



OSCE Human Dimension Implementation Conference

Warsaw, 22 September – 3 October 2014

Working Session 5: Rule of Law I

Contribution of the Council of Europe

THE COUNCIL OF EUROPE AND THE RULE OF LAW

The efficiency and quality of independent judicial systems in its member states 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 17th 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, 17th May 2005).

1. The European standards and their implementation

In May 2012, the Committee of Ministers gave instructions to the Steering Committee for Human Rights (CDDH) for the follow-up to the Brighton Declaration (April 2012) for the completion of the work on various issues, including the elaboration of two Protocols to the European Convention on Human Rights:

- A Protocol No. 15 to the Convention and explanatory report thereto including a reference to the principle of subsidiarity and the doctrine of the margin of appreciation in the Preamble to the Convention; shortening to four months the time limit for making an application to the Court ; amending the “significant disadvantage” admissibility criterion by removing the condition that no case may be rejected on this ground which has not been duly considered by a domestic tribunal ; removing the parties’ right to object to relinquishment of jurisdiction by a Chamber to the Grand Chamber ;

replacing the age limit for judges by a requirement that they be no older than 65 years of age at the date on which their term of office commences. The Protocol was adopted at the 123rd Ministerial Session of the Committee of Ministers (16 May 2013) and opened to signature in Strasbourg on 24 June 2013.

- A Protocol No. 16 relating to advisory opinions allowing highest courts and tribunals of a High Contracting Party to request the Court to give advisory opinions on questions of principle relating to the interpretation or application of the rights and freedoms defined in the Convention. The Protocol was adopted at the 1176th meeting of the Ministers' Deputies (10 July 2013) and opened to signature on 2 October 2013.

Alongside these amendments to the Convention, the Committee of Ministers adopted several reports elaborated by the CDDH, including one on interim measures under Rule 39 of the Rules of Court, and one containing conclusions and possible proposals for action on whether more effective measures are needed in respect of States that fail to implement Court judgments in a timely manner.

In 2014-2015, the work of the CDDH on the reform of the system of the Convention is mainly addressing the 'longer-term' future. Innovative working methods are applied in order to "think outside the box". From November 2013 to January 2014, an 'open consultation' process was held, which resulted in 118 contributions from across Europe on many different of issues. A special drafting group has been created of national experts, observers and eminent legal personalities such as former Court President Sir Nicolas Bratza and former Council of Europe Commissioner for Human Rights Alvaro Gil-Robles. In early April 2014, the CDDH took part in a Conference organised by the PluriCourts academic network in Oslo. The CDDH will present a major, comprehensive report to the Committee of Ministers by the end of 2015.

As regard national implementation of the Convention, the Committee of Ministers adopted a Guide to good practice with respect to domestic remedies, elaborated by the CDDH. The Guide outlines the fundamental legal principles which apply to effective remedies in general, and the characteristics required for remedies in certain specific situations and general remedies to be effective. The specific situations dealt with concern remedies for deprivation of liberty, in relation to both the measure's lawfulness and the conditions of detention, and the way in which the person in detention is treated; investigations in the context of alleged violations of Articles 2 and 3 of the Convention; remedies against removal; and remedies for non-execution of domestic judicial decisions. The Guide also identifies good practices which may provide inspiration to other member States.

The Committee of Ministers also adopted a Toolkit to inform public officials about the State's obligations under the Convention. This Toolkit, elaborated by the CDDH, aims to provide officials with information and practical guidance to equip them to respect the Convention rights of the people they deal with, fulfill the State's Convention obligations and so, as far as possible, avoid breaches of the Convention.

