



INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

REPUBLIC OF NORTH MACEDONIA EU for Rule of Law

Action summary

The action will strengthen the rule of law in Republic of North Macedonia through strengthening the justice and home affairs systems and the respect to human rights. It is expected to result in improved independence, accountability and quality and effectiveness of the justice system, increased efficiency of investigation process, improved enforcement record in curbing corruption, more effective prevention of radicalisation. In parallel, the capacities of key human rights protection institutions will be strengthened and the human rights will be mainstreamed through judicial and home affairs systems. The investments in the public service broadcasting and media self-organisation is expected to enhance the freedom of expression in the country.

Action Identification	
Action Programme Title	Annual Action Programme for Republic of North Macedonia for Year 2020
Action Title	EU for Rule of Law
Action ID	IPA 2020/41-831/02.04/MK/RoL
Sector Information	
IPA II Sector	2. Justice and Home affairs
DAC Sector	15130 – Legal and judicial aid 15210 – Security system management and reform 15113 – Anti-corruption organisations and institutions
Budget	
Total cost	19,300,000
EU contribution	18,900,000
Budget line(s)	22.02.01.01
Management and Implementation	
Method of implementation	Direct and indirect management
<i>Direct management:</i> EU Delegation	EU Delegation to the Republic of North Macedonia
<i>Indirect management:</i> National authority or other entrusted entity	Indirect management with the Council of Europe Bank (CEB) for the implementation of Activity 4.2.(a) Improving of the detention conditions
Implementation responsibilities	EU Delegation to the Republic of North Macedonia
Location	
Zone benefiting from the action	North Macedonia
Specific implementation area(s)	North Macedonia
Timeline	
Final date for concluding Financing Agreement(s) with IPA II beneficiary	At the latest by 31 December 2021
Final date for concluding contribution/delegation agreements, procurement and grant contracts	3 years following the date of conclusion of the Financing Agreement, with the exception of cases listed under Article 114(2) of the Financial Regulation
Indicative operational implementation period	6 years following the conclusion of the Financing Agreement
Final date for implementing the	12 years following the conclusion of the Financing Agreement

Financing Agreement (date by which this programme should be de- committed and closed)			
Policy objectives / Markers (DAC form)			
General policy objective	Not targeted	Significant objective	Main objective
Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	x
Aid to environment	x	<input type="checkbox"/>	<input type="checkbox"/>
Gender equality (including Women In Development)	<input type="checkbox"/>	x	<input type="checkbox"/>
Trade Development	x	<input type="checkbox"/>	<input type="checkbox"/>
Reproductive, Maternal, New born and child health	x	<input type="checkbox"/>	<input type="checkbox"/>
RIO Convention markers	Not targeted	Significant objective	Main objective
Biological diversity	x	<input type="checkbox"/>	<input type="checkbox"/>
Combat desertification	x	<input type="checkbox"/>	<input type="checkbox"/>
Climate change mitigation	x	<input type="checkbox"/>	<input type="checkbox"/>
Climate change adaptation	x	<input type="checkbox"/>	<input type="checkbox"/>

1. RATIONALE

PROBLEM AND STAKEHOLDER ANALYSIS

JUSTICE

The country has made significant efforts in last few years to put in place a strategic framework for the reforms in justice and home affairs sector. In 2015 a set of "Urgent Reform Priorities" were formulated with EU support to frame the necessary reforms as regards rule of law and judiciary, de-politicisation of public administration, electoral reform, media and freedom of expression. In November 2017, the New Strategy for reform of the Judiciary Sector ("The Justice Strategy") with the Action plan 2017-2022 was adopted by the Government to serve as a roadmap for strengthening rule of law and effective protection of individual rights and freedoms of citizens as per the recommendations made by EU, other international bodies and independent experts¹.

In the North Macedonia 2019 **Report**, the European Commission concluded that, with regard to Judiciary and fundamental rights (Chapter 23) and Justice, freedom and security (Chapter 24), the country has respectively some level of preparation and is moderately prepared to implement the *acquis*.

According to the 2018 World Bank Country Diagnostic Review, political stability, accountability, the rule of law, and corruption continue to be a barrier to the country's development, undermining state effectiveness and social trust. There remain gaps have between law and practice in the areas of judiciary, legislature and public administration.

It is of crucial importance for the country's development that rule of law is reinforced and social trust consolidated. This requires a consolidation of ongoing reforms and implementation of new rules aimed at strengthening the **independence and impartiality of judges and prosecutors, of members of the Judicial Council (JC) and reforming the Council for Public Prosecutors (CPP)**. Continued attention to implementation of recommendations of the European Commission, the Venice Commission and the Senior Experts' Group on systemic Rule of Law issues is essential to ensure transparency and impartiality of the JC and CPP. The process involves also improvements in the appointment system, in the allocation and management of cases through the automated case management and full implementation of rules on the performance of judges and prosecutors with the objective to decrease the gap between the legal provisions and the practice.

Special focus is needed on ensuring application of ethical standards and raising the understanding of judicial staff on ethical rules. Mainstreaming of the standards into daily practice needs to be coupled with enhanced monitoring of compliance with ethical rules by judges and prosecutors as well as clear sanctions in cases of non-compliance.

Further improvements in transparency and accountability would imply easy access of citizens and business to court decisions and jurisprudential reasoning. 2018 Council of Europe evaluation² recognises that putting into operation of the new centralised portal (www.sud.mk), which covers the Judicial Council and all 34 courts on the territory of North Macedonia, and which benefits of a search function, is an important advancement. However, full functionality of the court database still

¹ Justice Strategy integrates measures to address the recommendations in the EU Country Progress Reports, the recommendations from the Senior Experts' Group on Systematic Rule of Law issues; the GRECO Evaluation Report - fourth round, December 2013; the GRECO Compliance Report - fourth round, July, 2016; the European Commission for the Efficiency of Justice (CEPEJ) - Evaluation Report of the European Judicial Systems and Efficiency and Quality of Justice - last edition 2016 (data from 2014); the Opinion of the Venice Commission on the Laws on Disciplinary Liability and Evaluation of Judges, December 2015; the Reports of the conducted evaluation mission 2012 (Luca Perili Judiciary Effectiveness, James Wohlg Independence and impartiality of the judiciary) as well as the ECtHR case-law reflected in the judgments against the Beneficiary country;

² <https://rm.coe.int/macedonia/16808d027c>

needs to be ensured, and in particular as regards the publication of the reasoning for the decisions. Not only will this ensure transparency and synchronisation of data, but will be a crucial step forward in improving consistency of the jurisprudence across the country.

Building a culture of transparency and accountability would also require publication of key indicators on the performance of the judiciary system, which are of social value and which allow public to see progress. The Council of Europe 2018 evaluation outlines the lack of an efficient system of collection, processing and analysis of statistics for the work of the courts and prosecution as a main problem for the consistent application of the principle of transparency and inclusion of the public in the work of the judiciary along with the lack of specialised teams with the Judicial Council and the Council of Public Prosecutors with broad powers to manage the data records, analyse them, and regularly inform the stakeholders on the state of play. Using modern ICT solutions would allow a greater automatization in the reporting process, will support the analytical and policy-making process and will improve the public access to information, thus contributing to increasing of the social confidence in judiciary.

Efficiency of judicial system should continue to be consolidated. The 2017 budget for justice system amounts to EUR 29 million (less than 0,3% of the GDP), 38% of which is capital investments (including prisons). According to World Bank, the country has more courts than most European countries, averaging 1.6 per 100,000 inhabitants (the European average is about 1.4)³. The insufficient number of support staff highlighted by the analysis of the court network performed by the Ministry of Justice puts a strain on the functioning of the courts and public prosecutor's offices. Ensuring a modern and efficient judicial system requires modern court management approaches, improved professionalism and knowledge of judicial practitioners and upgraded ICT solutions.

