of a range of community sanctions and measures, were organised for representatives of the Ministry of Justice and the Ministry of Social Welfare at the state and entity level. The working group meetings were followed by multi-stakeholder workshops with policy makers and professionals on community sanctions and measures to present the results of the drafting work, and by a round table to present the main points of the strategy document on the introduction of community sanctions and measures in Bosnia and Herzegovina to policy makers and the judiciary. The strategy paper was well received and was recognised by the participants as necessary. The results of the project initiative on alternative sanctions brought added value to the process of introducing electronic bracelets in the Federation of Bosnia and Herzegovina Ministry of Justice's practice as an alternative to imprisonment. The Federation of Bosnia and Herzegovina Government adopted the proposed Law on amendments to the Law on execution of criminal sanctions in April 2010 and forwarded it the Parliamentary procedure. The

House of People of the Federation of Bosnia and Herzegovina Parliament adopted the subject Law on amendments at its session held in July 2010. The Republika Srpska Law on execution of criminal sanctions adopted in January 2010 acknowledges the Joint Programme's recommendations on conditional release with protective supervision. The Ministry of Justice of Bosnia and Herzegovina has plans to make further amendments to the relevant bylaws. In order to verify full compliance with the Joint Programme's recommendations and adherence to European standards, a proper independent legal expertise would be useful.

The professionalism of the targeted training groups, management and operational prison staff has increased as they acquired knowledge of European human rights standards through the training activities, both from the actual learning process and as a result of contacts with the local pool of trainers with whom they exchanged experiences on practical professional issues. The pool of national trainers established under the project should be used in future, both for the initial and in-service trainings as well as for further development work on professional education of

prison staff. Due to the lack of political will to appoint these trainers as members of a co-ordinating body for training issues across jurisdictions, there is a risk that the sustainability may be lost. The Joint Programme made the proposal for policy makers to make a formal decision on the integration of the human rights training programme in the regular curricula.

The Joint Programme developed treatment programmes for vulnerable prisoners focusing on adding to the punishment aspect of the sentence an aspect of treatment. They also require more work to be invested in the creation of a supporting legal framework in order to enable the implementation of the programmes in prisons' daily routine. Financial support will also be required in order to maintain the same level of professionalism in the staff education. The pool of national trainers established should be used in the future, both for the initial and in-service trainings, as well for further development work on professional education of prison staff. Likewise with the national pool of trainers for human rights, due to lack of political will to appoint these trainers as members of a co-ordinating body for training issues across jurisdictions, there is a risk that the sustainability may be lost. The Joint Programme has encouraged policy makers to make a formal decision on their implementation.

A high-level workshop on the harmonisation of mental health regulations with European standards in this area, as outlined in a paper produced under the Joint Programme, brought together professionals and policy makers, representatives of competent Ministries at state and entity level, medical professional as managers of the key mental health institutions in Bosnia and Herzegovina, the judiciary (judges for extra-judicial matters and presidents of the biggest Municipal Courts in the country), as well as representatives of NGOs involved in the protection of mental health. All those present agreed that the active participation on the part of different Ministries was very encouraging, thereby giving hope that this project would initiate further positive developments and provide a basis for continuing work and partnership between different actors in this and related areas of interest. The Bosnia and Herzegovina authorities acted upon the Joint Programme's recommendations by preparing draft amend-

ments to the relevant Law on care for persons with mental impairments in Bosnia and Herzegovina and at the time of the drafting of this report, amendments were in the parliamentary procedure. The Ministry of Justice of Bosnia and Herzegovina issued a rule-book on changes and amendments to the rule-book on the execution of security measure of mandatory psychiatric treatment and mandatory treatment from addictions in the Establishment for execution of criminal sanctions and other measures of Bosnia and Herzegovina and published it in July 2010. Toward the end of the Joint Programme, it became apparent that the understanding of the Joint Programme's recommendations might have been somewhat different from what had originally been intended by the Joint Programme's consultants and working group. The Ministry of Justice of Bosnia and Herzegovina indicated its intention to redraft the amendments as bylaws in early 2011. In order to verify full compliance with the Joint Programme's recommendations and adherence to European standards, an independent legal expertise would be useful.

The Joint Programme's activities on the introduction of IT tools and their development in the Bosnia and Herzegovina prison service(s) took their course following the general intention found in the Ministries of Justice to withhold further transfer of competences between the State and Entities. A solution proposed for further discussion envisaged three separate but compatible IT systems. A thorough assessment of the technical requirements and an associated cost analysis was made available to local authorities, together with guidelines for the preparation of tender documentation,. The benefits of a harmonised approach to this issue were highlighted in the presentation.

The training activities in support of the standards and guidelines for independent inspection in Bosnia and Herzegovina prisons prepared under the Joint Programme were the first ever opportunity for a direct discussion between policy makers, prison inspectors and prison governors about different aspects of the inspectors' work in prisons. It helped remove any possible residual distrust on the part of prison governors whose decisions and work performance are scrutinised as part of the inspection work. Prison governors were able to see the positive aspect of

the publication of the inspection reports on the establishments they manage. Also, the Joint Programme document is also considered to be a good basis for the further development towards full independency in prison inspection. Representatives of the Ministry of Justice who also acted as working group members considered adopting positive developments in reference to the more independent inspection function from the January 2010 RS Law on Execution of Criminal Sanctions (RS LECS) and introducing it in other pieces of legislation, at state and entity level. More efforts need to be invested in lobbying to include provisions on more independent inspection in the future Bosnia and Herzegovina Law on Execution of Criminal Sanctions, once authorities adopt a decision to start drafting it. Meanwhile, equal attention needs to be paid to convince entity Ministries of Justice, and in particular the Bosnia and Herzegovina Ministry of Justice, of the differences between the independent prison inspection and parliamentary commissions tasked with monitoring the work of prisons. International agencies involved in prison reform share the view according to which a

parliament-appointed commission cannot fully replace independent inspection mechanisms and other national or international preventive monitoring bodies.

The commitment and professional expertise brought by the national working group members to each individual project initiative gave reasonable grounds to expect further improvements in the reform of prison systems.

Further tangible action is needed by the national authorities to bring about a more systemic change within the prisons sector. This will be hard to achieve in any sustainable manner without the full commitment of the authorities and engagement at the political and financial level. In this connection, every effort was made during the implementation period to shape the project's activities in a way which takes account of the possible reluctance of the authorities, while at the same time focusing on convincing them of the crucial importance of moving forward with the changes recommended by experts and other organisations and in accordance with the country's international commitments.

#### Democracy Support Programme in the Republic of Moldova

Budget	Overall budget €4 000 000; human rights component €1 670 000 European Union
Duration	4 January 2010 to 4 July 2011 (18 months)
Objectives	<i>Overall objective</i> The overall objective is to strengthen the judiciary; the prosecution service; the police; the ombudsman institution; the media and the Parliament of Moldova through the application of European standards in their work.

### Deliverables, results and follow-up

The project was launched at the beginning of 2010, as a result of consultations between the Council of Europe and the European Union to define the broad lines of assistance addressing the major shortcomings and the root causes that led to a serious breakdown of human rights protection mechanisms in the Republic of Moldova following the post-electoral events of April 2009.

As a result of the project's activities, the institutional and operational systems for the prevention of ill-treatment and effective investigation of complaints have been reinforced in order to discourage this negative

phenomenon and to better process allegations of ill-treatment in accordance with European and international standards. The professional level of the judiciary, police officers and prosecutors has been upgraded and their capacity to prevent violations of the European Convention on Human Rights enhanced.

The emphasis has also been placed on enabling the police to conduct special operations such as riot control measures in line with European standards for non-infliction of human losses/injuries. Training has been provided to reinforce the police's capacity to apply crowd

management and riot control measures in an efficient manner, avoiding disproportionate use of force as required by European standards.

A Reform Concept for the Ministry of Internal Affairs was drawn up in 2010. The Council of Europe responded to this initiative by an assessment visit followed by a report on reform of the Ministry of Internal Affairs. The Council of Europe expert assessed the draft Reform Concept in order to support the national authorities in the process of reform and bring it in line with the European standards. Recommendations were put forward to ensure that respect for human rights is enshrined as a fundamental principle in the Reform Concept.

A core group of 10 police officers, 10 judges and 10 prosecutors were trained to become trainers to their peers. They benefited from an in-depth training on prevention of torture and ill-treatment, illegal arrests, procedural rights surrounding police custody, positive obligation to protect detainees, witnesses, and investigation of allegations of ill-treatment which equipped them with necessary knowledge and skills which, through cascade training sessions to be organised throughout the country, would be disseminated further to their colleagues.

Twenty-four high-ranking police officers were trained on crowd management and riot control in accordance with European standards. They were trained to conduct special operations related to control of mass disorders in line with European standards for non-infliction of human losses/injuries.

Police officers who participated in the training seminars on crowd management and riot control benefited from a study visit to the United Kingdom Metropolitan Police Service. The visit provided an opportunity to study in detail specific crowd management and riot control tactics and techniques. The participants also visited the Public Order Training Centre where they observed the public order training practices and techniques, including on the use of force. The Moldovan delegation also observed the operational planning and chain of command principles in action during a football match.

Expert assistance was provided for the refurbishment of one temporary detention isolator, as a pilot project toward the final transfer of competences over the pre-trial detention from the Ministry of the Interior to the Ministry of Justice. In close co-operation with the national authorities, a Council of Europe consultant provided assistance in the preparation of refurbishment plans for a detention centre to ensure that the project is designed in full compatibility with the European Prison Rules and the standards of the European Committee for the Prevention of Torture, such as minimum space for detainees and other appropriate facilities.

The co-operation with relevant national authorities has been quite efficient. The evaluations by the Council of Europe and national experts, who have contributed to the implementation of project's activities, confirmed that the project and its objectives correspond to the needs of the police service.

Within the project, thirteen cascade seminars on the European Convention on Human Rights and standards of the European Committee for the Prevention of Torture for combating ill-treatment and impunity will be organised for an average of 500 police officers from the whole country. The national trainers who benefited from in-depth training will be used to disseminate the information in this context.

More training sessions on such issues as the use of force, public order and ill-treatment will be delivered under the same component. Special attention will be given to the role of the Police Academy in the training of police officers. A specific training of lecturers on teaching human rights and ethics will be organised.

In order to ensure that the ongoing reform of the Ministry of Internal Affairs is properly ensured, representatives of the Ministry will be trained on policy making with regard to the police reform. Further support will be given to the Ministry with the implementation of the reform through legislative assessment and expertise.

