



**OSCE Human Dimension Implementation Conference**

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**Working Sessions 8 and 9: Rule of Law**

**Contribution of the Council of Europe**

**THE COUNCIL OF EUROPE AND  
THE RULE OF LAW**

The rule of law, the efficiency and quality of independent judicial systems in its member states, as well as the means to ensure its implementation, remain a main issue for the Council of Europe.

The actual programme for cooperation of the Council of Europe in the field of rule of law was established following the conclusions of the Third Summit held in Warsaw in May 2005 where the Heads of State and Government of the member states of the Council of Europe, emphasised the need to reinforce the protection of human rights and committed themselves to strengthening the rule of law and the security of citizens throughout the continent, building on the standard-setting potential of the Council of Europe, its mechanisms of legal co-operation and its contribution to the development of international law. They stressed the role of an independent and efficient judiciary in the member states in this respect (Warsaw Declaration of 17<sup>th</sup> May 2005). They decided to develop the evaluation and assistance functions of the European Commission for the Efficiency of Justice (CEPEJ) and to make proper use of the opinions given by the Consultative Council of European Judges (CCJE) in order to help member states to deliver justice fairly and rapidly and to develop alternative means for the settlement of disputes (Action Plan adopted by the Third Summit, 17<sup>th</sup> May 2005).

**1. The European standards and their implementation**

**Longer-term future of the system of the European Convention on Human Rights**

In 2015, the Steering Committee for Human Rights (CDDH) and the Committee of experts on the reform of the European Court on Human Rights (DH-GDR) finalised their work on the follow-up to the Declaration adopted at the High-level Conference on the Future of the European Court of Human Rights, held in Brighton, the United-Kingdom, on 19-20 April, regarding more particularly the longer-term future of the Convention system. This work led to the adoption, by the CDDH, of its report on the longer-term

future of the system of the European Convention on Human Rights (document CDDH(2015)R84, published in 2016). Four overarching areas have been considered important for the long-term effectiveness and viability of the Convention system: national implementation of the Convention; the authority of the Court; the execution of judgments and its supervision; and the place of the Convention mechanism in the European and international legal order. For each of these areas, the present and future challenges have been identified, along with the responses to be provided by all actors of the Convention system.

The authority of the Convention and its implementation remain among the main challenges for the Convention system. The report provides proposals for further actions aimed at better national implementation of the Convention, building upon the high-level Declarations adopted in Brighton and Brussels (26-27 March 2015).

The authority of the Court requires two challenges to be addressed: its caseload and the authority of the case law. Concerning the challenge of the caseload, the report focuses on the measures needed to respond to the main remaining challenges: the clearing of the backlog of non-repetitive pending cases, both priority and non-priority ones, the reduction and the handling of the annual influx of cases in general, large-scale violations as well as systemic issues.

In order to respond to the challenge of the authority of the case law, it is essential to ensure that the judges of the Court enjoy the highest authority in national and international law. The CDDH concluded that a comprehensive approach is needed when examining the whole selection and election process including all factors that might discourage possible candidates from applying. This work started in 2016.

The authority of the Court's judgments is examined under two angles: the process of execution of judgments by the High Contracting Parties and its supervision by the Committee of Ministers. Finally, concerning the place of the Convention mechanism in the European and international legal order, it is considered that the credibility of the Convention mechanism could be undermined if the Convention were to be interpreted in a manner inconsistent with States' commitments under other treaties, whether regional or global, or if the interpretation of such treaties were incompatible with the States' commitments under the Convention. The CDDH concluded that in-depth analysis of these issues and the mid-and-longer-term perspectives should be conducted. This work will start in 2017.

See: [www.coe.int/reformECHR](http://www.coe.int/reformECHR)

The **European Committee on Legal Co-operation (CDCJ)** is the intergovernmental steering committee which is responsible for standard-setting in the areas of public and private law aimed at helping Council of Europe member states meet the challenges of rapidly evolving societies, whether they concern protection of the individual, the family, civil society, the courts and the judiciary, access to justice, the public administration, or private business. It is the key point of reference for all questions of civil law and procedure in these areas.