Investing in the knowledge of judges, prosecutors and other judicial practitioners can change significantly the judicial process output. Therefore improving the **system for continuous training and strengthening the capacities of the Academy for Judges and Prosecutors** to propose modern training programmes and approaches is a key to efficiency and effectiveness of courts and to foster a judicial culture based on independence and impartiality.

Along with better preparedness of the staff, it is also important to raise the awareness of the citizens on their rights and obligations and empower them to press for justice from below. This requires a new and proactive position of the Ministry of Justice in promoting citizens' role and involvement in justice reform. In addition, the scope and complexity of the Justice strategy requires enhanced capacities of the Ministry to coordinate with other relevant institutions the necessary inputs and process as well as to be able to monitor the reform and analyse the outputs.

FIGHTING CORRUPTION

North Macedonia ranks 93 out of 180 countries, according to the 2018 Corruption Perceptions Index reported by Transparency International; corruption score in North Macedonia was 37 in 2018, which can be considered as being very corrupt, despite an improvement of 2 points in 2018 compared to 2017. In August 2018, the Compliance Report of the Group of States against Corruption⁴, GRECO, noted that out of 19 recommendations, six recommendations – mainly concerning the judiciary were fully implemented. Those eight recommendations partially implemented concern mainly rules of ethics, including gifts, and other advantages. Five

³ 2018 World Bank Country Diagnostic Review - <https://www.worldbank.org/en/country/fyrmacedonia/publication/fyrmacedonia-systematic-country-diagnostic-seizing-brighter-future-for-all>

⁴ <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/16808cc85f>

recommendations that are not implemented concern mainly MPs (prevention of conflict of interest, contacts with lobbyists, and sanctions for misconducts).

To **reinforce its anti-corruption policy** in line with its international commitments⁵ the country adopted a new anti-corruption law in January 2019, followed by the election of a new State Commission for Prevention of Corruption (The Commission). These improvements create good framework for decreasing the gap between the legal provision and the practice as regards corruption. The new anti-corruption law strengthens the Commission's control and verification mandate, which covers verification of assets and conflict of interest declarations, access to bank accounts, gifts and lobbying control, control over financing and spending of the political parties, analysis of procurement data, etc. While this is a step forward, it is equally important that the Commission is well prepared and equipped with the needed tools to perform its functions. In 2019, the Commission should move to its new premises, where the IPA-purchased equipment is to be installed to support the operations of the Commission and its Secretariat. The expected progress in interoperability of administrative registers - which is a part of the Public Administration Reform and also benefits of EU support - will provide the Commission with access to data important for the analysis and verification controls. It is important that these improvements are backed up by strong advisory support, based on the experience of the EU member states in assessment, prevention and identification of corruption.

FIGHTING ORGANISED CRIME AND TERRORISM

In relation to the fight against ***organised crime and terrorism***, the necessary strategic and legal framework has been put in place through the amendments of the 2016 Criminal code and the adoption over 30 separate laws. The legal framework for cooperation with EU enforcement bodies has also been established. The institutional framework is under optimisation since 2018 when a major functional reform was launched and three new bodies are being established: National Security Agency, Intelligence Agency and Military agency. The Basic Public Prosecutor's Office for Prosecuting Organized Crime and Corruption is a specialised Basic Public Prosecutor Office under the direct supervision of the Public Prosecutors Office of North Macedonia, having the competence to investigate, prosecute and bring to judgment cases of corruption and organised crime. The Criminal Court in Skopje has a specialized department for proceeding cases of organized crime and corruption. The Agency for Management of Confiscated Assets is the key authority in the process of management with confiscated property in cases of organised crime and terrorism. The Strategy for strengthening the capacities for financial investigations and confiscation of property envisages the establishment of a National Asset Recovery Office. The reforms in the area are already giving some results, notably on the gradual improvement of the track record. In 2018, 70 criminal charges were submitted against 159 perpetrators/persons for serious crime and investigation for 64 criminal charges and 137 individuals are ongoing. There are 87 individuals suspected of being members of organised criminal groups that were indicted in 2018.

An important vector of further development implies strengthening of the national capacities for conducting financial and complex investigations and confiscation of property. The main driver will be the 4 investigative centers⁶ established by the Public Prosecutor's Office, which will be responsible for conducting financial investigations for the needs of the Public Prosecutor's Offices. Currently, the PPO uses existing investigative capacities of the law enforcement agencies: Financial Police Directorate conducted more than 20 financial investigations in 2017 and the first 8 months of 2018; Department for the Suppression of Organized and Serious Crime conducted financial

⁵ North Macedonia is party to the United Nations Convention Against Corruption and has signed and ratifies the civil and criminal law Conventions against corruption of the Council of Europe

⁶ in the Public Prosecutor's Offices in Tetovo, Skopje, Kumanovo and in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption

investigations for 12 cases in 2018; Criminal Police opened 13 cases in which most of the financial investigation is conducted in parallel with the criminal investigation. This situation on one side certifies for increasing interest of the national bodies to step in complex investigations, but also calls for better coordination and improving the investigation standards and procedures. The financial investigations should be linked to investigations dealing with organized crime, terrorism, money laundering and serious corruption cases already at the beginning of investigation process. Focus should also be put on proper use of special investigative measures in criminal investigations while ensuring the respect of fundamental rights, freedoms and security of citizens, in accordance with national legislation and in line with EU and international best practices. On the side of the new frontier of the criminality, it is necessary to increase the capacity to investigate new and old crimes perpetrated with the use of new technologies (cyber-crimes), the Dark-net and Deep-web (only 2 verdicts were issued in 2018).

Since 2013, with EU support, the country introduces the concept of intelligence-led policing but 2016 changes in the criminal code require methodological and operational adjustments, as well as stronger mainstreaming approach through training at all levels of senior and middle management including the Public Prosecutor's Office. Upgrade in the IT solutions which support intelligence-led police work is also needed.

In the fight against organized crime, strengthening the capacities of the Department for Suppression of Serious and Organized Crime to work on cases of money laundering, illicit drug trafficking and smuggling of migrants remains a priority. The country is a source, transit, and destination country for women and children trafficked for the purpose of commercial sexual exploitation. In 2018, the Council of Europe's anti-trafficking expert group (GRETA) called on national authorities to intensify their activities and lower human trafficking risks for children and migrants.

There is a risk for organised criminal groups to get increasingly involved in interacting with violent extremist groups. Those groups have mutual interests in recruiting individuals, getting financial benefits to pursue their activities and weaken state institutions. Therefore, measures that aim at reinforcing mechanisms and the capacity to fight organised crime need to be coupled with measures for strengthening community resilience against any form of marginalised activity. Measures to prevent **radicalization and strengthen youth resilience to violent extremism, as well as resistance to organized crime networks are interlinked**. It is important to develop including at local and regional level mechanisms and alternative models of communication, discussions and information exchange in the communities, and where all relevant stakeholders need to be associated. The engagement of various influencers – local community leaders, parents, famous persons, social workers, is key. . They need to be involved in the early detection mechanisms of violence by youth and in communication with relevant stakeholders, not only law enforcement authorities but social and education actors in proper to mitigate risk factors. Similar approach needs to be applied for rehabilitation and reintegration of people in conflict with law and/or getting out of detention.

FUNDAMENTAL RIGHTS

In the area of ***fundamental rights and anti-discrimination***, the country has recently taken important steps to comply with the EU standards, such as becoming an observer in the EU Agency for Fundamental Rights, ratifying the Istanbul Convention on prevention and combating violence against women, adopting a new Law on Prevention and Protection against Discrimination and a new Law on Execution of Sanctions. These developments improve the country's alignment with European standards and the EU *acquis*. Nevertheless, some shortcomings and challenges persist. There is a need to increase protection of procedural rights, notably with adoption of the amendments to the Law on Criminal Procedure, by ensuring the right for legal assistance, including during police interrogations. Access to justice for the most vulnerable people (including children) has been hampered by some restrictive criteria in the law, which results into the rejection of about

50% of the already low number of applications for legal aid; the implementation of the new law on legal aid adopted in May 2019 and the ongoing capacity development in this sector should improve the situation in the next years.