## Dissemination of Model Prison Practices and Promotion of Prison Reform in Turkey

Funding	€4 200 000 European Union
Duration	March 2009 to August 2012 (42 months)
Objectives	<i>Overall objective</i> The overall objective is to contribute to the improvement of the penitentiary system in Turkey in line with the European Prison Rules and other international standards.

### Deliverables, results and follow-up

The 21 local trainers trained within the framework of the project in 2009, together with Council of Europe consultants, trained 800 prison governors on good prison management, leadership and operational standards throughout 32 cascade training sessions organised by the Council of Europe in 2010. A total of 18 Ministry of Justice representatives participated in these training sessions as observers. Nearly all of the prison governors working in the Turkish penitentiary system were trained in these training sessions. The successful completion of this phase has created the basis for the successful implementation of the forthcoming phase aimed at various other operational services within the penitentiary system, which are under the direct supervision of the prison governors.

Council of Europe consultants trained 79 prison prosecutors and 90 commanders of the gendarmerie on the new penal enforcement system, the standards of the European Prison Rules and the European Committee for the Prevention of Torture' standards through two regional seminars organised by the Council of Europe. This brought prison prosecutors and commanders of the gendarmerie together for the first time to discuss issues of mutual concern. In this way, the project created a platform for discussion among two important stakeholders of the penitentiary system in Turkey.

Council of Europe consultants, in co-operation with Ministry of Justice experts, developed three more offender behaviour programmes, in addition to the three developed in 2009. This was a very positive result which will enable successful completion in 2011 of the training sessions aimed at all psycho-social services staff working in the Turkish penitentiary system. The experts also succeeded in developing a new Suicide Prevention Operator's Manual and programmes on

cognitive skills and on sex offending, which were primarily based on the experiences of other European jurisdictions but adapted for use within the Turkish context. The quick progress on the development of new programmes, despite the time limits and the challenging nature of the subject matter, confirms the success of the project in transferring know-how and the Council of Europe's role as a significant facilitator in the process.

A Manual on Healthcare Services in Prisons was drawn up in close co-operation with the Ministry of Justice and the Ministry of Health. The Manual is an important tool, which will facilitate the work of prison healthcare staff in their daily work. It will be the first encounter of many family doctors with a prison environment and they will be requiring practical guidelines on how to perform their duties and responsibilities effectively within such an environment. The Manual also addresses the changes with regard to the legislative and operational environment in which healthcare services in prisons are provided. These changes emanate from legislative amendments on the provision of healthcare services in prisons and the reform of the primary healthcare system in the whole country. The training sessions aimed at prison healthcare staff will be based on the Manual. The Manual is the primary resource book that will increase the impact of healthcare related training activities of the project and will contribute to the dissemination of the project results. The Manual is also expected to help the authorities establish an effective system to ensure the delivery of healthcare services in prisons in accordance with European and international standards.

Towards the end of 2010, all of the activities concerning the development of training materials, tools and manuals on different operational areas of the Turkish penitentiary system

were completed, as well as the training of trainers. This provided the basis for the successful implementation of training activities to be organised in 2011, and hopefully beyond the duration of the project without the direct involvement of the Council of Europe. It is important to ensure and monitor the effective use of these resources by the Ministry of Justice, especially during the cascade training sessions, which will ensure sustainability and strengthen local ownership of the project outputs.

As for the OBP, the work carried out so far has raised the awareness of the Ministry of Justice of how to address the issue of implementation of effective prisoner rehabilitation programmes. The Council of Europe and Ministry of Justice experts developed an ambitious programme for the training of trainers and cascade training sessions on the offender behaviour programmes which will involve all the psycho-social services staff working in the penitentiary field. Successful implementation of these activities should have a positive impact in a field in which the Ministry of Justice has relatively little experience.

The project's healthcare-related activities are also of great importance. There are certain

challenges linked to fulfilling the healthcare component of the project. The quality of healthcare services provided in Turkish prisons has been a source of concern for the European Committee for the Prevention of Torture for some time. The most recent Progress Report on Turkey's Progress toward Accession to the European Union also highlights the problems about the healthcare services in prisons. On the other hand, the implementation of the project coincided with a period of significant legislative and structural changes on provision of healthcare services in prisons. Responsibility for prison healthcare staff was transferred from the Ministry of Justice to the Ministry of Health and the primary healthcare model was transformed from a system based on healthcare-centres into a family doctor-based one. To ensure the effective dissemination of information on the European standards applicable to the healthcare services provided in prisons, the Council of Europe will establish co-ordination between the Ministry of Justice and Ministry of Health and mobilise international expertise to optimise the effect of the healthcare-related aspects of the project.

**Multilateral project: Promoting European Code of Police Ethics; Protection of national minorities; Penitentiary system**

Funding	€145 000 (three components together) Voluntary contribution by Germany (overall contribution €195 000)
Timeline	October 2010 to March 2011
Objectives	<i>Overall objective</i> To raise awareness of the key principles of the European Code of Police Ethics and share experiences of best practices of its implementation in different countries; to protect minority rights in line with international standards and to increase institutional capacities for introducing changes in the penitentiary system.

The key aims pursued under the objective related to raising awareness of the principles and standards of the European Code of Police Ethics were achieved through the Project "Make Ethics Grow". Professional input on how to promote and integrate the key principles of the European Code of Police Ethics within police services in different countries were offered to senior police officers and senior staff of Police Academies and Ministries of the Interior at a multilateral workshop

(Strasbourg, 24-25 February). Valuable opportunities were provided to professionals from similar or different backgrounds to discuss policing and ethical challenges. The specialised knowledge and interdisciplinary backgrounds of the Council of Europe experts provided a useful springboard for the generation of new ideas and approaches.

The interactive discussion sessions at the workshop showed that all participating coun-

**Deliverables, results and follow-up**

tries had technically implemented the European Code of Police Ethics in their police services and had also conducted training to police officers to disseminate its key principles. However, such an implementation appeared to be focusing mainly on technical aspects related to police structure and legislation, neglecting to some extent the management of the process of changed behaviour, mindset and attitude. Further steps to ensure its full practical implementation are required. The means of promoting the principles of the European Code of Police Ethics and its implementation need to be further scrutinised in line with Article 66 of the Code. The Directorate General of Human Rights and Legal Affairs has therefore decided to make renewed efforts to disseminate its key principles in national police systems.

The objective related to the protection of national minorities was achieved through a meeting for EU IPA beneficiary countries (Becici, Montenegro, 7 December 2010). Ways and modalities on how to address issues related to minority rights in line with international standards, including anti-discrimination norms, were explored at the meeting. The operational capacities of each national body and the mechanisms for strengthening co-operation and networking at regional level were identified. The equitable representation of minorities at local and national level of governance, including language, culture and media, was among the main topics of discussion. The participating countries have described the situation related to access to education, employment and justice. The modalities for equal implementation of anti-discrimination norms and standards across the region were also examined. The possibility of setting up a "Western Balkans Network of minority rights bodies" was considered of high importance in order to identify regional co-operation. Such a network would be based on the experience of the existing network of National Human Rights Structures, which covers 40 member states where such a structure has been established. The priorities for the preparation of a European Union/Council of Europe Joint Pro-

gramme were agreed in order to enhance the promotion and protection of minority rights and the components of the future project were adjusted.

The meeting confirmed the interest and willingness of the participating countries to commit themselves to the implementation of a Joint Programme in order to integrate European standards for the protection of the rights of national minorities into national legislation and to make increased concrete efforts to implement it in practice.

The key aims of the objective related to the organisation of a study visit of a group of prison staff from the Lipetsk region of the Russian Federation to the Bruchsal Prison in Germany and to the Council of Europe headquarters in Strasbourg (7-9 February 2011) were achieved through a further strengthening of the professional relationship which already existed between the staff of the Bruschal Prison in Germany and the prison staff from Lipetsk region in the Russian Federation and by establishing contacts and an exchange of information with the Council of Europe Secretariat on the standards and the findings of the CPT and regarding future co-operation in the field of prisons.

Through the study visit awareness was raised of best practices regarding treatment programmes for prisoners and preparation for release; institutional capacity for introducing changes in the prison system of Lipetsk Oblasti region, in accordance with a concept paper issued by the Penitentiary Service of this region was enhanced; the designing of special programmes for sexual and violent prisoners in the Lipetsk region, similar to those implemented by the Bruchsal Prison was further elaborated; peer-to-peer exchange of experience was strengthened and possibilities for further co-operation with both prisons and the Council of Europe Secretariat were identified.

The study visit was a very good experience and produced a positive impact. A follow-up has been agreed with the representatives of both prisons and the Council of Europe Secretariat in respect to the availability of funding.

## Justice

Driven by the relentless progress of technology, globalisation processes sweep through the economy and bring fundamental changes to the movement of people, information and ideas – but also spread corruption, crime and other threats to the rule of law. The security of persons in their everyday lives is increasingly recognised as a condition *sine qua non* for the enjoyment of human rights.

In 2005, as the enlargement of the Council of Europe drew to a completion, the heads of state and government of the Council of Europe member states solemnly stated:

We are determined to ensure security for our citizens in the full respect of human rights and fundamental freedoms and our other relevant international obligations. The Council of Europe will continue to play an active role in combating terrorism, which is a major threat to democratic societies and is unjustifiable under any circumstances and in any culture. It will also further develop its activities in combating corruption, organised crime – including money laundering and financial crime – trafficking in human beings, cybercrime, and the challenges attendant on scientific and technical progress. We shall promote measures con-

### Introduction

Co-operation against corruption, organised crime and terrorism aims at building capacities to enable member states to ratify and implement relevant Council of Europe standards and judgments of the European Court of Human Rights and to follow up on recommendations resulting from monitoring exercises, notably the 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). Technical co-operation, in turn, informs monitoring and standard-setting mechanisms of relevant issues and new questions arising.

As in previous years, in 2010 the modest funds directly available from the Council of Europe Ordinary Budget (€27 133) were used for providing *ad hoc* expert opinions at the request of member states (Azerbaijan, Georgia, Ukraine and Kosovo<sup>1</sup>) as well as for the preparation of six new projects (notably, expert input in Project Fiches and Description of Action).

sistent with our values to counter those threats. (Warsaw Declaration, paragraph 8).

In a globalised world, co-operation in countering the threats to the rule of law is indispensable. This means not only international co-operation between law-enforcement and judiciary bodies, but also harmonising the implementation of the Europe-wide standards of the Council of Europe – both legally binding conventions, protocols and judgments by the European Court of Human Rights and “soft-law” recommendations, resolutions and guidelines.