The CDCJ is about to complete the preparation of draft recommendation of the Committee of Ministers to member states on the legal regulation of lobbying activities in the context of public decision-making. The aim of such legal instrument is provide

greater transparency in the activities of lobbyists, and strengthen public confidence in public decision-making

The CDCJ is working on a codifying instrument existing international standards relating to the conditions of migrants in administrative detention. The outcome of this work will enable national authorities and migrants' representatives to refer to a common set of standards in this area. Started in May 2016, this exercise is expected to be completed by the end of 2017.

See: [www.coe.int/CDCJ](http://www.coe.int/CDCJ)

## **2. Development and promotion of human rights**

Recommendation CM/Rec(2016)3 of the Committee of Ministers to member States on human rights and business, was elaborated by the Steering Committee for Human Rights (CDDH) in 2015 and adopted by the Committee of Ministers on 2 March 2016. The CDDH also prepared a feasibility study on the impact of the economic crisis and austerity measures on human rights in Europe and an analysis of the legal situation at international level and in Council of Europe member States on combating and preventing female genital mutilation and forced marriage, and transmitted them to the Committee of Ministers.

The CDDH finalised Guidelines on the promotion and protection of human rights in culturally diverse societies, adopted by the Committee of Ministers on 2 March 2016, accompanied by a compilation of Council of Europe standards. It held a high-level Seminar on protection and promotion of human rights in culturally diverse societies (Strasbourg, 13-14 June 2016).

See: [www.coe.int/cddh](http://www.coe.int/cddh)

## **3. Defining the content and assessing the respect for the rule of law**

The Venice Commission, the Council of Europe's body in charge of constitutional matters, addressed the issue of the rule of law with a double aim: first, to define its content and, second, to provide an instrument to assess its implementation.

This first led, in 2011, to the adoption of the report on the rule of law. This study explored at the outset the possibility of reaching a consensual definition of the rule of law which may help international organisations in completing their task of disseminating this fundamental value.

In this report, rather than searching for a theoretical definition, the Venice Commission adopted an operational approach and concentrated on identifying the core elements of the rule of law. These are:

1. legality (supremacy of the law);
2. legal certainty;
3. prevention of abuse of powers;
4. equality before the law and non-discrimination
5. access to justice, including independence and impartiality of the judiciary and the right to a fair trial.

In order to make it possible to assess whether the principle of the rule of law is implemented in an objective, thorough, transparent and equal manner, the Venice Commission then drafted a the rule of law checklist, which it adopted in March 2016.

The rule of law checklist may be used by a variety of stakeholders: state authorities, international organisations, non-governmental organisations, scholars and citizens in general. Its first addressees are the States themselves.

In the rule of law checklist, the five core elements quoted above, or benchmarks, are sub-itemised into detailed questions to assess the degree of respect for the rule of law in any given country.

- The principle of legality is at the basis of every established and well-functioning democracy. It entails the supremacy of the law, namely the fact that the State action must be in accordance with and authorised by the law. The law should establish the relationship between the international and the national law and sets out the cases in which exceptional measures could be adopted to derogate the normal regime of protection of citizens' rights.
- Legal certainty involves the accessibility of the law. The law must be certain, foreseeable and easy to understand. Basic principles such as *nullum crimen sine lege*/*nulla poena sine lege*, or the non-retroactivity of the criminal law are bulwarks of the legal certainty.
- Preventing the abuses of powers means having in the legal system safeguards against arbitrariness; providing that the discretionary power of the officials is not unlimited, and it is regulated by law.
- Equality before the law is probably the principle that most embodies the concept of rule of law. It is paramount that the law guarantees the absence of any discrimination on grounds such as race, sex, colour, language, religion, political opinion, birth, political power etc. Similar situations must be treated equally and different situations differently. Positive measures could be allowed as long as they are proportionate and necessary.
- Access to justice implicates the presence of an independent and impartial judiciary and the right to have a fair trial. The independence and the impartiality of the judiciary are central to the public perception of the justice and thus to the achievement of the classical formula: "justice must not only be done, it must also be seen to be done"
- Finally, the checklist addresses some cases in which some particular actions and decisions can hinder and weaken the rule of law. It could be the case of corruption for example, with the presence of a weak criminal system to fight bribes, grafts and misuse of public money; but also of conflicts of interest between a public office and private gains. It could also be the case of collection of data and surveillance – targeted surveillance, strategic surveillance, and video surveillance - in a time when the increasing use of information technology has made them possible to an extent which was unthinkable in the past.