See: www.coe.int/cddh
www.coe.int/reformECHR
<http://echr-toolkit.coe.int>

2. 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 field). Its ongoing works focus in particular on:

- the evaluation of the judicial systems of all CoE member States thanks to the collection and analysis of data through a specific Scheme aiming at identifying main trends of these systems and defining CoE's priorities to improve justice efficiency¹,
- the concrete knowledge of lengths of proceedings in the member states so as to propose pragmatic tools and measures to improve judicial time management, through the work of the SATURN Centre, which is due to evolve towards a genuine permanent European observatory of judicial timeframes, with the support of the CEPEJ Network of Pilot courts; within this framework, a court coaching programme has been made available to volunteer courts wishing to get concrete support for implementing the relevant CEPEJ tools,
- preparation of concrete tools for promoting the quality of justice, including a Handbook for organising court satisfaction surveys, a report on "*contractualisation and judicial processes*" and guidelines on the organisation of judicial maps; draft guidelines on the role of experts in judicial proceedings and guidelines on the organisation of court premises are under preparation; within this framework, a court coaching programme has been made available to volunteer courts wishing to get concrete support for implementing the relevant CEPEJ tools,
- the European Day of Justice, co-organised in all European countries with the European Commission, including the European Prize of innovative practice contributing to the quality of justice: "The Crystal Scales of Justice",
- the design of several other tools aimed at policy makers and justice practitioners, such as Guidelines for a better implementation of the existing Council of Europe Recommendations concerning mediation and execution of court decisions.

see: www.coe.int/cepej

3. 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

¹ The last report, containing data of 2012, has been made public in September 2013. The next report is expected by mid 2014.

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 16 Opinions for the Committee of Ministers, the last one adopted in 2013 and entitled "Relations between judges and lawyers". An Opinion on "the evaluation of judges' work, the quality of justice and respect for judicial independence" will be adopted during the CCJE plenary meeting on 22-24 October 2014.

The CCJE may be called upon to provide practical assistance to help States comply with standards relating to judges. It addresses topical issues and, if necessary, visits the country concerned to discuss ways of improving the existing situation in legislative and practical terms.

Under the auspices of the CCJE, regular European Conference of Judges is held.

See: www.coe.int/ccje

Co-operating with prosecutorial systems

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**.

Recognising the essential role of the public prosecutor in the criminal justice system, and the important contribution to international cooperation played by the prosecutors, the Committee of Ministers decided in 2005 to create the **Consultative Council of European Prosecutors (CCPE)**. This consultative body to the Committee of Ministers 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 8 Opinions for the Committee of Ministers, the last one adopted in 2013 and entitled "Relations between prosecutors and the media". An Opinion on European norms and principles concerning prosecutors, including European Charter for public prosecutors, will be adopted during the CCPE plenary meeting on 15-17 December 2014.

The CCPE has also been given the task to continue the organisation of regular European conferences of prosecutors.

See: www.coe.int/ccpe

Co-operation programmes

Under its various programmes, the Council of Europe has developed a number of targeted activities in order to help 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

The support provided to member states to ensure the effective implementation of the European Convention on Human Rights at the national level, in line with the Brighton Declaration, has taken several complementary forms in 2013. These have mainly comprised legislative advice and capacity development. All capacity development endeavours have been carried out under the umbrella of the European Programme for Human Rights Education for Legal Professionals (HELP), which has continued its major development during the year (see below). Most of the achievements have been happening within the framework of large-scale projects funded by extra-budgetary resources, either by the European Union or voluntary contributions from Council of Europe member states.

First, advice has been provided on the reform of the criminal justice systems in both Turkey and Ukraine. In Turkey, this was provided in the framework of the European Union/Council of Europe Joint Programme "Improving the efficiency of the Turkish criminal justice system". Thus, a comprehensive needs assessment report based on fact-finding visits to four pilot courthouses in Ankara, Istanbul, Izmir and Malatya with a set of 50 recommendations to improve the practice has been prepared and presented to the Turkish authorities. The legislative changes that took place in the first months of 2014 did not affect the conclusions and recommendation of the report. One of the aims of the report was to serve as a basis for the redesign of training curricula on criminal justice and human rights for judges and prosecutors. As a result, new courses on issues such as preventive measures, effective investigations of the offenses against the right to life and the prohibition of ill-treatment, the right to a fair trial, the seizure of evidence, terror and organised crime, cybercrime and anti-corruption were prepared and introduced in curriculum of the Justice Academy. Training materials for lawyers were also developed with a view to develop their practical skills in applying the European Convention on Human rights in criminal proceedings.