Harmonising the implementation of Council of Europe standards for countering the threats to the rule of law is an important part of the aspiration for “greater unity” which was the vision of the founding fathers of the Organisation.

Technical co-operation for countering threats to the rule of law must be assessed in terms of its contribution to the strategic objectives defined in the Warsaw Declaration and Action Plan of the Heads of State and Government of the Member States of the Council of Europe (May 2005) and the Annual Programme of Activities for 2010.

As a result, with minimum investment from the ordinary budget and corresponding amounts from the Joint Programmes reserve, considerable extra-budgetary resources were generated. Projects are prepared in line with the Organisation’s criteria for co-operation projects and hundreds of activities are implemented in pursuance of Council of Europe objectives. The projects are designed and implemented in co-operation with national authorities and thus closely reflect their needs.

A non-exhaustive list of typical expected results of technical co-operation against corruption, organised crime and terrorism financing will include: improved legislation, compliant with Council of Europe and other international standards; adoption and implementation of effective and coherent national strategies and policies; increased capacity of relevant national bodies (such as anti-

1. All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

## Countering threats to the rule of law

## Corruption, organised crime and terrorism

corruption commissions, financial investigation units, criminal assets recovery departments), development of training curricula, handbooks and other materials for judges, prosecutors, law enforcement; training, study visits and exchange of best practices; development of procedures for in-country and international co-operation; raised awareness of public opinion and involvement of civil society, and – sometimes, improvement of the relevant technical infrastructure.

The added value of Council of Europe projects against corruption, organised crime and terrorism derives from the strong link to legally binding and soft-law standards, symbiotic relationship with ongoing monitoring and peer review mechanisms, the contribution by experienced practitioners from the Council of Europe expert networks, the productive co-operation with the European Union, UN, OSCE and other international organisations, and – last but not least – multi-stakeholder approach and beneficiary ownership.

## Projects

Support to the Anti-corruption Strategy of Georgia (GEPAC)	
Funding	€700 000 Voluntary contribution by the Kingdom of the Netherlands, represented by the Ministry for Development Co-operation
Timeline	September 2007 to March 2010 (30 months)
Objectives	<i>Overall objective</i> To contribute to democracy and the rule of law through the prevention and control of corruption in Georgia in accordance with European and other international standards as well as the recommendations of the Group of Countries against Corruption (GRECO).
Expected results	To support the implementation of Georgia's Anti-corruption Strategy and Action Plan

## Deliverables

GEPAC's original duration was until 31 August 2009. However, the project operated for a considerable period of time under a difficult political situation and ongoing institutional restructuring, which delayed its implementation. In June 2009, therefore, the Steering Group decided to prolong the project until 31 March 2010.

During the three months of the reporting period in 2010, policy advice on the conformity of Georgian legislation with the Council of Europe Criminal Law and Civil Law Conventions on Corruption (CETS Nos. 173 and 174), as well as with the UN Convention against Corruption (UNCAC), was finalised and reports made available.

The results of two surveys on the perception of corruption by the general public and by public officials were presented to media representatives. According to Georgian Opinion Research Business International (GORBI), the three most frequently visited public institutions are healthcare facilities, educational in-

stitutions and the office of the civil registry, where only insignificant numbers of respondents report paying anything outside the official fees.

Two round tables were held for officials tasked to be Contact Points in various administrations where they discussed tools of reporting, co-operation with partner institutions and monitoring the implementation of anti-corruption policy.

The Federal Bureau of Anti-Corruption in Austria (BAK) co-operated for a workshop on developing of a specialised anti-corruption training module for investigators and prosecutors.

A Study visit to the Commission for Prevention of Corruption in Slovenia (CPC) allowed Georgian beneficiary representatives to acquaint themselves with the setup and work specification of CPC and compare it to the Georgian legislation and practice, along with aspects of investigation and prosecution of corruption cases.

In February 2010 GEPAC was evaluated by an independent evaluator. The project's key accomplishments are:

- GEPAC recommendations have led to more streamlined legal basis, improvements in the structure and better institutional support for the Inter-Agency Co-ordination Council for the Fight against Corruption.
- GEPAC assisted the Georgian authorities with key good practices necessary to elaborate an effective strategy and implementation plan. The National Anti-Corruption Strategy, adopted by the Co-ordination Council in April, was approved by Presidential Decree No. 376 in June 2010. Fol-

lowing this, the Action Plan 2010-2013 was also finalised and adopted by Decree No. 735 of the President of Georgia.

- GEPAC assisted the Ministry of Justice Training Centre in developing a specialised training module for investigators and prosecutors and helped the Georgian authorities outline a set of priorities for the ongoing training of law-enforcement professionals on corruption-related matters.

The sustainability of the achieved impact in Georgia will be supported through the anti-corruption component of the Council of Europe Eastern Partnership Facility Programme, envisaged for 2011.

Support to the Prosecutors' Network in South-Eastern Europe (PROSECO)	
Project area	Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, "the former Yugoslav Republic of Macedonia" and UNMIK/Kosovo*
Funding	€1 666 700 Council of Europe 10%; European Union 90%
Timeline	April 2008 to July 2010 (27 months)
Objectives	<i>Overall objective</i> To strengthen the capacities of the beneficiaries of the European Union CARDS programme (Community Assistance for Reconstruction, Development and Stabilisation) to develop and implement judicial co-operation against organised crime, based on the European Union acquis and other European and international standards and practices, by supporting the Prosecutors' Network. The project focused on strengthening the legislation and institutional capacities of General Prosecutors' Offices.

\* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

A non-exhaustive list of activities that took place in 2010 shows the variety of methods applied to achieve the expected results of the project. Most of the events below are last in a series of similar activities which took place over the duration of the project.

There were three meetings of the Prosecutors' Network – one to exchange data and best practices on criminal proceedings (based on the Council of Europe Convention on Mutual Assistance in Criminal Matters), another meeting together with the Contact points of the South Eastern Europe Prosecutors Advisory Group (SEEPAG, a body with operational networking and law-enforcement advisory functions) and an enlarged meeting devoted to

the sustainability of the Prosecutors' Network and strengthening co-operation with the European Union judicial co-operation body (EUROJUST), the European Judicial Network (EJN) and SEEPAG in particular.

Activities included a round table in Skopje on the legal framework and best practices for organised crime control, a training workshop in Tirana on co-operation in investigating and prosecuting organised crime and international legal instruments on extradition and recognition of foreign judgments and a regional thematic conference in Podgorica on witness protection, as well as a week-long internship for 21 prosecutors in Germany in co-operation with the Federal Ministry of Jus-

## Deliverables in 2010

tice and the Prosecutor's Offices of Hanover and Celle (Lower Saxony).

The closing event for PROSECO was organised in Belgrade at the special request of the Republic Public Prosecutor of Serbia, since combating corruption and organised crime has

## Results

In all beneficiary countries the project contributed directly to establishing and developing co-operation between Prosecutors' Offices.

The most significant effect, both in terms of quality and quantity, was produced at the level of strengthening the human capacities of the prosecution services, ministries of justice and other authorities targeted by the project.

The signature of the revised Memorandum of Understanding provides a solid basis to sustain the project's impact over the next few years.

PROSECO's specific impact differed from one project area to another.

In **Albania** impact included improved key legislation adopted by the parliament. The number of requests for mutual legal assistance and other forms of co-operation and their quality has been on the increase over the past few years.

The project has helped to strengthen the position of the Prosecutor's Office of **Bosnia and Herzegovina** in terms of co-operation in the region and beyond. However, the constitutional setup of this country impedes the domestic co-operation necessary to deal efficiently with requests for mutual legal assistance (a problem that could not be addressed by the current project).

**Croatia** has developed legal co-operation in criminal matters with all countries in the region. In particular, two important agreements with Bosnia and Herzegovina and Serbia were signed, aiming to solve the problem of persons using dual citizenship to escape prosecution.

The authorities of **Montenegro** indicated an increase in the number of cases of trans-border crime prosecuted, which is primarily due to better co-operation with neighbours and other European countries. In 2010 Montenegro adopted a new Criminal Procedure Code that relies on judicial networking as a strategy against organised crime, thus in-

been recognised as one of the main political priorities of the country. It was attended by President Boris Tadić of Serbia; the beneficiaries were represented at the level of ministers of justice and interior or prosecutors general.



**On 25 January 2010, in Rome, the Public Prosecutors of Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia and "the former Yugoslav Republic of Macedonia" signed the amended Memorandum of Understanding for Regional Co-operation against Organised Crime and Other Forms of Serious Crime.**

The initial memorandum was signed on 30 March 2005 in Skopje. It marked the establishment of a Prosecutors' Network with the aim of strengthening direct and swift co-operation in investigating and prosecuting cross-border crime. The revised memorandum broadens the scope of co-operation by including other forms of serious crime and makes direct contacts between the prosecution services of the six countries easier and faster. It uses terminology and definitions anchored in the relevant European legal instruments, thus promoting a common terminology and standards and facilitating the harmonisation of national legislation on criminal procedure.

*In the photo, left to right: Mr Darko Klier, Deputy Attorney General, Croatia; Ms Ina Rama, General Prosecutor, Albania; Mr Lorenzo Salazar, Director of International Affairs Office, General Directorate of Criminal Justice, Italy; Ms Ranka Čarapić, Supreme State Prosecutor, Montenegro; Mr Ljupco Svirgovski, Public Prosecutor, "the former Yugoslav Republic of Macedonia"; Ms Zagorka Dolovac, Republic Public Prosecutor, Serbia; Mr Milorad Barašin, Chief Prosecutor, Bosnia and Herzegovina*

creasing the efficiency of the newly introduced, prosecutor-led investigation.

The prosecution services and judiciary in **Serbia** still have limited resources available, and building an efficient and fully operational judicial system remains one of the primary goals of the country. Judicial networking on the regional level supported by the project plays an important role in this process.

The Prosecutor's Office of "the former Yugoslav Republic of Macedonia" reports significant progress in co-operation with Albania, Croatia and Serbia achieved during the lifetime of the project.

The authorities of Kosovo<sup>1</sup> face insufficient staffing, high workload and lack of skills and experience in international co-operation in criminal matters. The high turnover of staff in the Prosecutor's Office results in lack of institutional memory. The project impact is thus limited but nevertheless real, as its activities contributed to provision of legal expertise

1. All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

and helped support the first efforts aimed at developing co-operation between Kosovo<sup>1</sup> and its neighbours in the region.