The **Ombudsman Office** is the key oversight institution responsible for promotion and protection of human rights. In 2018, the Ombudsman received 3458 reports submitted by 3654 complainants and initiated 49 cases on its own. 2637 cases were closed in 2018 year, while the work on 821 was transferred to 2019.⁷ Most of the complaints refer to the judiciary, followed by labour rights, consumer rights and treatment in correctional-penitentiary institutions. While progress was achieved, there is still need for a proactive approach in analysing the respect for human rights in the country, assessing the associated risks, investigating cases of violation (especially of the police) and guaranteeing the necessary judicial protection to citizens.

The capacities of the National Coordinative Body for monitoring the state of play in non-discrimination and equal opportunities established in June 2018 also need to be significantly strengthened. The Coordinative Body at present is composed of 36 members, representatives of state institutions, local self-government units, associations, trade unions, employers' associations and independent experts. It is coordinated by the Ministry of Labor and Social Policy and implements its working programme. Yet, systemic capacity building measures are needed to ensure the implementation of its mandate. Discrimination of and violence against women remains an issue of concern, particularly in some minority groups. Women in North Macedonia are disproportionately affected by domestic and gender-based violence: 82% of domestic violence cases are against women, and men are found guilty in 93% of domestic violence cases. There is a strong need for more effective policy on gender-based violence, including data collection and analysis, policy coordination and more effective prevention and repression measures.

The country is working to implement the recommendations of European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment with regard to the **situation in prisons**, notably to address the inhumane conditions in some penitentiary and detention facilities and police stations. Despite improvements and positive legislative steps, prisons, in general, suffer from a significant lack of staff, inadequate health care (with the transfer to the Ministry of Health still to be completed), re-socialisation and rehabilitation actions in and out of prisons (in 2018 they covered about 1% of the prison population). The lack of education, health and social support, including for detained children, is also a major challenge. The effective implementation of the juvenile justice law implies development of alternative measures for children in conflict with the law. The skills of prosecutors, police, lawyers and mediators need to be upgraded to protect the rights of children in conflict of law and also those exposed to violence in line with the EU standards. The creation, in 2018, of the External Oversight Mechanism over the work of police and prison police is a positive step to ensure independent and impartial investigations into claims of violence and criminal offenses committed by persons with police authorisations and members of prison police.

The effective introduction of **probation** and the **development of alternative measures** has faced significant delays due to limited human and financial resources (less than 150,000 EUR/year). At the end of 2018, 22 probation officers were employed and 8 probation offices were established. There is a need to speed up the process as well as to further build up the capacities for the effective implementation of the law on probation.

FREEDOM OF EXPRESSION

⁷ Data provided form the Ombudsman office.

The overall climate for *freedom of expression* has improved. The legislative framework is broadly aligned with the *acquis* and the international standards⁸. However, the capacity of the public broadcaster (MRT) to promote pluralism, provide a broader range of political viewpoints and professionalise journalism remains weak.. The Government proposed amendments to the Law on Audio and Audio Visual Services to address the situation and provide favourable environment for a professional public broadcasting and media regulator in the interest of the public. It is essential that any legislative changes be coupled with serious re-organisations and optimisation, capacity building measures and strategic support for improving the independence and professionalism of the public broadcasting and the Agency for audio and audio-visual media services.

Continued investments are also needed to improve the professional standards in media and measures need to be taken to strengthen the social dialogue. The media law provides for adequate protection of journalists, who have the right to convey their own opinions and viewpoints and may refuse to carry out an order or take part in the composition of a story should its content go against the professional rules of the journalist profession, without fearing a termination of a labour contract or reduction of a salary. Yet, the observance of professional journalistic standards is rather part of the self-regulation and regular monitoring of the Agency for audio and audio-visual media services. Therefore it is important that the capacities of the media associations are strengthened to encourage independent professional journalism, as well as to provide effective protection of journalists when needed. Likewise, the Council of Media Ethics needs to be reinforced. The Council assesses complaints against journalists violating professional standards and ethics. In 2018, it dealt with 68 complaints and issued 12 decisions, which are public⁹. However, the Media Ethics Council needs further support in its continuous work to assess cases of violation of professional journalists' behaviour, by reinforcing its mandate and visibility among the journalists and general public. For this, more user friendly approaches for publication of data need to be ensured to allow citizens' to be better informed, at the same time increasing the demand for improvement of quality of journalism in the country.

OUTLINE OF IPA II ASSISTANCE

The Action aims at reinforcing the rule of law in North Macedonia through strengthening the justice and home affairs systems and the respect to human rights.

It will improve the **independence and effectiveness of the justice system** through upgrading the capacity and promoting the accountability of the players in the Justice system. The action will support the implementation of the Justice Reform Strategy and continued progress on addressing any outstanding recommendations of the Venice Commission, GRECO and June 2015 and September 2017 reports from the Senior Experts' Group on Systematic Rule of Law issues. The main development tool will involve comprehensive advisory support¹⁰ and peer-to-peer transfer of knowledge and experience from EU member states judicial systems to the national justice institutions involving Judicial Council, Council of Public Prosecutors, Public Prosecution Office, judges, prosecutors, legal associates/court clerks. The strategic advice and coaching is expected to impact positively on the operational, management and integrity systems in judiciary, including case management, systems for assessment of the performance of judges and prosecutors, adherence to the code of ethics. In addition, the Action will invest in strengthening the capacities of the Academy for Judges and Prosecutors to provide continuous training for judges/prosecutors and their legal

⁸ The financial and editorial independence of the Public Broadcasting Service MRT is prescribed in the Law on Audio and Audiovisual Media Services and the Law on Media

⁹ <http://semm.mk/en/komisija-za-zalbi-3/statistical-findings/607-infographic-statistics-from-the-press-complaints-commission-for-2019>

¹⁰ In line with the Flagship Initiative 1 (on strengthening the rule of law) of the Western Balkans Strategy of February 2018

associates. The Action targets the whole justice chain in the civil, commercial and administrative justice, including the contribution of lawyers to upholding the legal principles.

The Action is expected to improve also **the effectiveness in fighting organised crime and terrorism**. It will strengthen the investigative capacity on complex investigations, including economic, financial, banking, customs, cyber and other forms of investigations and will reinforce the Intelligence-led policing. This will improve the decision-making procedures and organisational structures at local and national levels, will enhance the use of criminal intelligence mechanisms and will improve day-to-day policing practice. The capacity of the National Coordination Centre (NCC) for fight against organised crime will be upgraded to ensure smoother coordination, effective monitoring and analysis of the operations against organised crime and adopt a pro-active role in improving the standards and effectiveness in countering terrorism and organised crime. Finally, the Action will improve the assets recovery and seizure management. On the prevention side, EU funds will support outreach activities to reduce the risk of young people and vulnerable groups being attracted to violent extremism and organised crime.

To support the national efforts for **curbing corruption**, the Action will increase the capacities of the State Commission for Prevention of Corruption to control and verify the assets declaration submitted by public officials and members of parliament, judges and prosecutors, to investigate on potential conflicts of interest, to enforce the legal provisions on lobbying and gifts. Special focus will be put on Commission's capacity to analyse two key areas prone to corruption, notably the financing of political parties and the public procurement.

The **effective protection of fundamental rights** will be mainstreamed through the capacity-building activities planned for the actors in the judicial system and the police. Further on, the Action will support the Ombudsman Office, the Commission for Protection from Discrimination and other bodies responsible for protection and promotion of human rights to better investigate and address cases of violation of human rights and to ensure the needed judicial protection. Special focus will be put on improving the probation system and introducing alternative sanctions, along with upgrading detention conditions, and supporting resocialisation and rehabilitation of detained persons after release. Children in conflict with the law and children exposed to violence will also benefit of the action, which is expected to upgrade the capacities of key players (social workers, police officers, investigators, prosecutors and judges) to detect signs of exposure to violence and to apply appropriate communication and personal skills. Finally, the Action will support grassroots initiative for protection of human, cultural and social rights.