The assessment of the respect for the rule of law will not merely consist of counting the right answers to the questions put in the checklist: it is intended to provide a global overview of the situation, while focusing on the respect for the most important criteria.

See: [www.venice.coe.int](http://www.venice.coe.int)

#### **4. Improving the organisation of judicial systems**

The **European Commission for the efficiency of justice (CEPEJ)** aims to improve the efficiency and quality of the day-to-day functioning of the justice systems of member states, thereby generating increased confidence of the citizens in the public service of justice, preventing appeals to the ECHR based on Article 6 and enabling a better implementation of the Council of Europe's relevant instruments (conventions and recommendations in the justice filed).

The CEPEJ reports evaluating judicial systems in 45 states (and Israel as Observer), and a new dynamic data base, will be published on 6 October 2016 and disseminated among policy makers, justice professionals and the public. The CEPEJ Study on the functioning of judicial systems in EU member states is forwarded annually to the EC to provide information allowing it to prepare its "EU Justice Scoreboard".

New tools for judicial time management are being developed by the CEPEJ SATURN Centre for all member states, and specific recommendations are provided to specific courts at their request. New guidelines to improve the quality of judicial systems are made available to policy makers and judicial practitioners.

CEPEJ findings and methodology are used to orient judicial reforms in many member states and beyond, including through CEPEJ cooperation programmes (Albania, Azerbaijan, Croatia, Latvia, Republic of Moldova, Turkey, Kosovo \*, Morocco, Tunisia, Jordan).

see: [www.coe.int/cepej](http://www.coe.int/cepej)

## **5. Strengthening the judicial professions**

Unless the right training is provided for the legal professions, judicial systems cannot function effectively and will forfeit public trust. Therefore the Council of Europe attaches special importance to dialogue with members of the judicial service, who play a key role in promoting the rule of law and protecting fundamental rights and individual freedoms.

### ***Reinforcing the independence and impartiality of judges and co-operating with prosecutorial systems***

The **Consultative Council of European Judges (CCJE)** is the first body consisting solely of judges ever set up within an international organisation, and in this respect it is unique in Europe. It supports the Committee of Ministers in carrying out the priorities for safeguarding the status of judges in Europe and strengthening of the role of judges in Europe and advises on whether it is necessary to update the legal instruments. The CCJE has already adopted 18 Opinions for the Committee of Ministers. An Opinion on "the role of court presidents" will be finalised soon. Information on the situation of the judiciary and judges in the member states is regularly updated by the CCJE, which has also provided recently opinions on specific issues regarding the status of judges in Montenegro, Serbia, Turkey and Ukraine.

The prosecuting authorities play a crucial role as the interface between governments, which are responsible for crime policy, and courts, which must be independent. Their functions and powers thus depend on a balance, which is not easily defined. The

Council of Europe works to define such a balance in **Recommendation Rec. (2000)19 on the role of public prosecution in the criminal justice system**. The **Consultative Council of European Prosecutors (CCPE)** is a consultative body which has in particular a task to prepare opinions for the Committee of Ministers in order to facilitate and promote the implementation of Recommendation Rec. (2000)19 and to collect information about the functioning of prosecution services in Europe. The CCJE has already adopted 10 Opinions for the Committee of Ministers. An Opinion on the quality and efficiency of the work of prosecutors, including in relation to the fight against organised crime and terrorism, will be finalised soon. Opinions on specific issues on the status of prosecutors have been formulated recently by the CCPE for Georgia and Turkey.