Over the course of the project, Prosecutors from all project areas identified other important issues where future projects should provide support, notably cybercrime, white collar crime, data protection, the use of special investigative means, prosecutor-led investigations, and the validity of evidence obtained through mutual legal assistance. Some of these concerns are being addressed through the project on Regional Co-operation against Cybercrime in South-Eastern Europe (Cyber-Crime@IPA) which started in November 2010.

Project against Corruption in Albania (PACA)	
Funding	€2 130 000 Council of Europe 6.1%; European Union 93.9%
Timeline	September 2009 to February 2012 (30 months)
Objectives	<i>Overall objective</i> To contribute to democracy and the rule of law through the prevention and control of corruption
Expected results	To enhance the implementation of anti-corruption policies and strategies (Anti-corruption Strategy and Action Plan 2007-2013) in line with GRECO and MONEYVAL recommendations and Albania's European Partnership commitments;  To contribute to the prevention of corruption in the education sector by improving transparency, accountability and social participation in the education system (project component implemented in close co-operation with the Directorate of Education).

In 2010 preliminary assessments on corruption for five selected policy areas were completed: public housing, competition, complaints against judges, immovable property registration and the health system. The assessments provide a solid basis for proper corruption risk assessments, which will enable the development of focused and comprehensive policies to prevent and tackle corruption. PACA engages the NGO community, notably in the corruption risk assessments, through discussion meetings focusing on key anti-corruption activities and policy areas.

Assistance to the main beneficiary, the Department of Internal Administrative Control at the Council Ministers (DIACA) and line ministries resulted in the approval of a substantially

improved Action Plan for 2010. In December 2010 PACA held a workshop which brought together all relevant institutions, independent experts, civil society representatives and Council of Europe representatives to prepare the first draft of the new Anti-corruption Action Plan for 2011-2013.

Legislative assistance for the development of anti-corruption legislation in line with international standards and best practices in the areas of political party finance, incriminations/criminal liability, conflict of interest, asset declarations, civil service legislation. An overall matrix of compliance with European anti-corruption conventions is made available complete with methodology to enable the

## Deliverables

authorities to avoid the passage of laws that could facilitate corruption.

The PACA project [Project against Corruption in Albania] and its experts have given concrete and commendable technical assistance in finding remedies to all technical and substantial difficulties encountered by the Working Group or DIACA [Department of Internal Administrative Control at the Council Ministers of Albania]. Technical guides were drafted for all line ministries which clearly instructed them how to draft one-year action plans, by outlining the difference and correlation between strategic objectives and measures; by way of explaining what the monitoring indicators were, and so on. Furthermore, the PACA project has provided assistance in the implementation of GRECO and MONEYVAL recommendations, by providing legal assistance both in the changes to the Criminal Code and the addenda and changes to the Law on Political Parties.

*Genç Pollo*  
 Minister for Innovation, Information Technology and Communication  
 Chair of the Inter-ministerial Working Group for Co-ordinating Implementation of the Anti-corruption Strategy of Albania

PACA developed guidelines and training modules (including a core Manual) for the investigation and prosecution of economic crime and the seizure/confiscation of assets. A number of trainings were held, including at regional level.

PACA provided extensive assistance in anti-money laundering policy, seizure and confiscation of assets, and investigation and prosecution of economic crime. The new/amended legislation on civil forfeiture can be implemented without violations of human rights and consequent annulment of forfeiture by the courts.

Assistance has begun in the key area of restricting the immunities of high public officials

In the area of education, PACA developed a framework for the inclusion of anti-corruption components into school curricula. Their further specification and implementation can provide a key mechanism to increase the resistance to corruption of the current school generation.

In addition, assistance has been provided to the finalisation of a draft Code of Conduct for Teachers, and a risk assessment of the education sector has been commenced by international experts.

**Eastern Partnership: Support to the Eastern Partnership Panel against Corruption (Bridge Activity)**

Project area	Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine
Funding	€30 000 European Union
Timeline	August to November 2010 (4 months)
Objectives	<i>Overall objective</i> Enhance the anti-corruption and good governance reform processes in the six Eastern Partnership countries through a multilateral advisory approach, in order to bring them closer to Council of Europe and European Union standards by strengthening capacities in the fight against corruption.
Expected results	Review processes and reforms in order to improve national and regional capacities of Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine) to prevent and combat corruption.

**Deliverables**

The Bridge Activities analysed the current status of national strategies and policies of

good governance and prevention of corruption in the six Eastern Partnership countries.

A questionnaire sent to each partner country, followed by three regional activities allowed for peer review and dialogue among practitioners and experts to address issues of concern and resulted in reports containing country profiles, stock-taking of current re-

forms, good practices and recommendations. European Union member states were also invited to provide information on their models, tools and approaches to preventing and combating corruption.

As the word "bridge" in the name "Eastern Partnership Bridge Activity" indicates, the project was designed as a link between previous and ongoing reforms carried out with

Council of Europe assistance and the anti-corruption component of the Council of Europe Eastern Partnership Facility Programme, forthcoming in 2011.

## Follow-up

### Follow-up project against money laundering and terrorist financing in the Russian Federation (MOLI-RU2)

Funding	European Union, €3 150 000 Council of Europe 4.76%; European Union 95.24%
Timeline	December 2006 to December 2010 (48 months)
Objectives	<i>Overall objective</i> To contribute to the prevention and control of money laundering and terrorist financing in the Russian Federation in accordance with European and other international standards and best practices; to enhance the capacities of the Federal Service for Financial Monitoring of Russia – Rosfinmonitoring as well as the judiciary and prosecution and to improve the legislative basis on which these institutions operate.
Expected results	Legislation compliant with Council of Europe and relevant international standards; the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198) is applied in practice; Rosfinmonitoring, Ministry of Interior, Federal Security Service have their training plans elaborated and implemented; prosecutors and judges, regulators and supervisors of the financial and legal services sector are supported in elaborating and implementing training plans in countering money laundering and terrorist financing.

In the last full year of the project, in cooperation with MONEYVAL and the secretariat of the Eurasian Group on Combating Money Laundering and Financing of Terrorism (Belarus, India, Kazakhstan, China, Kyrgyzstan, Russia, Tajikistan, Turkmenistan and Uzbekistan) three meetings and a study were organised on the risks of misuse of e-money in money-laundering/terrorist financing schemes. A comprehensive study of criminal money flows on the internet was prepared, to be adopted by MONEYVAL in 2011.

A handbook of European Union legal instruments on the anti-money laundering regulation of electronic payment systems was prepared.

A major regional conference discussed corruption in public administration and the ways for law enforcement agencies to combat the resulting money laundering

An international conference for the Russian banking sector was held, with the participation of over a hundred banks including the Central Bank, as well as Rosfinmonitoring, State Duma and legal experts.

A seminar for supervisors studied the application of risk-based approach to combating money laundering and terrorist financing.

Study visits to Financial Investigation Units in Estonia, Slovenia, Montenegro and Lithuania were organised for Rosfinmonitoring staff,

## Deliverables in 2010

notably analysts to study best practices in self-regulating organisations, detection and analysis of criminal funds in transit, supervision of non-financial businesses and professions, management of relationships with law-enforcement and security services and operational analysis of money flows between Russia and these countries.

The project co-operated intensively with the Nizhny Novgorod Academy of the Ministry of Interior in developing further its capacities to train law-enforcement officers. In five training courses a total of 218 detective officers were trained in anti-money laundering and disruption of the economic basis of terrorism.

The 2008 the evaluation process by the Financial Action Task Force/MONEYVAL/Eurasian Group published a report, clearly identifying problem areas in need of attention (Doc. FATF/ME (2008) 3 – Russian Federation). MOLI-RU2 worked closely with the beneficiary to ensure that these areas were addressed.

It is understood that the Russian Federation is now non-compliant on only one of the FATF 40+9 Recommendations. Non-compliance relates to activities of the Customs Service, who were not a MOLI-RU2 beneficiary.

The objective to enhance the capacities of key institutions of the anti-money laundering system of the Russian Federation (Rosfinmonitoring, judiciary, prosecution, law enforcement and financial sector) was met by the

During a study visit to training establishments in Italy, Academy officials and teaching staff discussed curriculum development and the introduction of an “e-learning” platform.

An international conference was co-organised to discuss corruption in the public administration and the methods for identifying and interdicting the consequent money laundering. The work of the conference has been published in the book *Legalization of criminal revenues and corruption in government agencies: theory, practice and methods of counteraction*.

provision of training events to more than 4 000 participants from relevant institutions. 14 training seminars were conducted in administrative regions of Russia including Murmansk, Vladivostok, Kaliningrad, and Kazan.

The overall success of the project is achieved not least because of the high degree of ownership by primary beneficiary, Rosfinmonitoring. The relationship with Rosfinmonitoring was sound at all levels and clear and workable procedures were in place for co-operation.

For the sustainability of the impact achieved by MOLI-RU2, other beneficiary institutions, such as the Judiciary and General Prosecutor’s Office need to be engaged in subsequent technical co-operation.

## Results and follow-up

Project against Money Laundering and Financing of Terrorism in Serbia (MOLI-Serbia)	
Funding	€2 200 000 Council of Europe 9.09%; European Union 90.91%
Timeline	November 2010 to October 2013 (36 months)
Objectives	<i>Overall objective</i> To contribute to democracy and the rule of law through the prevention and control of money laundering and terrorist and other forms of economic and financial crime in Serbia, by improving legislation, skills and operational capacities.
Expected results	Legislative proposals to make Serbian legislation compliant with European and international standards are made available;  Public support of efforts to prevent and control economic crime is increased.  The capacity of the Administration for the Prevention of Money Laundering in the Ministry of Finance to carry out its duties are increased.  Increased capacity of the Ministry of Finance, law enforcement agencies and judiciary to detect, investigate, prosecute and adjudicate in the money-laundering, terrorist financing and economic crime cases, including tracing criminal money on the Internet.  The capacity of regulators, supervisors and other institutions to implement the MONEYVAL recommendations and take measures based on risk analyses is increased.  Mechanisms and procedures are reinforced for interagency cooperation and information exchange, including between public and private sector.  Technical infrastructure needed to collect, analyse and exchange relevant information is improved.

The project started on 15 November 2010. Hence, the reporting period covers only part of the inception phase, which in 2010 included the launching of a specific project website,<sup>1</sup> the establishment of the project team (recruitment procedures for the Long

Term Consultant, Local Project Officer, Local Project Assistant and Project Assistant), a preliminary assessment of economic crime issues and the preparation of the project workplan.