In Ukraine, after the adoption of a new Code of Criminal Procedure in 2012 with Council of Europe support and its first year of implementation, the Organisation has been involved in the monitoring of its implementation with a view to propose appropriate amendments should a need for further alignment with European human rights standards appear. The Code can be regarded as a modern legal act, compliant with the standards of the European Convention on Human Rights and its case law but the reform of the prosecution service, one of the commitments Ukraine undertook when it joined the

Council of Europe in 1995, has been viewed as a crucial factor for its proper implementation. For this reason, continuous support was also provided to the authorities as regards the reform of the public prosecution service under a project funded by Denmark, "Support to the Reform of the Criminal Justice System in Ukraine". A draft law, broadly compliant with European standards, was adopted in first reading in October 2013. The further political developments prevented its adoption in second reading and the issue has remained high on the Council of Europe's agenda in 2014. One of the main challenges concerns the role of the prosecutor outside of the criminal field, which should be limited to the minimum consistent with European standards.

Second, major efforts were made to promote the establishment of independent investigation mechanisms for allegations of ill-treatment by law enforcement forces or the improvement of existing ones under a regional EU/Council of Europe Joint Programme "Reinforcing the fight against ill-treatment and impunity" covering Armenia, Azerbaijan, Georgia, Moldova and Ukraine and which was completed at the end of 2013. As a result, In Armenia, a Special Investigations Service, in charge of investigating cases against state agents such as police officers, law enforcement and penitentiary officials was established as well as a Disciplinary Commission of Police with the participation of the civil society. In Moldova, a special unit to establish allegations of ill-treatment within the General Prosecutor's Office was established and its efficient functioning was supported under the project. The project was also concerned with putting in place appropriate material and procedural safeguards to ensure that ill-treatment is not tolerated by state agents, is discouraged by all means or, when it takes place, is sanctioned according to the degree of severity and bearing in mind the social danger of the phenomenon for the European democratic values. The new Criminal Procedure Codes adopted in Georgia and Ukraine introduced the principles of adversarial and discretionary prosecution, as well as new safeguards against ill-treatment and other human rights violations by evidential/exclusionary rules. New definitions of "torture" and "ill-treatment" were introduced in Azerbaijan and Moldova. In addition, Azerbaijan adopted a new law on "Rights and freedoms of individuals kept in detention facilities" that is giving uncensored right to complain to not only domestic institutions but also to the European Committee for the Prevention of Torture and the European Court of Human Rights. Internal Discipline Rules for the staff of detention facilities were amended in order to allow the proper implementation of this law. As always, the challenge remains the continuous commitment of the authorities to enforce a "zero-tolerance" policy against ill-treatment and ensure that the mechanisms and safeguards in place are properly implemented.

A third issue with which the Council of Europe has been concerned throughout the year has been the implementation of the European Convention on Human Rights by national courts in a consistent manner with the case law of the European Court of Human Rights. Bosnia and Herzegovina, Bulgaria and Serbia have benefited from the Organisation's expertise in this area under the Norway-funded projects "Strengthening the capacity of the judiciary as regards the implementation of the European Convention on Human Rights in Bosnia and Herzegovina" and "Support to the judiciary in Serbia to ensure a coherent implementation of the European Convention on Human rights at the national level" and the pre-defined project under the Norway Grants scheme "Capacity building and human rights training at the National Institute of Justice". As a result, in Bosnia and Herzegovina, the Council of Europe provided an evaluation of the court documentation system which was used and accessed by the entire judiciary throughout the country. In a 30-page report, critical areas were identified and recommendations for improvement,

based on best European practices, were proposed. The conclusions of the report were taken on board by the High Judicial and Prosecutorial Council, the practical implementation of its recommendations now being just a technical question for IT specialists. Also, for the first time, working panels for the harmonisation of judicial practice in civil, administrative and criminal matters, including procedural aspects, in areas related to the obligations of Bosnia and Herzegovina under the European Convention on Human Rights were established, providing judges and prosecutors with a forum to discuss the way in which they apply the law. In Bulgaria, an agreement was reached between the various actors of the justice sector to establish a unique database containing translations of the judgments of the European Court of Human Rights, as well as national judgments. In Serbia, recommendations were formulated in a fact-finding report on the respective roles of the High Judicial Council, the Justice Academy, the Constitutional Court, the Supreme Court of Cassation and the other courts so as to ensure the effective implementation of the Convention.