As regards **freedom of expression**, the Action will primarily support the Public Service Broadcaster, the Agency for Audio and Audio-visual Media Services and the Council of Media Ethics with the objective to enhance self-organisation in the media sector, to support the improvement of business management models and enhance the protection of journalists' labour rights.

RELEVANCE WITH THE IPA II STRATEGY PAPER AND OTHER KEY REFERENCES

The Action is designed to support achieving the objectives for justice and home affairs sector as defined in the **Indicative Strategy Paper 2014-2020**, namely to improve the independence, efficiency, professionalism and effectiveness of the justice system, to improve the fight against corruption, organised crime, cyber security threats, terrorism and violent extremism and to enhance respect for the fundamental rights and the freedom of expression.

Further on, the Action addresses the findings of the **North Macedonia 2019 Report** (Chapter 23 – Judiciary and fundamental rights and Chapter 24 –Justice, freedom and security) and in particular the recommendations to promote the independence of the judicial system, further step up efforts to prevent and fight corruption, improve the situation in prisons and other places of detention as well as to promote an enabling environment for freedom of expression. Regarding the fight against

organised crime and terrorism, the Action will support the implementation of the recommendations to further improve the track record on investigating, prosecuting and convicting instances of organised crime and money laundering, and to further improve cooperation between the various law enforcement agencies by making the National Coordination for the Fight against Organised Crime fully operational.

The Action supports the implementation of key national priorities, defined in a number of strategic documents:

- **Strategy for Reform of the Judicial Sector 2017-2022**, which is the Government Roadmap to independent, impartial, efficient, high-quality and transparent judiciary responsible for the protection of individual rights and freedoms of citizens while acting in public interest. The Strategy goal is to restore the confidence in the institutions by providing legal certainty and access to impartial and quality justice for citizens. The Action will support the following specific objectives of the Strategy: 1) strengthen the rule of law as a top legal principle in regulating the relations among the three holders of power; 2) removal from the legal order of the laws threatening the autonomy, independence and impartiality of the judges and the autonomy of the public prosecutors office; 3) re-examination of the functioning of certain institutions, in particular the Judicial Council and the Council of Public Prosecutors, 4) set up of criteria and procedure for liability of the members of the Judicial Council and the Council of Public Prosecutors; 5) re-examination of the system for evaluation of the quality and efficiency of the work of judges and public prosecutors; and 6) reinforce the system of continuous education of judges, court associates, public prosecutors and their associates and attorneys.
- The **Police Development Strategy 2016-2020** defines eight strategic objectives focused on crime investigations, finance and support units, border affairs, transparent and democratic policing, effective use of resources, and cooperation, and the present Action will contribute to all of them. In particular EU funds will support 1) enhancing forensic capacities of the police; 2) strengthen the computer crime and digital forensics; 3) enhancing Public Security Bureau (PSB) capacities for counter-terrorism and combating crime; 4) increasing capacities of the Financial Crime Unit; strengthen crime intelligence and analysis capacities in the PSB; 5) further development of international cooperation and the effectiveness of the inter-agency cooperation; 6) strengthening the capacities for fighting corruption; 7) developing process of professional and continue education for fight against corruption; 8) strengthen the community policing; and 9) strengthening the capacities of the National Coordination Centre for organised and serious crime.
- **National Strategy for Strengthening of Financial Investigations and Property Confiscation and Action Plan** provides a comprehensive system of legal and operational measures for strengthening the overall national capacities for conducting financial investigations and property confiscation.
- **National Counter-terrorism Strategy 2018-2022** and **National Strategy for Countering Violent Extremism 2018-2022**, reflecting four strategic priorities: 1). Prevent flows of FTFs (Foreign Terrorist Fighters) and root causes of radicalisation and extremism. 2). Protect the people and properties, the key and critical infrastructure from all threats. 3). Pursue threats of Violent Extremism and Terrorism at their root in safe havens and where they pose clear danger to people and infrastructure; prosecute these threats actively, but fairly and transparently, and consistent with the rule of law. 4). Respond pro-actively always in ways that are transparent and consistent to the rule of law, in the spirit of solidarity and in ways that manage and minimize the consequences of a terrorist attack, by improving capabilities to deal with the aftermath, the coordination of the response and the needs of victims.

- **National Strategy for Development of the Penitentiary System 2015-2019** establishes the following strategic goals: 1) improvement of conditions in the penitentiary and correctional-educational institutions; 2) strengthening the management and performance oversight system, as well as the staff training system in the penitentiary and correctional-educational institutions; 3) improving the treatment and care for sentenced persons and for juveniles in the penitentiary institutions and correctional-educational institutions; 4) establishing more effective mechanisms for dealing with inter-prisoner violence, cases of ill-treatment of persons deprived of liberty or cases of corrupt practice by employees and other disturbances in the penitentiary and correctional-educational institutions; 5) provision of high-quality health care in the penitentiary and correctional-educational institutions; 6) providing efficient functioning of the educational process in the penitentiary and correctional-educational institutions; and 7) improvement of the preparation for release of sentenced persons before the end of the prison sentence. This Action will support the majority of the Strategy goals.
- **National Equality and Non-Discrimination Strategy 2016-2020**, which defines the goals, measures, indicators and key responsibilities for promotion of rights and equal opportunities.
- **Public Administration Reform 2018-2022**. In particular it will support enhancing responsibility, accountability and transparency in public service delivery.

The Action addresses key recommendations formulated in the 2018 Second report on the progress made in the fight against trafficking in human beings as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, notably on the need to combat trafficking of Roma women and children (also of WB origin)¹¹. Furthermore, the Action takes into consideration the 2018 Roma Communication and the external evaluation of the EU Roma Framework which reference antigypsyism and multiple discrimination against Roma women (also in the GAP guidelines) as a serious issue of concern.

LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

The EU has provided over EUR 50 million in the last 7 years to the country in the areas of justice reform, fight against corruption, fight against organised crime and terrorism, protection of human rights and freedom of expression. There are some important lessons drawn in the implementation process.

Strong political commitment and involvement is the ultimate condition for the reform in the rule of law area. Moreover, since the sector is complex with many stakeholders and strong party division lines, governmental ownership is not sufficient. This is particularly important for the justice sector involving also the independent justice players. Therefore, any successful reform in the justice sector requires a national consensus. Achieving such consensus might be a challenge, particularly in time of competing social visions, strong political bipolarism and lack of clear performance indicators on the outcome of judicial processes.

To support this process, sector policy dialogue must be maintained and the stakeholders must have the comfort to publicly express opinions and visions on the justice reforms. More open dialogue provides higher chances for finding acceptable solutions, reflecting the values and concerns of the society and building the trust of the public in the justice reform and the justice system as a whole. The sector working group is an appropriate platform to host the sector dialogue but it needs to be strengthened to more effectively channel the various inputs, visions and concerns. It is very important that the CSOs, academia, political parties are also involved in the policy making to

¹¹ {SWD(2018) 473 final} and {COM(2018) 777 final}” Contact: EU anti-trafficking office, DG HOME

enlarge the support basis of the justice reform or to ensure critical reading of the proposed policies and measures.

Another challenge to the process is how to bring ordinary citizens in the justice reform process. It is important that the reform does not remain a technocratic exercise but is understood by the people. Justice and home affairs systems are among those which are subject to reforms since many years and with unclear success; the public understanding of these reforms is marked by a reform fatigue and distrust. It is therefore very important that innovations enter into justice and home affairs systems to create a new momentum, to bring the systems closer to citizens and eventually integrate the citizens' ideas in the reform process. Technology can be a solution to these challenges. Technology leapfrog in both justice and home affairs systems may dramatically improve the way the institutions operate and communicate with public, improve performance and reduce costs and delays. It is equally important to link the reform process with performance indicators of social importance e.g. indicators that speak to people such as access to justice, court delay, judicial independence and integrity, and ensure that these indicators are regularly followed and information to public is available. Performance-based accountability and transparency are therefore an important pillar in every reform effort.