1. See [http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/Projects/MOLI\\_Serbia](http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/Projects/MOLI_Serbia).

## Deliverables

### Serbia: Capacity building of the Directorate for Confiscated Property and Improving the System for Criminal Assets Confiscation (CAR)

Funding	€2 140 000 Council of Europe 6.54%; European Union 95.46%
Timeline	April 2010 to March 2013 (36 months)
Objectives	<i>Overall objective</i> To contribute to democracy and rule of law through the prevention and control of economic crime by developing of a criminal assets recovery system in accordance with European and other international standards, as well as MONEYVAL and GRECO recommendations for Serbia.
Expected results	The capacity of the Directorate for Management of Seized and Confiscated Assets to fulfil its tasks is increased and an institutional system for the search, seizure and confiscation of the proceeds from crime is established.  Legal framework compatible with international standards is developed; the Directorate for Management of Seized and Confiscated Assets and other key institutions have adopted proven methodologies for financial investigation, search, seizure, confiscation and management of criminal assets; effective mechanisms are in place to ensure co-operation of the Directorate for Management of Seized and Confiscated Assets with other key institutions of the assets recovery system as well as to guarantee efficient international co-operation; the technical infrastructure of key institutions to run financial investigations and analyse data on criminal assets is operational; the awareness of the public opinion in Serbia of the role of the asset recovery system in ensuring that “crime does not pay” is increased.

## Deliverables

The Law on seizure and confiscation of the proceeds from crime of Serbia entered into force in March 2009 (*Official Gazette* 97/08) and, by the autumn of 2009, all envisaged institutions were operational albeit with inadequate staffing.

CAR inception started in April 2010, and the project was launched with a Start-up Conference in July 2010, attended by ministers, high-level European Union and Council of Europe representatives and more than 100 participants from public administration, law-enforcement agencies and the judiciary.

CAR held a series of meetings with all relevant institutions in order to assess the perception of relevant actors concerning their experience in implementing the existing legislation and to identify shortcomings. Comments from the beneficiaries were compiled and analysed with a view to serve as a basis for work on follow-up recommendations. The project will provide continuous legislative assistance in amending the Law on seizure and confisca-

tion of the proceeds from crime as well as in drafting the by-laws necessary for the procedures for the assets management.

The judgments of the European Court on Human Rights relevant to assets recovery were the starting point for an expert needs-assessment mission in December 2010. The experts will prepare detailed Terms of Reference addressing the specific identified needs of each institution.

A first co-ordination meeting with other international organisations active in assets recovery was held in December 2010 to ensure that activities for 2011 are properly planned and duplication is avoided. These organisations include OSCE (Law Enforcement and Rule of Law Departments), UN Office on Drugs and Crime (UNODC) and USAID.

CAR will also be involved in related areas, such as the ongoing debate on the Criminal Procedure Code and proposed reform within the system of fight against trafficking in human

beings. Both will have impact on assets recovery legislation.

CAR is in an early stage and has not yet been evaluated. Nevertheless, the initial co-

### *Introduction*

In parallel with the advent of Internet and the massive educational, economic and cultural opportunities it has brought, a new phenomenon exploded – cybercrime. Cybercrime can no longer be stereotyped with the introvert computer geek operating from a garage or a bedroom – it has been appropriated by organised crime, because it brings rates of criminal profit on a par with drug trafficking, while offering much lower risk of prosecution and punishment.

The Internet is used for money laundering and terrorist financing, identity theft and fraud, child pornography, xenophobia and hate speech. Cybercrime grows and mutates into new forms with an alarming speed. We have become dependent on Internet not only for exchanging knowledge and information, but for maintaining power grids and the banking system, the security of air traffic, for supplying supermarkets and the upkeep of hospitals. Since so much of modern life is in computers, cybercrime poses a very serious threat to human rights.

Cybercrime poses a host of legal challenges – with no clear link to territory, how to determine jurisdiction – in terms of which state should prosecute an alleged offence, but also, how to carry out criminal investigations on the Internet efficiently and in full respect of applicable international law.

The Council of Europe is the depositary of the Budapest Convention (CETS No. 185), so far the only existing legally binding international treaty on cybercrime. It requires parties to criminalise offences against the integrity of computer data and systems, computer-related forgery and fraud, child pornography and infringement on copyright and related rights; to adopt procedural law measures for efficient investigations and securing elec-

operation with beneficiaries has been excellent and their commitment to the project's objectives confirmed.

tronic evidence and to engage in efficient international co-operation.

The fight against cybercrime is high on the agenda of both the Council of Europe and the European Union. The Stockholm Programme calls on European Union member states to ratify the Budapest Convention "as soon as possible", and it identifies the common goal to make this Convention "the legal framework of reference for fighting cybercrime at global level".

Cybercrime and Internet security are a global challenge that requires a global response.

They englobe many cross-cutting issues, such as the protection of children against sexual exploitation and abuse, the protection of personal data and a rights-based approach to internet governance in general.

With regard to cybercrime, the Council of Europe pursues a multi-stakeholder approach and co-operates with a wide range of public and private sector institutions and initiatives, and international organisations such as the Association of Southeast Asian Nations (ASEAN) Europol, INTERPOL, the Organisation for Economic Co-operation and Development (OECD), the Organisation of American States (OAS), with Internet service provider associations and with private industry (Microsoft, McAfee) and with civil society initiatives.

In the area of Co-operation on Internet Security and Cybercrime, Ordinary Budget funds are used for the Global Octopus Conference organised in Strasbourg, (the conference has become an indispensable event which secures for the Council of Europe a central place on the map of the global anti-cybercrime community), as well as for the Global Cybercrime Project-Phase 2 and for raising extra budgetary funds, which are indispensable to sustain the Council of Europe action to promote the Budapest Convention on Cybercrime.

## **Internet security and cyber-crime**

## Projects

Global Project on Cybercrime Phase 2	
Funding	Up to €1.4 million (not fully secured) from Council of Europe, Romania, Estonia, Monaco, Microsoft and McAfee
Timeline	March 2009 to December 2011 (34 months)
Objectives	<p><i>Overall objective</i></p> <p>To promote the broad implementation as a global reference of the Convention on Cybercrime (CETS No. 185) and its Protocol on Xenophobia and Racism (CETS No. 189) and related Council of Europe standards, such as the Convention on the Sexual Exploitation and Sexual Abuse of Children (CETS No. 201) and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No. 108).</p>
Expected results	Cybercrime policies and legislation are strengthened in accordance with the Convention on Cybercrime and its Protocol; the capacities of high-tech crime units, 24/7 points of contact and Financial Investigation Units are increased, notably in following money flows on the Internet; Internet service provider co-operation in the investigation of cybercrime is improved, training for judges and prosecutors in cybercrime and electronic evidence is institutionalised; data protection and privacy in connection with cybercrime investigations is improved and awareness is raised of Council of Europe standards against sexual exploitation and abuse of children and trafficking in human beings on the Internet.

## Deliverables



“Cyberspace may be virtual, but cybercrime is not. Computer crime knows no borders. That is why we need harmonisation and co-operation globally. If we cannot have a global treaty, we must have a global reference – and that reference is the Budapest Convention.” – Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe

In 2010 the guidelines for co-operation between law-enforcement agencies and Internet service providers in the investigation of cybercrime (developed under Phase 1 of the project and adopted at the annual Council of Europe global Octopus conference on cybercrime in 2008) were translated into Arabic, Georgian, Portuguese, Romanian, Russian, Spanish and Ukrainian. The project helped establish a working group in Ukraine to improve this co-operation.

The project promoted law-enforcement proposals to ensure due diligence and prevent criminal misuse of domains which were endorsed by the Governmental Advisory Committee of the Internet Corporation for Assigned Names and Numbers (ICANN).

Results of activities on the crucial issue of transborder access to data in cloud computing were referred to the Cybercrime Convention Committee which is now studying the possibility of a protocol to the convention.

The issue of data protection in connection with cloud computing was raised and discussed in multiple events, including the Octopus Conference in Strasbourg in March 2010.

The project promoted the implementation of a concept for training of judges and prosecutors on cybercrime and electronic evidence which has been elaborated earlier in Europe, ASEAN countries and Morocco.

Due to the cross-cutting nature of cybercrime, the project worked on many issues transversally, in co-operation with other projects and sectors.

For example, work on a joint typology study on criminal money flows on the Internet was done together by MONEYVAL, the Global Project on Cybercrime and the MOLI-RU2 project on money laundering in the Russian Federation. Meetings of the project team were held in Strasbourg and Moscow. In November 2010, a joint typology meeting of MONEYVAL and the Eurasia Group was organised. The study is expected to be adopted by MONEYVAL in April 2011.

In December 2010 in Kyiv, a regional workshop on criminal law measures against the sexual exploitation of children was organised in co-operation with the TRES Project on strengthening and protecting women’s and children’s rights in Ukraine.

In co-operation with Microsoft, the project ensured Council of Europe participation in the Safer Internet Day activities of the European Union.

The co-operation of the Council of Europe with the United Nations Congress on Crime

Prevention and Criminal Justice and the UN Crime Commission, the European Dialogue on Internet Governance (Madrid, Spain) and the Internet Governance Forum (Vilnius, Lithuania) were largely based on the outputs of the Global Project on Cybercrime.

Azerbaijan, Montenegro, Portugal and Spain ratified the Convention on Cybercrime; Turkey signed it.

As a result of progress in preparatory work in line with the Convention, Argentina and Australia were invited to accede.

Montenegro, the Netherlands and Portugal ratified the Protocol on Xenophobia and Racism committed through Computer Systems.

## Results

Joint project on Cybercrime in Georgia	
Funding	€220 000 Council of Europe 9.09%; European Union 90.91%
Timeline	June 2009 to May 2010 (12 months)
Objectives	<i>Overall objective</i> To contribute to the security of and confidence in information and communication technologies in Georgia.
Expected result	Georgia to develop a consistent policy on cybercrime in view of implementing the Convention on Cybercrime (CETS 185).

During the whole implementation period, 32 activities were carried out, two of them jointly with the Global Project on Cybercrime Phase 2.

While in 2009 most activities were legal opinions and workshops focusing on assessment of existing cybercrime and data protection legislation and identifying provisions that need reform, in 2010 the project supported legislative working groups, prepared training materials, organised “train the trainers” courses and encouraged co-operation between law-enforcement agencies and Internet service providers.

The project was instrumental in encouraging the signature of a Memorandum of Under-

standing between the law-enforcement agencies and Internet service providers in May 2010. Furthermore, a regional event was held on international co-operation in cybercrime investigations.