Furthermore, the main challenges to judicial independence and impartiality in the member states were jointly raised by the CCJE and the CCPE for the attention of the Secretary General, in early 2016, as part of the follow up to his Report on the state of democracy, human rights and the rule of law in Europe. The CoE's Plan of Action on strengthening judicial independence and impartiality (CM(2016)36) rely *inter alia* on this work; the CCJE and CCPE will be closely involved in the implementation of this Plan.

See: [www.coe.int/ccje](http://www.coe.int/ccje)  
[www.coe.int/ccpe](http://www.coe.int/ccpe)

## 6. Co-operation programmes

Under its various programmes, the Council of Europe has developed a number of targeted activities in order to support CoE member States on issues relating to the proper functioning of independent justice systems, including where the monitoring procedures have revealed a need for new measures or a change in approach. Such programmes rely in particular on the CEPEJ evaluation mechanism, as well as the CEPEJ concrete tools aimed at policy makers and justice professionals. This may have come out of the judgments of the European Court of Human Rights (ECtHR), the reports of the CoE Human Rights Commissioner (HRC). Cooperation activities for the efficiency and quality of judicial systems are being developed (often within the framework of joint programmes with the European Union) in particular with Albania, Turkey and the countries of the Eastern Partnership (Armenia, Azerbaijan, Belarus, Moldova, Romania and Ukraine), as well as with the countries of the South neighbourhood (Morocco, Tunisia, Jordan).

See: [www.coe.int/cepej](http://www.coe.int/cepej)

see: [www.coe.int/t/dghl/cooperation](http://www.coe.int/t/dghl/cooperation)

### ***Support to national implementation of European human rights standards at the national level***

The unique position of the Council of Europe to provide support to its member states to ensure the effectiveness of human rights protection at the national level, in line with the Brighton and the Brussels Declarations, has been strengthened through targeted cooperation projects. These projects are aimed at addressing the needs identified in the

context of the supervision of the execution of judgments of the European Court of Human Rights by the Committee of Ministers. Past successes have led to increased confidence from donors, whether the European Union or Council of Europe member states, whose contributions have significantly increased during this last year. The relevance of cooperation projects has also led member states to increase their efforts in undertaking concrete measures in order to amend their legislation and practice to tackle issues relating to structural or general deficiencies of domestic law and practice identified by the European Court of Human Rights. However, reforms are not over once legislation is in place. Implementation is crucial as well. It is for this reason that the Human Rights National Implementation Division has taken a comprehensive approach in its work with member states, accompanying them in the process of adopting legislation in line with European standards, and subsequently, developing the capacities of those responsible for its implementation, first and foremost, legal professionals. Also, reforms are not done overnight. While it is, of course, to the member states themselves that belongs the ownership of the reforms, long-term Council of Europe support has been provided as much as possible to ensure that the results are long-lasting.

One focus of this year has been on the establishment or strengthening of effective domestic remedies, whether specifically in the context of ill-treatment committed by law enforcement bodies, in respect of excessive length of proceedings or more generally.

As such, a project has supported Bulgaria to introduce a mechanism for compensation for undue delays in civil and criminal proceedings. After the creation/assignment of the competent Bulgarian authority with the capacity to organise and provide compensation for excessive length of proceedings, the project will evaluate the efficiency of the established mechanism and propose further improvements if needed. In Serbia, the evaluation of a new remedy established as a response to excessive lengths of proceedings has led to a more comprehensive legislative reform undertaken with advice from the Council of Europe. In Turkey, two years after the introduction of individual applications to the Constitutional Court, which was achieved with the support of the Council of Europe, the Constitutional Court issued landmark decisions, notably on the length of pre-trial detention and freedom of expression, referring to the case law of the European Court of Human Rights.