Another important conclusion is that reforms in the rule of law sector require time as well as significant and constant investments. Smaller-scale interventions remain insufficient. This is even more important for democracies in transition or new democracies. According to 2016 Eurobarometer, all new EU Member states spent between 0.3-0.65% of their GDP on justice. Bringing in more resources therefore remains crucial for the reform in the justice system and requires significant national contribution. At present, the country's political commitment is only partially backed-up with the necessary financial commitment.

Finally, success and sustainability of the justice and home affairs reforms is often related to the methodological approach applied. In order to make rule of law reforms more sustainable in the longer run, it requires more innovative approaches, such as peer mentoring, coaching and on the job-training, e-learning/training modules and train the trainers, within an overarching advisory approach to all the relevant institutions.

2. INTERVENTION LOGIC

LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE(S)/IM PACT(S)	INDICATOR'S NAME	OBJECTIVELY VERIFIABLE INDICATORS			SOURCE & MEANS OF VERIFICATION
		Baselines (value + year)	Milestones 2023	Targets 2025	
To strengthen rule of law	Rule of Law Index (Global)	Score 0.54 Rank 56/126 (2019)	0.60	0.65	World Justice Report http://data.worldjusticeproject.org/
	Rule of Law Index (Fundamental Rights)	Score 0.57 Rank 60 out of 126 (2019)	0.60	0.62	World Justice Report http://data.worldjusticeproject.org/
	Rule of Law / Worldwide Governance Indicator	47/100 (2017)	50/100	55/100	World Bank (WB)
	Control on Corruption score / Worldwide Governance Indicator	-0.31 (2017)	< -0.2	< -0.1	World Bank (WB)
	Corruption Perception Index	(35) 170/180 (2017)	40 or 165/180	50 or 160/180	Transparency International Index (http://www.transparency.org)
	Freedom of the Press - Freedom House Index	64 out of 100 (2017)	Positive trend	Max 55	Freedom House
	Freedom of the Press – Reporters without Borders (RSF)	Rank 109 /score 32.43 (2018)	Positive trend	Max 30	Reporters without Borders (RSF)
	Progress made towards meeting accession criteria. Chapters 23 and 24	Some level of preparation (2018)	Moderately prepared	Good level of preparation	European Commission Enlargement Country Report

SPECIFIC OBJECTIVE(S)/OUTCOME(S)	OBJECTIVELY VERIFIABLE INDICATORS	Baselines (value + year)	Milestones 2023	Targets 2025	SOURCE OF VERIFICATION	ASSUMPTION
To strengthen justice and home affairs systems and reinforce the respect to fundamental rights	Implementation rate of Judicial Strategy 2017-2022 (% of targets met).	< 10% (2018)	100%	NA	Report on the implementation of the Judicial Strategy and its Action Plan	The country is committed to EU integration and ready to implement the reform needed to achieve the required standards in justice and home affairs area.
	Number of key indicators on justice system being reported annually to the public	0 (2018)	10	15	e-Justice system/Performance assessment framework	
	Clearance rate of civil and commercial litigious cases	100% (2018) 111% (2018)	110% (2018) 114% (2018)	110% (2018) 114% (2018)	Judicial Council Statistical Report	
	Disposition time of civil and commercial litigious cases	108 days (2018) 268 days (2018)	90 days 220 days (2018)	90 days 220 days (2018)		
	Number of detected crimes as per SOCTA Threat Assessment (SOCTA) of 2012, developed by Europol	51 (2017) ¹²		> 80	Organised crime statistical data, as per SOCTA Threat Assessment developed by Europol – MoI (Aggregated information)	
	Percentage of re-offenders <i>versus</i> total convicted.	53% (2017)	< 53%	< 50%	Penitentiary statistics	There is strong societal support for the sector reforms as well as
	Number of detected cases of	0 (2018)	6	10	Annual Report SCPC	

¹² Organised crime statistical data , provided by MoI (Disaggregated information) / Statistical data of the MoI - Bribery in elections and voting (3), Unauthorized production and release of narcotic drugs, psychotropic substances and precursors (7), Unauthorized receiving and giving of gifts, Extortion, Money laundering and other proceeds of crime (6), Illegal trade (2), Unlawful acquisition and concealment of property(1), Leaving an official secret, Agreement for committing a crime, Criminal association(2), Terrorist organization, Terrorism, Unauthorized manufacture, possession, mediation and trade in weapons or explosive materials, Production and supply of weapons and funds intended for the commission of a crime (1), Trafficking in human beings, Smuggling of migrants (13), Organizing a group and encouraging the execution of acts of trafficking in human beings trafficking in minors and smuggling of migrants (3), Trafficking of minors (1), Abuse of the visa-free regime with the EU Member States and the Schengen Agreement(6), Receiving a bribe(2), Bribing(2), Receiving a reward for unlawful influence(1), Unlawful acquisition and concealment of property(1)

	corruption and conflict of interests by SCPC					public interest in the progress of the reforms creating a bottom-up pressure for delivering on reforms
	Number of cases where SCPC initiated misdemeanour procedure	0 (2018)			Track record on corruption cases Annual report of judicial bodies including: Skopje Basic Court, Public Prosecutor for Prosecuting Organised crime and Corruption Annual reports of SCPC SSO, perpetrators of criminal offences report, T-03	
	Record of financial crime against public finances, payment operations and the economy (total number of reported perpetrators)	664 (2017) ¹³				
	Enforcement record of the Unit for financial crime	12/48/7 ¹⁴ (2017)			Reports of the Unit for Financial Crime	
	Number of violations of human rights and freedoms	1514 (2015)		< 500	Ombudsman Annual Report	
	Number of violations of human rights and freedoms declared by the European Court of Human Rights.	62% 21 out of 34 (2018)	Less than 60%	Less than 60% Positive trend	ECHR Annual Report	
	Number of cases of domestic violence reported and number	656	Trend monitoring	Trend monitoring	National Statistical Institute	

¹³ State Statistical Office, perpetrators of criminal offences report, T-03 statistical breakdown of the financial crimes: Customs Fraud (6), Counterfeiting money (65), Crimes against official duty (total number of reported cases: 593, of which: Misuse of official position and authority (498), Embezzlement in the service (5), Giving or receiving a bribe (8) and Falsifying an official document (19)

¹⁴ Number of criminal acts discovered by the Unit for financial crimes (12-2017), Number of perpetrators identified by the Unit for financial crimes (48 - 2017), Number of detained persons as result of the investigations of the Unit for financial crimes (7-2017).

	of investigations leading to indictment or conviction; Number of cases of sex offence reported (measured as number of perpetrators in Table T-01) (Crimes against sexual freedom and sexual morality)	64 cases / 46 investigations				
OUTPUT	OBJECTIVELY VERIFIABLE INDICATORS	Baselines (value + year)	Milestones 2023	Targets 2025	SOURCE OF VERIFICATION	ASSUMPTION
1. Improved independence, accountability, quality and effectiveness of the justice system	Number of judges and prosecutors benefiting of the EU support (cumulative for the different measures and sex disaggregated)	3828 (2015)	> 5000	N/A	Project Report and administrative data	There is strong interest on behalf of the national players to cooperate with EU Member state peers and adopt and apply the EU practice and standards The country allocates the necessary human, operational and budgetary resources to support the sector reforms in mid-term Effective cooperation and coordination
	Number of courts benefitting of peer support	0 (2019)	At least 7	10	Grant report	
2. Stronger capacity to effectively implement modern investigation techniques in fighting organised crime, terrorism and corruption	Number of inter-institutional joint operations to investigate serious and organized crime (money laundering, cyber-related crimes, illicit drug trafficking and smuggling of migrants).	Unknown		> 10	Statistical data of the MoI	
	Number of pronounced interim measures (freezing of assets).	< 10		> 25	Agency for management of confiscated property	
	Number of staff trained (sex disaggregated rank disaggregated between senior, middle management, executive level) for the suppression of	Unknown		> 50	Grant report	