Further to a report advising the authorities on the steps to be followed in establishing a high-tech crime unit, a decision was taken to establish such a unit in the Criminal Police Department. Three investigators were assigned to the unit, which will also function as a 24/7 contact point. In the process, concrete examples and lessons learnt from Romania, Ireland, and Estonia were provided through project activities.

## Deliverables

The legislative amendments on cybercrime and data protection in line with international standards are now available. The new legislation will have a great impact on fighting against cybercrime in Georgia by providing the legal basis for investigating cybercrime at national and international level, including for public/private co-operation in such investigations.

The process of ratification of the Cybercrime Convention was initiated and will soon be completed.

Georgia took an active part in the development of a concept paper for the training of judges and prosecutors in cybercrime and electronic evidence. The High School of Judges and the Ministry of Justice have

## Results and follow-up

agreed that once the new legislation on cybercrime is adopted, the cybercrime training concept will be implemented in Georgia. The initial training will include modules on electronic evidence and cybercrime. More sustainable in-service cybercrime training – at

basic and advanced level – will be available for judges and prosecutors.

Georgia can be expected to play a leading role in the Eastern Partnership project component on cybercrime in 2011.

### Regional Co-operation in Criminal Justice: Strengthening Capacities in the Fight against Cybercrime (Cybercrime@IPA)

Project area	Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, Kosovo*, “the former Yugoslav Republic of Macedonia” and Turkey
Funding	€2 778 000 Council of Europe 10%; European Union 90%
Project partners	France (Ministry of Interior), Italy (Postal and Communication Police Service), Romania (Prosecution Service and National Police), Slovenia (Criminal Police), University College Dublin
Timeline	November 2010 to October 2012 (24 months)
Objectives	<i>Overall objective</i> To strengthen the capacities of criminal justice authorities of Western Balkans and Turkey to co-operate effectively against cybercrime
Expected results	<p>Cybercrime policies and strategies: Policy- and decision-makers are aware of cybercrime threats and human rights implications and have reached agreement on strategic priorities.</p> <p>Harmonisation of legislation: Amendments are drafted to bring legislation fully in line with the Convention on Cybercrime (CETS 185) and its Protocol on Xenophobia and Racism (CETS 189).</p> <p>International co-operation: Law enforcement and judicial co-operation against cybercrime is enhanced, based on Chapter III of the Convention on Cybercrime.</p> <p>Law-enforcement training: strategy agreed by Ministries of Interior and implementation initiated.</p> <p>Judiciary training: training on cybercrime and electronic evidence integrated into the curricula for judges and prosecutors.</p> <p>Financial investigations: capacities financial intelligence units and law enforcement in charge of following crime proceeds on the Internet improved and their co-operation with the financial sector strengthened.</p> <p>Co-operation between law-enforcement agencies and Internet Service Providers in investigations related to cybercrime strengthened.</p> <p>Assessments: Regional assessments carried out to determine progress made in terms of legislation, strengthening institutional capacities for the investigation, prosecution and adjudication of cybercrime and international co-operation.</p>

\* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

The inception phase of this project started on 1 November 2010 and concluded with the launching conference on 17 and 18 February 2011 in Istanbul.

During the first two months, all eight project countries/areas were visited for project planning purposes; a questionnaire on the cyber-

The project had an efficient start and is firmly on track. The commitment by counterpart authorities was confirmed and project teams established.

Plans for specific activities were developed and incorporated into a detailed workplan to be discussed and adopted at the launching conference. The preparation of a situation

crime situation and counter-measures taken was developed and circulated to allow the preparation of a situation report; Multi-agency project teams were created in all project areas and the project management team was established at the Council of Europe in Strasbourg.

report was initiated and the report will also be available at the launching conference. The report will establish the benchmarks against which to determine progress made in the course of the project. The workplan and situation report will serve as the roadmap of the project in 2011/2012.

## **Threats to human dignity: trafficking in human beings and violence against women**

### *Introduction*

Since the late 1980s the Council of Europe has adopted a variety of initiatives in the field of trafficking in human beings. Initially, activities aimed to raise awareness and encourage action. The awareness-raising actions made possible the setting-up of a legal framework to fight THB. On 3 May 2005 the Committee of Ministers adopted the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197). The main added value of the Council of Europe convention, in relation to other international instruments, lies in its principal approach to trafficking in human beings as a violation of human rights, human dignity and integrity (rather than as a crime problem). The convention is also unique thanks to its independent monitoring mechanism, consisting of two pillars: the Group of Experts on Action against Trafficking in Human Beings (GRETA), a technical body, composed of independent and highly qualified experts; and the Committee of the Parties, a political body, composed of the representatives of the Parties to the Con-

vention in the Committee of Ministers of the Council of Europe, as well as of representatives of Parties which are not member states of the Council of Europe.

The Convention entered into force on 1 February 2008. To date, 43 countries have signed the Convention and 33 of them have ratified it.

With no ordinary budget allocated to co-operation activities to provide assistance to member states to combat trafficking in human beings, activities in 2010 focused on establishing priorities, developing contacts and project proposals to promote the convention to identify areas for possible action, interested beneficiaries and potential donors.

Efforts were made to build synergies with other on-going activities, notably the activities carried out by the Directorate of Monitoring. The first GRETA reports are due in 2011 and, in the course of the year, the Directorate of Co-operation will explore the possibilities of developing targeted co-operation activities.

## **Deliverables**

## **Follow-up**

## **Equality, diversity and protecting the rights of the vulnerable**

## Projects and targeted co-operation activities

Combating and preventing trafficking in human beings in Azerbaijan	
Funding	€100 000 Voluntary contribution by Germany (overall contribution €195 000)
Timeline	October 2010 to March 2011 (6 months)
Objectives	<i>Overall objective</i> To contribute to the strengthening and protecting of human rights through the prevention and control of trafficking in human beings in Azerbaijan.

## Deliverables

This project consisted of two training workshops targeting officials of the leading state institutions responsible for the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197), which entered into force in the country on 1 October 2010.

The training courses presented good practices and innovative approaches of other countries in this respect and provided a platform for discussion among Azerbaijani stakeholders. Special consideration was given to GRETA as an independent monitoring mechanism which, on an equal basis, monitors the

implementation of the convention by state parties.

Some 100 participants benefited from the training: officials from the Ministries of Internal Affairs, Justice, Foreign Affairs, the Ombudsman, Interpol Baku and representatives of NGOs active in the field as well as judges, prosecutors and barristers from Baku, Sumgait, Ghandja, Shirvan, Sheki and Lenkoran.

Both seminars were attended by international experts from organisations dealing with combating trafficking in human beings, as well as GRETA members, police and prosecution representatives and academics from the Council of Europe member states.

## Results

Awareness of the Council of Europe anti-trafficking convention has been increased among relevant professional groups, its victim-oriented approach and about good practices in its implementation, including relevance of definitional issues such as "purpose of exploitation", "consent of the victim", entitlement of victims to support and compensation, prosecution – including *ex-officio* action, role of victim's testimony and the role of NGOs in court proceedings and in general in support of anti-THB measures.

The relevance of the European Court of Human Rights' ruling in the case of *Rantsev v. Russia and Cyprus* was discussed with regard to the obligation of the State to provide training for the officials concerned with trafficking in human beings, notably on the identification and consultation of victims.

Institutional capacity and skills for action against trafficking in human beings have been strengthened.

## Follow-up

The Ministry of the Interior is interested in organising further seminars on preventing and combating trafficking in human beings. Further practical exercises are needed for specific groups of professionals confronted with trafficking in human beings, such as border guards and migration officers. The training should focus on a victim-orientated approach and the human rights perspective with regard

to fighting trafficking in human beings in Azerbaijan. Specific measures should be adopted in order to facilitate the identification of victims.

*Another project, Strengthening and Protecting Women's and Children's Rights in Ukraine (TRES), is a cross-cutting one, covering both trafficking in human beings and women's as well as children's issues. See below, page 58.*

## Children's rights

### Introduction

The Council of Europe addresses children's rights in a transversal way, by combining the tools of standard-setting, monitoring, and policy development and co-operation activities in the areas of education, training and communication.

These activities aim to encourage member states to create effective mechanisms to prevent and curb violence against children and sexual exploitation of children, to reform the judicial system to better understand and protect children's rights, be it as perpetrators of crimes or as victims and witnesses, and to set up the conditions necessary to ensure that children's rights in everyday life are respected.

Since no ordinary budget was allocated for activities for children in 2010, efforts focused on building synergies with on-going activities, notably the Programme "Building a Europe for and with children" and the launching of the Council of Europe campaign to stop sexual violence against children.

At the request of Romanian authorities, the Division prepared an expert opinion on the

In the area of promotion the relevant Council of Europe standards, notably the European Social Charter (Revised), the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), the Council of Europe Guidelines on Child-Friendly Justice and the Convention on Action against Trafficking in Human Beings (CETS No. 197).

Concept papers were prepared for "Preventing sexual exploitation and abuse of children, lessons in primary schools", "Eradicating all forms of violence against children: an integrated approach" and "Child-friendly justice". Detailed project proposals were developed on child-friendly justice (a template for Council of Europe promoting the Guidelines on child-friendly justice and a specific project proposal on the implementation of child-friendly justice) and on action against trafficking in human beings (for training and for forensic interviewing and child-friendly, multidisciplinary response to child sexual abuse).

new draft Law on the Legal Status of Adoption.

Projects and targeted co-operation activities

Project on Strengthening and Protecting Women's and Children's Rights in Ukraine (TRES)	
Funding	€1 200 000 Council of Europe 10%; European Union 90%
Timeline	August 2008 to March 2011 (31 months)
Objectives	<i>Overall objective</i> The main objective of the project is to help decision-makers and all relevant stakeholders to bring existing Ukrainian legislation, practice and mechanisms in conformity with the European standards as regards the protection of children against sexual exploitation and abuse, gender equality and the protection of women and children against violence, including domestic violence.

These include a total of 16 meetings (seminars, workshops, steering committee meetings, expert meetings and round tables); 1 international conference, 1 regional conference, 3 study visits, 1 legal expert opinion, the drafting of 10 documents and provision of practical tools including manuals, training curricula, analysis of court practices, proceed-

ings, draft amendments to the laws, and 4 publications.