Criminal justice reform has continued to be an area of support. The functioning of Turkey's criminal justice system has been assessed thoroughly and concrete recommendations for improvement were made. In Ukraine, the long-awaited reform of the prosecution service reached a milestone with the adoption of a new law in October 2014 in line with European standards. Immediate measures were also taken to address the post-Maidan events as regards effective investigations of allegations of ill-treatment and freedom of assembly.

The protection of human rights at the national level cannot be effective if those that are at the forefront, mainly legal professionals, are not fully equipped to deal with it. Many projects have therefore specifically targeted this professional group. Access to the judicial profession has been looked at in Serbia, where the Justice Academy as the "single entry point" for the judiciary has been carefully examined in an opinion following a Constitutional Court ruling on this issue. A harmonised body of case law at the national level being a pre-condition to a coherent implementation of the European Convention on Human Rights, the Council of Europe worked with courts, judicial councils and ministries

of justice in Armenia, Bosnia and Herzegovina, Bulgaria, Montenegro and Serbia to achieve this aim.

As regards capacity development, the European Programme for Human Rights Education for Legal Professionals (HELP) continued its expansion. After the adoption of PACE Resolution 1982 (2014) on the need to reinforce the training of legal professionals and the Brussels Declarations, it is today the only genuine pan-European programme of legal education based on a pan-European Network of national training institutions and bar associations of the 47 member states of the Council of Europe. It has also become the comprehensive platform for all training endeavours undertaken by the Council of Europe on the European Convention on Human Rights and also beyond. This achievement is the result of HELP's methodology, with its tailor-made approach to developing and adapting to national training systems and various categories of legal professionals; the quality of its training modules, integrating the Convention perspective in national law; its approach to enhancing the capacity of national trainers, thus creating a strong sense of national ownership over the training; and its adaptation to the reality of the legal professionals' workload by relying on modern technologies. New courses were developed as a response to the societal challenges faced in Europe, such as on anti-discrimination, hate speech and hate crime, and asylum, in cooperation with other international organisations with expertise in the respective fields.

Results were achieved when the shared responsibility between the Council of Europe and the member states was well-balanced: when, on the one hand, careful attention was paid by the Council of Europe to the national partners' needs and changing circumstances and, on the other, member states took full advantage of the support provided to them in their efforts to achieve sustainable progress in the protection of human rights at the national level.

<http://www.coe.int/t/dgi/hr-natimplement/>

### ***The European Programme for Human Rights Education for Legal Professionals (HELP)***

The European Programme for Human Rights Education for Legal Professionals (HELP) supports member states to comply with Council of Europe standards, by enhancing the judges, prosecutors and lawyers' capacity to apply the ECHR at a national level, as follow-up to the 2012 Brighton Declaration.

In accordance with Resolution 1982 (2014), Recommendation 2039 (2014) of the Council of Europe's Parliamentary Assembly and the 2015 Brussels Declaration, in the interests of subsidiarity and effectiveness, HELP relies on regular co-operation with the different players involved in training legal professionals in interested member States.

HELP completed the institutionalisation of the European Human Rights Training Network (the HELP Network), whose members are the representatives of National training institutions for judges and prosecutors and Bar associations of all 47 member states of the Council of Europe. It is a peer-to-peer network aiming at sharing best practices and promoting an improved coordination among international and national institutions on human rights training initiatives for legal professionals.

The main international associations of judges, prosecutors and lawyers, as the Council of Bars and Law Societies of Europe (CCBE), the European Bars Federation (FBE), the International Association of Judges (IAJ), as well as the European Judicial Training Network (EJTN) and other international organisations and entities are partners or observers.

Every year a HELP Network Conference provides a forum for discussions on ways of enhancing training results and concrete implementation of the European Convention on Human Rights (ECHR). During the 2015 Network Conference on the “Interaction between legal and other professionals in human rights training”, the HELP Network had the opportunity to exchange on inter-professional human rights training involving other professionals. Challenges and possible solutions were considered in the fields of health and bioethics, media, asylum and refugees, and fight against ill-treatment.