	serious and organised crime and terrorism.					between all relevant institutions
3. Improved enforcement record in curbing corruption	Number of investigations conducted for violations of the requirements and big differences between assets and revenues.	0 (2018)	100	150	Public Report of the SCPC	Adequate and appropriate institutional and legal framework is in place
	Number of irregularities/violations detected in asset declarations	0	>10	Trend should be reversed		
	Number of cases open by SCPC on the financing of political parties	0	>2	> 5		
	Number of public procurement procedures analysed by the SCPC	0	>20	> 30	Report of the SCPC	
4 Enhanced protection of fundamental rights and stronger uptake of alternative means to detention	Number of prisoners having been transferred to new/refurbished facilities / % of the overall prison population (before the start of the project and at the end) from improved detention conditions (sex disaggregated)	0 (2018)	0	> 190	Grant report	
	Number of prisoners involved in resocialisation activities (sex disaggregated)	88 (2017)	> 200	> 300	Penitentiary statistics	
	Number of persons (police officers, prosecutors, judges, investigators, social worker -	Unknown	30	> 60	Grant report	

	sex disaggregated) trained on fundamental rights, including on issues on gender equality					
	Number of cases processed by the Ombudsman and the anti-discrimination commission	OM - 3458 (2018) ADC – 0 (2018)	4000 100	4000 150	Annual Reports of the Ombudsman and of the anti-discrimination Commission	
	Number of cases of domestic violence reported and number of investigations leading to and indictment or a conviction	656 (2017)	< 600	< 500	National Statistical office	
5.Strengthened freedom of expression	MRT Radio & TV Rating, measured as percentage of population listening/watching the radio and TV programmes of the public broadcaster (MRT)	Radio - 3.1% TV – 14.4% (2018)	8% 18%	12% 20%	Reports of the Agency for Audio-Visual Media Services	
	Number of journalists benefiting of enhanced social and economic protection	0 (2018)	50	150	Project reports Reports of the Agency for Audio-Visual Media Services Report Independent Union of Journalists and Media Workers	

DESCRIPTION OF ACTIVITIES

Result 1: Improved independence, accountability, quality and effectiveness of the justice system

Activity 1: Improving the capacities of judicial/justice institutions to deliver justice in transparent and accountable manner

This activity involves comprehensive technical assistance in the following areas:

- 1.1. **Strategic advisory support** to the actors in the judicial system, including the Judicial Council, Council of Public Prosecutors, Public Prosecution Office (PPO), prosecutors, judges, legal associates/court clerks. This measure will focus on the implementation of the recommendations of Venice Commission, GRECO and of the Senior Experts' Group on Systematic Rule of Law issues, and will reflect the ongoing reforms and EU support. It also includes assessment of the performance of judges and prosecutors and of judicial and prosecutorial offices, as regards the implementation of the code of ethics for judges, prosecutors and legal associates, as well as the monitoring of cases of breach of integrity rules and disciplinary cases. The activity involves primarily comprehensive advisory support with coaching and mentoring by EU Member states judges/prosecutors and peer-to-peer exchange among national and EU judges/prosecutors with possibility for hands-on transfer of experience.
- 1.2. Strengthening of the **justice chain** and the enforcement process in the civil, commercial and administrative justice, following an analysis of the challenges in the justice process and outcome. The activity involves primarily coaching and mentoring by EU Member states judges in selected courts of the country (i.e. Supreme Court, Appellate and Basic courts, Administrative court, Constitutional court) and peer-to-peer exchange and hands-on transfer of experience on 1) Case work, 2) Court management. These cases/common work will be also channelled back to the process of practical training offered by the Academy for judges and prosecutors. Support to lawyers and the Bar Association as a third pillar of the justice system will also be provided. The activity will include a review of the institutional framework of the Bar Association and its functioning including trainings, inter-institutional cooperation, management.
- 1.3. Support for the implementation of the ICT Strategy for the Judiciary and particularly as regards the **system for management of cases** for judges and prosecutors and the integration of data analytical tools linked to reporting on specific upscale indicators of social value reflecting the performance of the justice system.
- 1.4. Strengthening the capacities of the **Academy for Judges and Prosecutors** to deliver high quality training for judges/prosecutors and their legal associates. The activity involves improving the training curricula, including gender equality and anti-discrimination aspects, training process and examination. Special focus will be put on integrating specialised trainings and practical simulation exercises in the training programme. The activity involves coaching and mentoring by EU Member states peers to ensure hands-on transfer of experience.
- 1.5. Improving the **management and monitoring of the justice reforms**. Support will be given to the Ministry of Justice to monitor the implementation of the justice sector reform strategy and action plan. This activity also includes outreach measures to promote the independence of the Judiciary and access to justice through a dialogue with citizens. The activity will ensure citizens' feedback on how the reform meets the citizens' expectations and which measures are still needed to restore citizen's confidence. Special attention will be given to the analysis of specific challenges in ensuring access to justice e.g. impact of the new laws, court procedures, etc.

Result 2: Stronger capacity to effectively implement modern investigation techniques in fighting organised crime and terrorism

Activity 2: Fighting organised crime and terrorism

This activity involves:

- 2.1. Improving the **investigation capacity with a focus on complex criminal and financial investigations** including economic, financial, banking, customs, cyber and other forms of investigations. The action envisages 1) improvement in the methodology of conducting investigations (money laundering, financial investigations, illicit drug trafficking, migrant smuggling and cyber-crimes- Dark Net and Deep Web), and 2) joint investigations with Member states enforcement bodies. The activity involves primarily coaching and mentoring by EU Member states peers and hands-on transfer of experience.
- 2.2. Strengthening of **Intelligence-led policing and improving the capacity for analysis of the criminal environment** through streamlining a uniform information management on current crime trends and enhancing the risk analysis system. The objective is to address the crime earlier, already in the planning phase. This will reduce the crime risks, implications and effects. It is important that intelligence-led policing is backed-up by (one or more) EU Member states as being cross-border, the organised crime and terrorists networks cannot be addressed by the country effectively. The action will support 1) Improvements in the decision-making procedures and organisational structures at the local and national levels, including proactive strategic and operational planning, and 2) Enhanced use of criminal intelligence mechanisms and improvement in the day-to-day policing practice.
- 2.3. Improving the **use of special investigative measures in criminal investigation** in compliance with fundamental rights and freedoms. Following an analysis of the strengths and weaknesses of the existing system for monitoring and interception of communications and use of special investigative techniques in the context of protection of the human rights and fundamental freedoms, this activity will provide guidance improving the legal framework and upgrading the standard operative procedures. Further on, a set of indicators will be developed to support standardization and prioritization of the application of special investigative measures. It will be complemented by capacity building measures i.e. specialised trainings for MoI and PPO representatives on the appropriate use of special investigative measures in respect of human rights.
- 2.4. Support to the **National Coordination Centre for fight against organised crime** to act as an effective coordinator and standard-setter among the law enforcement bodies (police, prosecution, investigative centres, national coordination on counter terrorism, tax and customs authorities, etc). The action envisages to upgrade the capacity of the Centre to monitor and analyse the operations against organised crime and to propose changes in the legal, operational and institutional set-up to improve the enforcement record.
- 2.5. Improve the administrative and technical capacity for **assets recovery and freezing and seizure management** in line with EU standards. This activity will assess the existing legislation and operational capacities and support the improvements in the legal, procedural and institutional set-up i.e. legal amendments, standard operating procedures to facilitate identification of criminal assets, cooperation in cases of need to freeze the goods and enabling of confiscation measures. This activity will also support the establishment of the Asset Recovery Office and strengthen the capacity of the Agency for the Management of Confiscated Property, taking into consideration ongoing reforms and the support provided under regional IPA projects.

- 2.6. **Reducing the risks of young people and vulnerable groups being attracted to violent extremism and organised crime** through implementation of effective outreach and prevention measures at school and in the community.