A comparative analysis of the guarantees of children's rights and gender equality in different European states helped the Ukrainian authorities in adopting a systematic approach to women's and children's rights and setting up a modern national policy aiming at overcoming

Deliverables in 2010

the deficiency of gender sensitivity. In December 2010 a round table discussion of the compatibility study was held in the Verkhovna Rada, followed by a plenary meeting of the Rada convened by the Speaker to discuss legislative changes in order to improve the protection of children's rights.

An Expert meeting on "Legislation and practice in the protection of children from violence" with the Committee on Family, Youth, Sport and Tourism of the Parliament of Ukraine examined the need for new legal provisions to meet the requirements of the Council of Europe Conventions on the Protection of Children against Sexual Exploitation and Abuse (CETS No. 201) and on Action against Trafficking in Human Beings (CETS No. 197) and the European Social Charter (Revised).

The inter-ministerial Working Group on preparing the law on the ratification of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), led by the Ministry of Justice, was provided with international expert advice on criminal measures against the abuse of children for pornography and prostitution purposes. This contributed to the elaboration by the Ministry of Justice of draft amendments to relevant national legislation, which have been submitted for public consultation. The project also provided advice relevant to provisions of the Convention on Cybercrime (Article 9 on child pornography).

A study visit to Estonia for Members of Verkhovna Rada and staff from the Ministry of Justice, Ministry for Family, Youth and Sport

## Results

Awareness about women and children's rights issues, including THB and sexual offences via Internet has been raised among the police, social workers and other key professional groups and NGOs. Practical tools such as the Guidelines "Prevention of human trafficking - lesson in secondary schools" and the Manual "Protecting Women's and Children's Rights by the Judicial and Law Enforcement Authorities of Ukraine" are now available in all the regions of Ukraine and being used by teachers, social workers and law enforcement.

The skills of police, prosecutors and judges have been strengthened in tackling cases of domestic violence and cases of sexual exploitation of children, including child prostitution and child pornography. The debate on vio-



Judges from ten regions of Ukraine were provided with practical information on various aspects of cases related to the participation of minors in court proceedings and to cross-border human trafficking.

To ensure effective access to justice for children, the project translated the Council of Europe Guidelines on Child-friendly justice and promoted them among its partners. Ukrainian authorities were provided with recommendations covering Ukrainian policy, institutional and legislative issues, implementation mechanisms and practices in line with European standards in the field of gender equality and children's rights.

and Ministry of the Interior improved their skills in dealing with child victims and witnesses of sexual offences.

The project launched regular meetings with other international organisations active in protection of women and children in Ukraine. The International Labour Organisation, UNDP and UNICEF were invited as observers to the Steering Committee.

lence against children, including smacking, has been initiated at both governmental and parliamentary levels.

Around 1 000 representatives of central and regional authorities, responsible for the required reforms and the implementation of the legislation with regard to gender equality and children's rights have been trained; training curricula are now available.

Educational prevention programs for children and youths in the field of human trafficking have been initiated and tools for dealing with this issue are now available.

The project finalised and promoted the Ukrainian version of the Council of Europe Policy Guidelines on integrated national strategies for the protection of children from vio-



“The Council of Europe has developed a legal instrument to protect children and to provide assistance to victims: this is the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention).

We can say without exaggeration that it is the most comprehensive and most innovative instrument worldwide today, as it even refers to very recent forms of child abuse, for example through new media and the Internet.” – Mevlüt Çavuşoğlu, President of the Parliamentary Assembly

lence, in order to enhance the human capacities of key institutions dealing with violence against children.

Social workers from all the regions of Ukraine, specialists in the area of state social service, were provided with tools to shape practices relating to work with perpetrators of domestic violence.

The project supported the preparation, publication and promotion among law enforcement agencies of the “Prevention of Domestic Violence – Manual for the Police”. The publication highlights the work of the police units responsible for the prevention and eradication of domestic violence and sets out good practices on how to deal with victims of domestic

violence. The manual is now available in all 2000 police precinct stations in Ukraine.

A Task Force was formed and an action plan for the establishment of child helpline services to assist sexually abused children was prepared.

The preparation of the ratification of Convention CETS No. 201 has been accelerated.

In November 2010 Ukraine ratified the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197).

A Working Group on developing a national strategy for the protection of children against sexual exploitation and abuse was set up within Parliament with representatives from different ministries and NGOs in Ukraine dealing with the protection of children’s rights.

National experts prepared a legal compatibility study with regard to the prosecution and prevention of violence against women and children in Ukraine. It identified gaps and provided recommendations to bring Ukrainian legislation in line with European standards. As a result, the Speaker of Verkhovna Rada convened a general assembly to discuss the need for legislative changes in order to enhance the protection of children’s and women’s rights.

The project has paid special attention to involve national experts in the preparation of working documents and studies. It has thus contributed to the sustainability of the project results in the long term.

## Promoting democratic governance and stability

### Good Governance, Internet and Media

#### Introduction

On the legal basis of the European Convention of Human Rights and the case-law of the European Court of Human Rights, the Council of Europe has developed a comprehensive body of “soft law” standards on freedom of expression and information and freedom of the media comprising 89 Committee of Ministers’ texts (recommendations, declarations, resolutions and guidelines) and 81 recommendations and resolutions by the Parliamentary Assembly of the Council of Europe.

These texts serve as a reference point for all 47 member states and for other actors such as the European Union, the OSCE and media watchdog organisations.

Contrary to other areas, in the sensitive field of freedom of expression and information and freedom of the media there are no conventional monitoring mechanisms such as GRECO or MONEYVAL. The identification of problem areas comes from the case-law of the European Court of Human Rights, the reports of the Commissioner for Human Rights of the Council of Europe and the peer review mechanisms of the Council of Europe as well as from other intergovernmental organisations (OSCE, United Nations) and also from numerous non-governmental organisations and watchdog groups, which are particularly active in this area.

Guaranteeing the right to freedom of expression and information in all member states has to be a permanent priority for the Council of Europe.



T-shirts promoting the Council of Europe’s core principles, including freedom of the media, have been produced.

The main tools for promoting the implementation of Council of Europe standards are assistance and co-operation activities, targeting mainly public officials, media professionals and civil society. These can take multiple forms, such as:

- Ad hoc activities in response to a request by a member state – for example, in 2010 in Armenia, Council of Europe expert analysis and assistance led to significant improvements of the Law of the Republic of Armenia on television and radio; and in Serbia, some 30 judges were trained on Article 10 of the European Convention on Human Rights and the relevant case-law of the European Court of Human Rights. In Montenegro, expert advice was provided on reforming liability for defamation, and on the digitisation process;
- Regional activities – for example, in 2010 a conference in Tbilisi, organised under the auspices of the Swiss chairmanship of the Committee of Ministers of the Council of Europe, reviewed the challenges to guarantees of freedom of expression in Armenia, Azerbaijan, Georgia, Moldova and Ukraine and formulated strategies for further assistance for each of the five member states and for regional co-operation;
- Awareness-raising – for example, in 2010 in Albania the booklet *Living together* about Council of Europe standards in the media field concerning living peacefully and harmoniously in a democratic society was translated and disseminated.

The activities mentioned above were put into practice with Ordinary Budget resources, which in 2010 amounted to €82 000. For bigger programmes and impact, extra budgetary resources were used.

To maximise the effectiveness, the Media Section ensured close co-operation and co-ordination with the European Union and its Delegations in beneficiary countries, the OSCE Representative on Freedom of the Media, OSCE field missions and non-governmental organisations.

Promoting European Standards in the Ukrainian Media Environment	
Funding	€2 209 000 Council of Europe 10%; European Union 90%
Timeline	September 2008 to December 2012 (52 months)
Objectives	<p><i>Overall objective</i></p> <p>to raise standards of journalism with a view to ensuring that the Ukrainian public is better informed about political and social processes and to provide continuing support for enhancing the legislative framework for media.</p> <p><i>Expected results</i></p> <p>Legislative framework for the public service broadcasting aligned with European standards and adopted, including a viable funding model for the public service broadcaster;</p> <p>For the digital switchover, the legal basis in line with European standards is finalised and interagency council functioning;</p> <p>Advocacy for a code of ethics and improved professional standards in journalism;</p> <p>Improved co-operation between media, civil society and state administration officials.</p>

Expert assistance provided at the drafting and pre-adoption stage of the Law on Access to Public Information helped bring the law closer to Council of Europe standards. The law was adopted by the Ukrainian Parliament in January 2011.

Dedicated seminars assisted Ukrainian experts in their work on the alignment of advertising and broadcasting laws with the European Convention on Transfrontier Television.

Expert analysis of the Law on Telecommunications in the light of the European Union regu-

latory framework helped advance the process of reforming the law.

Beneficiary ownership was weaker as regards concentration and transparency of media, as well as for the establishment of a genuine public-service broadcaster.

A high-level conference “Safeguards for Media Pluralism in Ukraine” with the participation of the OSCE Representative on Freedom of the Media, Ms Dunja Mijatović, adopted recommendations for continuing the reforms in the media field in co-operation with the Council of Europe and other organisations.

## Deliverables in 2010

**Ms Dunja Mijatović assumed the post of OSCE Representative on Freedom of the Media in March 2010. Her first participation in another organisation’s event was in the Council of Europe conference in Tbilisi in April 2010.**

In the photo, Ms Mijatović at the Council of Europe conference “Safeguards for media pluralism in Ukraine” in Kyiv in October 2010. To her right, Ambassador José Manuel Pinto Teixeira, Head of the European Union Delegation in Ukraine; and to her left, Ms Hanna Herman, Deputy Head of the President’s Administration, and Mr Andriy Shevchenko, Parliamentary Committee on Freedom of Expression and Information.



Based on the evaluation of the results achieved, the European Union agreed to

extend the project for another two years, with fresh funding.

## Results

## Democracy Support Programme in the Republic of Moldova – media component

Funding	Overall budget €4 000 000; media component €380 000 European Union
Timeline	January 2010 to June 2011 (18 months)
Objectives	<p><i>Overall programme objective</i></p> <p>Strengthen the judiciary, the prosecution service, the police, the ombudsman institution, the media and the Parliament of Moldova, through the application of European standards in their work.</p> <p><i>Objective of the media component</i></p> <p>To promote the freedom and pluralism of the media in Moldova, in particular through:</p> <ul style="list-style-type: none"> <li>• strengthening the professionalism and introducing guarantees for the independence of the broadcasting regulatory authority, the Co-ordinating Council on the Audiovisual;</li> <li>• establishing Teleradio-Moldova as a genuine public-service broadcaster with an independent editorial line;</li> <li>• facilitating dialogue on ethical and responsible journalism.</li> </ul>

### Deliverables in 2010

The Council of Europe assisted the Co-ordinating Council on the Audiovisual (CCA) to develop a new media monitoring methodology and to train staff on its use. This dramatically improved the CCA's capacity for independent and transparent media monitoring in accordance with European standards. The CCA successfully used the new methodology to monitor the media coverage of early parliamentary elections and issued three detailed media monitoring reports. Its work was commended by national and international media organisations.