The seven members of the HELP Consultative Board, elected by the HELP Network, provides advice on the overall strategy for the co-ordination on human rights training proposes priority themes and evaluates master curricula and training materials. The new Board was elected in June 2014 for a two years mandate.

HELP Training-of-Trainers (ToT) sessions are organised to update participants on recent Strasbourg jurisprudence as well as to train them on methodologies for legal professionals, including the use of new technologies of training. Successful participants in the ToT are inserted in a list of certified HELP trainers and national training institutions are informed of the opportunity to select from this pool their trainers for national or international activities on the ECHR.

HELP develops a large range of training resources and initiatives, for distance, blended and self-learning of legal professionals, as well as for traditional face-to-face initiatives and training for trainers.

In 2013-2015, more than 1000 legal professionals completed one of the HELP distance-learning courses organised as pilot initiatives in several countries, using national languages. Among others, in 2015 the distance course on Asylum and the ECHR has already been launched – or will be launched - for a selected group of judges and prosecutors in Belgium, Bulgaria, Georgia, and Spain. The distance course on hate crime as developed in co-operation with the OSCE Office for Democratic Institutions and Human Rights (ODIHR), will be launched in Hungary as the first pilot country. Furthermore, the course on hate crime and hate speech will be implemented in Bosnia and Herzegovina, Bulgaria, and in “The former Yugoslav Republic of Macedonia”.

Among the initiatives of blended learning (a mixed form of face-to-face and distance learning) in co-operation with the Paris Bar Association and the Délégation des Barreaux de France en Europe an introductory course on the ECHR and the ECtHR (“Avoir le réflexe européen”) has been developed and attended by more than 200 trainee lawyers in 2015, in addition to some 2500 who were trained in 2013-2014.

Some 4000 HELP self-registered users have had access in the same period to self-learning and other resources of the HELP Moodle platform, open to all interested users. Legal professionals can access HELP resources in their national language, published on the HELP website’s national pages in 25 countries. National pages are regularly updated

by the HELP national Focal and Info Points (respectively for judges and prosecutors and for lawyers).

Several new curricula have been developed in 2015, such as Business and Human Rights, Deliberate ill-treatment in light of the ECHR, Counterfeiting of medical products and similar crimes involving threats to public health (MEDICRIME Convention), and Pre-trial investigation.

The dissemination of HELP methodologies and resources throughout all Council of Europe cooperation projects is now systematic, including within the framework of EU/CoE Joint Programmes. In this regard, the two-years HELP in the 28 project has started in January 2015. In its framework, curricula on labour rights, data protection and privacy rights fight against racism, xenophobia and homophobia/transphobia, and right to the integrity of a person will be developed. In 2016, 18 distance or blended courses will launched in 13 pilot countries for a selected group of participants.

See:  
HELP: [www.coe.int/help](http://www.coe.int/help)

### **Justice Sector Reform**

Comprehensive judicial reform is often one of the consequences of the commitments undertaken by countries upon accession to the Council of Europe. Co-operation projects with the member states strengthen and contribute to the application of the Council of Europe standards and best practices in these countries. The projects carried out in this framework support the countries in the implementation of European and international standards in the field of the judicial independence, impartiality, efficiency, accountability, and professionalism of the judiciary. The co-operation projects are funded to a large extent by the European Union and through the voluntary contributions of the Council of Europe member states and of other international organisations. The projects are designed to respond to legislative, capacity-building and institutional needs of national stakeholders.

The Council of Europe works closely with other international organisations active in the field at the planning and implementation stages of the projects in its member states. This allows a number of successful joint activities on legislative drafting and trainings, and encourages further synergies with the EU, OSCE, USAID, and other international organisations which are also actively involved in providing expertise and technical support for the judicial reform and development of national legislation.