Result 3: Improved enforcement record in fighting corruption

Activity 3: Curbing corruption

This activity involves:

- 3.1. Strategic advisory support for ensuring the independence, effectiveness and efficiency in the operation of the State Commission for Prevention of Corruption (SCPC) as well as methodological support for implementation of its mandate.
- 3.2. Improving the **control and verification of assets declarations** submitted by elected and appointed public officials and members of Parliament. The new law on anti-corruption extends the competences of the SCPC in this field. The activity will improve the SCPC capacity for both tracing non-submitted declarations and for verification of the submitted information through using of various administrative and financial data. The intervention envisages primarily mentoring and on-the-job support to SCPC.
- 3.3. **Enforcement of the law on lobbying and restrictions on gifts.** The activity is designed to improve the awareness and understanding of the members of parliament, judges and prosecutors and other elected and appointed officials and civil servants on lobbying and gifts since the current legal provisions are numerous and scattered and there is no systemic training. The intervention involves the adaptation of the e-module on ethics and integrity for public administration, developed under IPA 2017, to the specifics of members of government, parliament, judges and prosecutors as well as upgrade of the gift policy training module. In addition, the action will analyze gifts legislation and establish a register of gifts (which is also in the SCPC mandate but no practical steps in this direction have been made so far).
- 3.4. **Improving the transparency of the financing of political parties and financing of election campaigns.** The activity will support the SCPC to effectively check the financing and spending of the political parties and during election campaigns, which is a new responsibility handed to SCPC by the new anti-corruption law, including through on-the-job support. Further on the project will support SCPC to sustain constructive partnership with other stakeholders i.e. financial police, State Audit Office, etc.
- 3.5. **Prevention of corruption in Public procurement** – being the main channel for spending of public funds, public procurement is also linked to a significant corruption risk. In addition the country has not yet harmonised its legislation with the 2014 EU package of public procurement, introducing enhanced monitoring on public procurement procedures. Therefore, there is a need to reinforce the supervision over the e-procurement, and improve the analyses of the data from the e-procurement system. Formally, SCPC have such a mandate but so far this right/obligation was not insufficiently enforced in practice. The Action will build up the capacity of SCPC to analyse the data and investigate specific cases. Since the country has a quite well developed e-procurement system, and all tender procedures are published, the action will support an e-tracker (Similar to Slovenian e-Supervisor) providing the necessary data to feed the analysis and investigation process. The action will strengthen the capacities of the relevant institutions at central and local level on detection of risks of corruption and conflict of interests in public procurement.

Result 4: Enhanced protection of fundamental rights and stronger uptake of alternative means to detention

Activity 4 Promoting minorities' and fundamental rights

This activity involves:

- 4.1. Strengthening the capacities of the main human rights bodies to effectively implement their mandates, to adopt a pro-active approach in monitoring and analysing the respect for human rights, to investigate cases and act upon complaints of violation of human rights and ensure the necessary administrative and judicial protection. The activity will support the Ombudsman Office as guarantor and protector of human rights, the Commission for Protection from Discrimination and other bodies responsible for protection and promotion of human rights. Special focus will be given to identifying roots and prevention of cases of gender-based violence and discrimination of women, particularly of Roma women and women of other ethnic groups. The support envisages the transfer of experience from EU to the national institutions based on peer-to-peer approach and supportive coaching and on-the-job training (case work).
- 4.2. Improving the situation of prisons through further upgrading the prison in Idrizovo. The improvement of physical detention conditions (4.2.a) will be coupled with soft measures for improvement of the probation system and alternative sanctions (4.2.b) as well as resocialisation and rehabilitation of detained persons after release (4.2.c).
- 4.3. **Developing capacities for working with children in contact with the law and children exposed to violence.** The activity will provide support in the implementation of the juvenile justice law. A focus will also be put on access to justice for children as well as on implementation, together with the Ministry of Education and Ministry of Labour and Social Policy, of educative and re-socialisation programmes in detention as well as in the communities to prevent recidivism. The activity will develop the alternative measures for children in conflict with the law and will build the capacities of prosecutors, police, lawyers and mediators to implement them. In addition, the activity will upgrade the capacities of a large group of officials in the social care, child protection, justice and police systems to work with children exposed to violence, witnesses and victims.
- 4.4. Implementation of **outreach activities for young people of non-majority community origin** in vulnerable communities with the objective to encourage their effective participation in cultural, social, economic and public life. This activity involves a grant scheme for grassroots initiatives.
- 4.5. Further **improvement of human rights in judicial and home affairs system** (mainstreaming component of activities 1 and 2). The activity is expected to improve the knowledge and respect for human rights and enhance the anti-discrimination culture of judges, prosecutors, investigators, police officers, law enforcement officials, and first responders being part of other sectors of public administration. Special focus will be put on protecting the rights of the most vulnerable groups, including of children (as victims, witnesses and in conflict with the law), women, minorities (including Roma), disabled persons and LGBTI individuals and on combatting hate crime. This activity will also focus on domestic violence. This involves capacity building and awareness-raising activities, primarily implemented through the judicial and police academies to ensure that that respect for human rights becomes a part of the culture in the law enforcement and judicial systems. These activities can easily be extended to victims' rights based on the foreseen law and on the new legal aid law.

Result 5: Strengthened freedom of expression

Activity 5 Promoting freedom of expression and protection of journalists

This activity involves:

- 5.1. Assistance for the **reform of the Public Service Broadcaster and** strengthening the capacity of the **Agency for audio and audio-visual media services**. This activity involves strategic advice, coaching and on the job training for the two institutions with the objective to (1). Review the efficiency of public broadcasting service and enhance its administrative capacity and financial sustainability, (2). Enable the production of higher-quality programmes based on proper audience segmentation and new journalistic and management approaches (3). Improve the understanding of the European standards and practices around media freedom and public broadcasting service, (4). Upgrade the tools to follow and assess the public opinion on the value of MRT services, (5). Strengthen the supervision over the audiovisual programmes' compliance with European and national rules, and (6) further strengthening the national audiovisual regulator independence and understanding of the EU media legislation and follow the work of the European Regulators Group for Audiovisual Media Services.
- 5.2. The Council of Media Ethics and its Commission will be supported in its efforts to improve the self-regulation in media sector through strengthening the professional and ethical standards guiding the work of the journalists, informing the general public thus increasing the demand for professional, objective and qualitative journalism.
- 5.3. Enhancing the role of various media association in improving the business management models and effective protection of the labour and social rights of journalists, as well as to perform the role of watchdogs and advocate for freedom of expression.

RISKS

Risks	L ¹⁵	Mitigation measures
The reform in the rule of law and fundamental rights sector is far-reaching, ambitious and requires deep changes, not only in the legislative, institutional and procedural framework, but also in the legal culture and the way the citizens accept the judiciary and security systems. There are no quick fix solutions and success will require time and systemic efforts. While at this moment the commitment of the decision-makers to the reforms is outspoken, political and party-led constraints may impact on the long-term commitment.	M	<p>The possibility for opening negotiations with the EU will increase significantly the public focus on justice and security systems and will act as a key driver for the reforms.</p> <p>The enhanced policy dialogue through the SWGs may sustain to a certain extent the country's commitment (even in case negotiations are not open). This dialogue must also integrate an appropriate monitoring and public reporting and control mechanism to inform citizens on sector reforms.</p> <p>Activation of the Civil Society Organisations to participate in the policy dialogue and to contribute to the sector reforms driving them from bottom to top.</p>
<p>Limited vision for reforms apart of decision-making levels and low engagement and participation of stakeholders in the sector reform process.</p> <p>Limited co-ordination capacities; lack of consolidated effort and mobilisation of all stakeholders (including the non-state ones).</p> <p>Limited administrative capacity, including,</p>	M	<p>Strengthen the role of the SWGs as the main platform for sector policy discussion, coordination and monitoring of the judicial and security reforms, and the implementation of this Action.</p> <p>The Action proposes a strong tailor-made capacity building programme coupled with outreach measures to activate citizens in monitoring the reforms and restore their</p>

¹⁵ Risk level: L = Low / M = Medium / H = High

low current staffing levels.		confidence in the judicial and security systems
The Action coincides with numerous reforms (PAR, Taxation and PFM, etc.), which on one hand take a significant part of the available resources and on the other hand, create political pressure and strong influences from different sides and parties. Slow progress in the revision and approval of new procedures, amendments to legislation and rules.	M	Sustain the pressure for reforms (horizontal and bottom-up) through an enhanced sector policy dialogue and activation of citizens. Support for key reforms will ensure synergy and cross impact. Significant advancement in the PFM reform and introduction of a multi-annual expenditure framework will support the programme budgeting and better link reforms to resources. The progress on PAR will impact on the process on policy and rule-making.
The availability of highly professional Member States' experts to perform the peer-to-peer and coaching work.	L	The possibility for opening negotiations with the EU will increase the interest of Member States to send highly qualified expert to support the ongoing reforms in the country.