Extensive training and coaching for Teleradio Moldova management and staff significantly improved the debates on the constitutional

referendum aired by the public-service broadcaster and, more generally, the quality of its political programmes.

Outside public-service broadcasting, some 30 Moldovan journalists were trained on issues related to the effective and balanced coverage of election- and referendum-related stories.

The Code of Ethics for Journalists was analysed and suggestions were made to bring it in line with European standards. On this basis, a working group of media professionals prepared a new draft Code. It was extensively discussed by journalists throughout Moldova with a view to its wide adoption.

### Follow-up

Observers noted a significant improvement in the independent and professional functioning of the public-service broadcaster and the broadcasting regulatory body. The work towards adopting a journalistic code of ethics has also made very good progress.

The project continues into 2011. It will be complemented by activities under a newly started two-year joint programme "Promoting freedom, professionalism and pluralism of the media in the South Caucasus and Moldova" (€2 million, 2011-2012).

### Supporting the development of journalism teaching in Azerbaijan

Funding	€620 840 Voluntary contributions by Norway and Turkey
Timeline	September 2008 to December 2010 (28 months)
Objectives	<p><i>Overall objective</i> Improve the professionalism of journalism graduates in Azerbaijan.</p> <p><i>Expected results</i> Journalism curriculum and teaching practices are brought in line with European standards; journalistic and pedagogical skills of university lecturers are improved; Teaching materials, including online learning courses and textbooks are developed, and stronger links are forged between journalism students and the media industry.</p>

Technical know-how on best practices of journalism teaching was provided by the BBC World Service Trust in co-operation with the Dublin Institute of Technology and the Norwegian Institute of Journalism. The Council of Europe ensured that the aims of the reform and the content of the curriculum were in line with the organisation's standards. The key

beneficiary was the Journalism Department at Baku Slavic University.

Curriculum modernisation (practice-based journalism teaching, improve the skills of university lecturers; devise a modular curriculum including TV and radio journalism, ethics, new media and photojournalism).

The project enjoys a strong sense of ownership by the teaching staff at the Baku Slavic University and excellent support from the Rector and the management of the university.

The Scientific Council of Baku Slavic University approved the new modular journalism curriculum. Another university, the largest in the country – Baku State University – has expressed its interest in benefiting from a similar project.

Deliverables in 2010

Results

### Action Plan for Pre-electoral Assistance in Azerbaijan, Media Component

Funding	€77 025 (for the media component)
Timeline	April to December 2010 (9 months)
Objectives	<p><i>Overall objective</i> To assist Azerbaijan in conducting the 7 November presidential elections in line with international standards.</p> <p><i>Objective of the media component</i> To assist Azerbaijan in achieving fair, balanced and impartial media coverage of the election campaign.</p>

In the run-up to the presidential elections, television, online and print journalists were trained in Baku and in Mingachevir on the fair and balanced media coverage of election campaigns.

presidential elections, on media performance and ways of improving the coverage.

Monitoring of elections coverage by selected television channels and printed media started on 7 October, and lasted for a month. Two monitoring reports were produced, an interim and a final one. A dedicated seminar in Baku discussed lessons learned and drew conclusions.

A televised debate was held between an international expert and local professionals on the responsibilities of media in the run-up to the

Deliverables and results

An important achievement of the project was that it raised the awareness mainly of media professionals but also of public authorities and the general public of the importance and

the substance of fair, balanced and impartial media coverage of election campaigns. The project report suggests areas for further improvement.

### Action Plan for Pre-electoral Assistance in Bosnia and Herzegovina, Media Component

Funding	€81 860 (for the media component)
Timeline	February to November 2010 (10 months)
Objectives	<p><i>Overall objective</i></p> <p>To assist Bosnia and Herzegovina in conducting the 3 October general elections in line with international standards.</p> <p><i>Objective of the media component</i></p> <p>To assist Bosnia and Herzegovina in achieving fair, balanced and impartial media coverage of the election campaign.</p>

## Deliverables and results

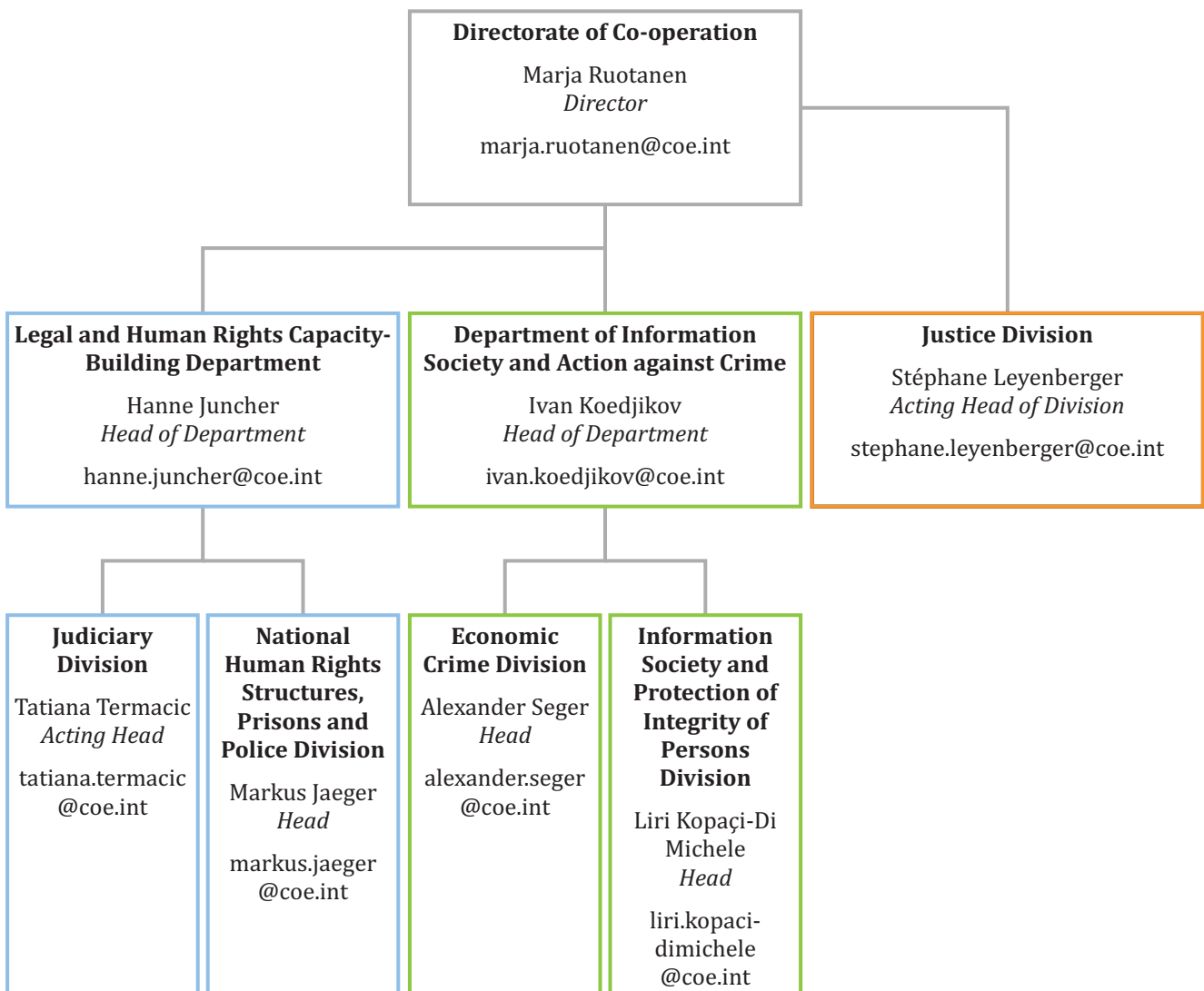
Council of Europe standards regarding media independence and election coverage were presented to journalists and members of political parties during two conferences held in Sarajevo and Neum.

Four workshops on fair and balanced media coverage of election campaigns for journalists from print and electronic media were organised and in May 2010, journalists and news editors took part in a study visit to North Rhine-Westphalia to gain first-hand experience on the local elections held there.

Monitoring of the media coverage of the election campaign was conducted by a professional association from 3 September to 1 October; special press conferences were held at the beginning of the official campaign and to announce the monitoring results – mid-term and at the end (in Sarajevo and Banja Luka).

Local media professionals' associations have taken ownership of these issues and are planning a systematic effort to continue training journalists on the fair and balanced coverage of elections.

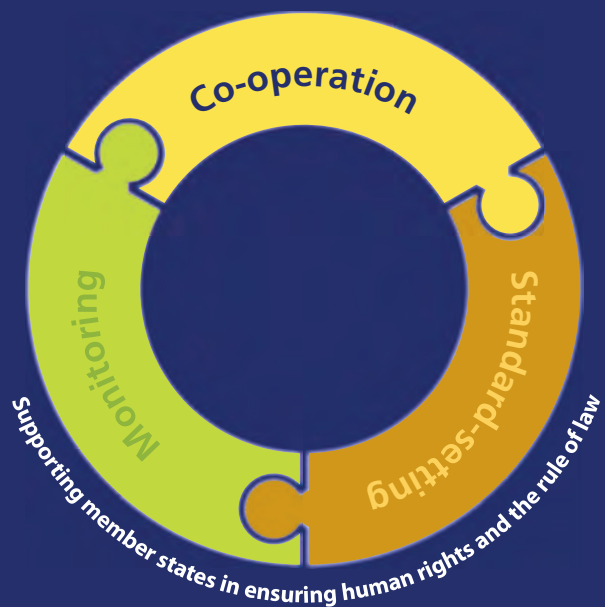
# Organisation chart of the Directorate of Co-operation



For more information, consult our web pages: [www.coe.int/dghl/cooperation](http://www.coe.int/dghl/cooperation)

Directorate General  
of Human Rights and Legal Affairs  
Council of Europe  
F-67075 Strasbourg Cedex

[www.coe.int/justice](http://www.coe.int/justice)



Directorate General of Human Rights and Legal Affairs  
Council of Europe  
F-67075 Strasbourg Cedex  
[www.coe.int/justice](http://www.coe.int/justice)