The Justice and Legal Co-operation Department, through its co-operation projects actively co-operates and involves other representatives and bodies of the Council of Europe in its projects' activities, notably, the European Court of Human Rights, the Venice Commission, the European Commission for the Efficiency of Justice (CEPEJ) the European Committee on the Legal Co-operation (CDCJ), the Consultative Council of European Judges (CCJE), and the Office of the Commissioner of Human Rights.

***Capacity building on independent judicial systems and strengthening the role of judicial professions***

Capacity building on independent judicial systems and strengthening the role of the judicial professions aims to improve the independence, transparency and efficiency of the judicial systems in CoE member states. The activities of the European Union and Council of Europe Joint Programmes (EU-CoE JPs) aim to promote the conditions in which the rule of law and its principles are respected. They focus on the way in which the relevant structures and institutions operate, seeking to ensure that they respect the requirements of the rule of law and of the specific treaty obligations of the member states.

Capacity-building for judicial professionals and judicial systems is based on the CoE findings, in particular by the ECtHR, the Venice Commission, the CEPEJ, the CCJE and the execution of judgments of the ECtHR. It targets the beneficiary countries' fulfillment of their accession commitments and the obligations arising out of their CoE membership. It is this CoE acquis regarding the rule of law principles, which makes it possible to pursue a high degree of consensus among member states and which has resulted in the CoE being recognised as the main organisation in the field of independent and efficient judiciary.

Co-operation activities organised by the CoE have led, inter alia, to the following results:

- a) providing legislative expertise to ensure that domestic regulations conform to the requirements of the rule of law (in particular the independence of the judiciary from executive and legislative powers);
- b) assisting in creating a legal framework for the functioning of legal professions, strengthening their role and status.
- c) strengthening high judicial councils and judicial academies, drafting training curricula and selecting lecturing staff; improving the transparency of judicial systems;
- d) improving transparency in the selection procedure of judges and prosecutors;
- e) putting in place or strengthening effective systems of free legal aid;
- f) strengthening the administration of justice through the training of judges, prosecutors, lawyers, as well as auxiliary court personnel (clerks, registrars) and bailiffs;
- g) improving the efficiency of court management through the introduction of pilot court management practices;
- h) providing technical advice on how to improve administration and the computerisation of courts;

Large-scale projects have been implemented in Armenia, Georgia, Turkey and Ukraine. In addition, since January 2011 the Council of Europe has implemented a European Union funded project which aims at supporting the newly established system of appeal in civil and criminal matters in the Russian Federation, which will become effective as of January 2012 and January 2013 respectively. The objective is to advise the Russian authorities on organisational and legal measures which may help smoothen the impact of the reform.

See: [www.coe.int/t/dghl/cooperation/capacitybuilding/](http://www.coe.int/t/dghl/cooperation/capacitybuilding/)

### ***Capacity-building for law enforcement officials***

The case law of the ECtHR related to allegations of ill-treatment by the police and the findings of the CPT during country visits have identified the need for further assistance to law enforcement institutions in order to increase their professional skills in line with the CoE and CPT standards.

Particular attention to the reform of the law enforcement institutions in Moldova is being paid within the framework of the Joint Programme between the European Union and the Council of Europe “Democracy Support Programme in the Republic of Moldova”. Through its relevant components a number of activities have been organised in co-operation with the Moldovan Police Academy and the National Institute of Justice, comprising a conference on the reform of the Ministry of Internal Affairs and police, an assessment of the laws on police and carabinieri as to their compliance with European standards including a round table to discuss the assessment, cascade training seminars for approximately 200 judges and prosecutors and for 450 policemen all around the country on combating ill-treatment and impunity, with reference to Article 3 of the ECHR and the case law of the ECtHR in respect of Moldova, on the Moldovan legal system of prevention and combating ill-treatment and the CPT findings on ill-treatment and impunity during visits to Moldova; workshops on riot control for law enforcement officials, on the relationship between media and law enforcement agencies, on project design and identification of priority projects for increasing the capacity building of the Ministry of Internal Affairs as well as a study visit for officials from the Moldovan Police Academy and Ministry of Internal Affairs to the Netherlands.