The successful introduction of the individual complaint system by the Constitutional Court of Turkey can certainly be attributed in some measure to the excellent cooperation that has been developed between the Council of Europe and the Constitutional Court under the EU/Council of Europe Joint Programme “Enhancing the role of the supreme judicial authorities in respect of European standards”. After a year’s preparatory work, including capacity development for all judges and rapporteurs, the adoption of new rules of procedure, the preparation of a guide for lawyers and potential applicants, the Constitutional Court was equipped to render its first decisions taking into account the case law of the European Court of Human Rights. The ultimate goal is that the latter will consider that the Constitutional Court is an effective remedy for the purposes of Article 13 of the Convention.

Non-member states have also been targeted by cooperation activities. For example, in Kosovo^{2*}, under the EU/Council of Europe Joint Programme on “Enhancing human rights protection in Kosovo*”, support has been provided to reenergize non-judicial human rights institutions, notably the Ombudsperson institution. Also, the project provided an expert opinion on the draft laws on anti-discrimination and equality and on the amendments on the law on the Ombudsperson, whose adoption were a pre-condition to the visa liberalisation regime to be given by the EU. Dialogue with Belarus has also stepped up in 2013 with the launch of a book on criminal procedure and the European Convention on Human Rights and the organisation of a high-level round table on the abolition of the death penalty and religion during which all representatives of religious groups, notably the Orthodox Church, confirmed that death penalty should be abolished.

All these results were achieved bearing in mind the virtuous circle between the three main activities of the Council of Europe, standard-setting, monitoring and cooperation and the need for concrete results to ensure that cases pending before the Committee of Ministers for execution are closed. It should also be noted that adaptation to changing

² All references 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.

circumstances has been key to achieve these successes and that vigilance on ownership and sustainability remain crucial to embed them for the long-term.

www.coe.int/nationalimplementation

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 \(2014\)](#) and [Recommendation 2039 \(2014\)](#) of the Council of Europe's Parliamentary Assembly, in the interests of subsidiarity and effectiveness, HELP relies on regular co-operation with the different players involved in training law professionals and with civil society in interested member States.

In 2013-2014, 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, is aimed 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 other international organisations and entities are partners or observers. In 2014, the European Judicial Training Network (EJTN) joined the HELP Network as a partner.

Every year a HELP Network plenary conference provides a forum for discussions on ways of enhancing training results and concrete implementation of the European Convention on Human Rights (ECHR). In 2013 the conference focused on "Cross-cutting issues on human rights training for legal professionals" and in 2014 on "From good training to good judgments: challenges, methodologies and perspectives".

The six-member 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.

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 2013-2014, more than 800 legal professionals completed one of the HELP distance-learning courses organised as pilot initiatives in several countries, using national languages. For examples, in 2013 the course on Anti-discrimination issues for judges and prosecutors was launched in 10 different countries and was also used in an EU/CoE Joint Programme on training of lawyers implemented in Armenia, Azerbaijan, Georgia, Moldova, the Russian Federation and Ukraine. The course for lawyers on Admissibility criteria in applications submitted to the European Court of Human Rights, already proposed in a national version in many countries, was also tested in 2 multinational courses, one in English and one in Russian, in co-operation with the CCBE and the Human Rights House Network respectively.

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 2500 trainee lawyers 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 23 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 the last 12 months, in co-operation with other international organisations, such as the courses on Asylum and the ECHR, Counterfeiting of medical products and crimes against health, Chemical precursors, International co-operation in criminal matters. In particular, co-operation with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) took place for the development of a curriculum on hate crime and hate speech.

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.

See: <http://www.coe.int/help>

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/

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: www.coe.int/t/dqhl/cooperation

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>