Under the Joint Programme between the Council of Europe and the European Union on “Improving the Efficiency of the Turkish Criminal Justice System”, 25 law enforcement officers have been selected to join the pool of trainers on effective investigations of ill-treatment cases, preventive measures, the fight against cybercrime, organised and terror-related crimes and corruption.

A multilateral workshop on the dissemination of the key principles of the European Code of Police Ethics has taken place at the COE headquarters with the active participation of the OSCE. Contacts are being established with the OSCE and the Fundamental Rights Agency to explore the possibility of developing an e-learning module for law enforcement officials in the field of policing and human rights.

See: <http://www.coe.int/en/web/human-rights-rule-of-law/home>

### ***Support for national prison systems***

The CoE is assisting a number of beneficiary countries to improve the management of the prison system in order to provide better conditions and treatment for prisoners and guarantee the protection of their human rights in line with the CoE and CPT standards.

The prison reform in Turkey is being supported through the implementation of the Joint Programme (JP) between the Council of Europe and the European Union “

Dissemination of Model Prison Practices and Promotion of the Prison Reform in Turkey". Among the activities organised in the framework of this JP could be mentioned the 35 two-day training sessions organised for approximately 7000 prison staff in Turkish medium and high security level prisons on the European Prison Rules and other European standards in the penitentiary field aiming to support the Turkish authorities to build up a sustainable capacity for putting such standards into practice; 5 workshops organised with the participation of Turkish Human Rights NGOs and the Turkish MoJ to draw up a strategic plan for improving the co-operation between the public sector and NGOs in the penitentiary field (a draft strategy paper is already available for final consultation with the NGOs); the preparation by CoE experts of a guidance manual for teachers in prison education in Turkey and the training provided by the CoE experts to approximately 350 teachers on the content of the manual; the publication and the distribution of 20000 copies of the Booklet on the European Standards in the Penitentiary Field to the staff of all 90 prisons, in support of the above-mentioned activities organised in the framework of the JP.

A two-year project "Support for Prison Reform in Ukraine", financed by SIDA, is being implemented since March in co-operation with the Ukrainian State Penitentiary Service, the MoJ and other relevant partners. During the ongoing inception phase of this project, the main priorities are being identified through careful needs assessment by a "Stakeholders Platform". The issues being examined are strengthening of the probation service aiming to reduce prison overcrowding, supporting the reintegration of the offenders into the society and reducing reoffending, as well as developing the professional skills and management capacities of the prison staff for the protection of human rights in prisons. Health care provision is also under consideration.

The CoE has recently provided support to the Ministry of Justice of Armenia to improve the legal basis related to the enforcement of community sanctions and measures and the functioning of a probation service, including a CoE expert opinion as well.

Staff of the Department of the Federal Service for Execution of Sentences in the Chechen Republic and representatives of the Chechen Office of the Commissioner for Human Rights have been trained on human rights and the social rehabilitation of the offenders through pre-release programmes

Ways of improving the conditions and the treatment of life-sentenced and other long-term prisoners, young offenders and women prisoners and the provision of health care in prisons in Moldova have been on the focus of the bilateral co-operation activities organised in co-operation with the Department of Penitentiary Institutions of the Ministry of Justice of Moldova.

A Multilateral meeting on "Improving detention conditions and health care in prisons" took place in the CoE with representatives of the Prison Administrations and prison medical staff from eleven countries (Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, the "former Yugoslav Republic of Macedonia", Georgia, Moldova, Montenegro, Russia, Serbia and Ukraine). The most efficient ways of improving the detention conditions and the provision of health care in prisons and of applying medical ethics and best practices in Europe in line with the Council of Europe and CPT standards were elaborated at the meeting.

See: <http://www.coe.int/t/dghl/cooperation/capacitybuilding/>