CONDITIONS FOR IMPLEMENTATION

No particular conditions apply to this Action.

3. IMPLEMENTATION ARRANGEMENTS

ROLES AND RESPONSIBILITIES

The Action will be implemented under direct management by the EU Delegation as Contracting Authority having the overall responsibility for contracting, monitoring and evaluation.

The Action will involve numerous stakeholders:

- The **Ministry of Justice (MoJ)** is the leading policy-maker in the justice sector. Its competences include preparation, implementation and monitoring of justice sector reforms, strengthening access to justice and legal aid system, approximation of sectorial legislation with EU and international law, international judicial cooperation. The MoJ shall assume a key role under the action as a main coordinator of the stakeholders, organiser of the sector policy dialogue, main reporter on the sector reforms and responsible party for enhancement of legal aid and EU law implementation mechanisms, and for steering of administrative justice and misdemeanour law reforms. The Ministry will also benefit of the Action for promotion of the independence and professionalism of the judiciary, improving the communication approach and ensuring public support for the reforms.
- The **Constitutional Court** is the institution in charge of the constitutional and legal compliance of legislations and laws, as well as fundamental freedoms and rights of the individual and citizens. Its decisions are final and binding. The Constitutional Court will be involved in some activities of the Action, as recipient of support, i.e. capacity-building programme for ensuring efficiency and effectiveness of the justice chain and activities related to the efficient protection of the human rights.
- The **Supreme Court** is the highest judicial authority in charge of deciding cases in the final instance and within the extraordinary remedies' procedure, settling jurisdictional disputes between courts, as well as ensuring uniformity of court practice by issuing legal positions on specific questions of law. The Supreme Court, together with the Courts of Appeal and other basic and administrative courts, will be involved in the activities focused on efficiency, professionalism and transparency of the judiciary, as well as ensuring higher uniformity of court practice.

- The **Judicial Council (JC)** is the leading judiciary governance body in charge of ensuring autonomy and independence of the judiciary. Its competences include appointment, appraisal, disciplinary responsibility and dismissal of judges, monitoring of courts' performance, as well as handling complaints against courts and distribution of judges across the country. Within this Action, the JC shall be in charge of implementing activities related to the governance of the judiciary and more precisely on the assessment of the performance of judges and ethic attitude. A significant attention shall be paid at streamlining its role in ensuring an independent, efficient, accountable and professional judiciary.
- The **Court Budget Council (CBC)** is the judiciary governance body in charge of planning and execution of judicial budget. It will benefit from the action through the capacity building programme focused on improving the court management.
- The **Council of Public Prosecutors (CPP)** is the institution that guarantees the autonomy of the public prosecutors in performance of their functions. It is competent to decide on the status of public prosecutors, including selection and dismissal, termination or suspension of office, disciplinary procedures and appraisal. The Action will benefit CPP through strengthening their capacity to assess the performance of prosecutors as well as their ethic behaviour.
- The **Public Prosecutor's Office (PPO)** is an autonomous state authority in charge of prosecution of perpetrators in criminal and other punishable acts determined by law. The PPO's powers include criminal investigations conducted by the Judicial Police which is composed of criminal police, financial police and investigative service of the Customs Administration. The PPO will benefit of the Action through the review and improvement of the institutional and regulatory framework and upgrading its operational capacities.
- The **Directorate for Execution of Sanctions** within the MoJ is the leading policy maker in the area of penitentiary and probation reforms. It supervises the modernisation and operation of penitentiary institutions and alternative sanctions, ensuring the EU standards are gradually introduced. The Directorate still suffers from limited funding and human resources to implement its functions and will benefit of this Action through the improvement of the detention conditions and the envisaged soft measures, as well as through the support for the uptake of the probation service.
- The **Bar Association (MBA)** is an autonomous and independent public service that secures and provides legal assistance. The attorneys execute public mandates in accordance with the law of creation and its bylaws. It will be integrated in the action as a third judicial pillar and will benefit from the capacity-building programme.
- The **Academy for Judges and Public Prosecutors (AJPP)** is the institution in charge of organising and conducting initial training of candidates for judges and prosecutors and continuous training to the entire judiciary and PPO staff. The AJPP has enjoyed substantial IPA assistance and has gradually strengthened its capacities. It shall be accordingly in charge of Action activities related to training and capacity building to the judiciary and PPO staff, as well as other justice sector actors.
- The **Ministry of Interior Affairs (MoI)** is the main policy maker in the home affairs sector, having also the responsibility for the coordination and supervision of implementation and reporting of the sector reforms. The MoI will benefit from the activities related to fight against organised crime and terrorism and the programme for strengthening the protection of human right in the enforcement bodies.
- The **Public Security Bureau (PSB)** within the MoI is composed of a set of structures responsible for ensuring public order and security, including combating organised crime, financial crimes, trafficking of persons, drugs, weapons, terrorism cases and criminal

intelligence and analysis. Other relevant body to be part of the activities under the present Action is the **Financial Intelligence Unit** within the MoF.

- The **National Coordination Centre for Organised and Serious Crime (NCC)** was created in 2014 to strengthen the national cooperation in fighting organised and serious crime. The NCC is composed of representatives from the Ministry of Interior, Customs Administration, Financial Police Office, Financial Intelligence Office, Public Revenue Office and Public Prosecutor. The director of the PSB manages the NCC. NCC will be part of this Action and will benefit from the capacity-building programme and all coordination enhancing activities.
- The **National Committee for Prevention Violent Extremism and Fight against Terrorism (NCCVECT)** coordinates the activities of the all relevant authorities including military and civil security intelligence services, ministries, agencies, judicial bodies in the country that are active in the fight against terrorism and prevention of violent extremism. A particular challenge for the country will be to prevent radicalisation in communities and in prisons and properly address the phenomena of returned foreign terrorist fighters – these areas will be targeted by the Action.
- The **Agency for Management of Confiscated Property** is competent for seizure, management of and reporting on seized property, and will benefit from the capacity-building programme designed in this Action.
- The **Financial Police Office (FPO)** is a separate legal body within the Ministry of Finance, in charge of detecting and pursuing complex forms of organized financial crime in the country. It will be involved in the capacity-building programme designed in this Action.
- The **State Commission for Prevention of Corruption (SCPC)** is an autonomous and independent body with extended powers to prevent and fight against corruption, including registration and monitoring of changes of assets declarations of the elected and appointed public officials; registration, monitoring and checking of conflict of interest; initiation of procedures for dismissal, removal, criminal prosecution of public officials and other measures for determining the responsibility of public officials; initiation of control of the financing of the political parties and associations of citizens; supervision of lobbying activities; maintaining of gift register; conducting anti-corruption research and risk analysis. It implements the Strategy for Prevention and Repression of Corruption and Reduction of Conflict of Interest 2016-2019. The SCPC will benefit from the Action through upgrading its investigative and operational capacity.
- The **Public Procurement Bureau (PPB)** within the Ministry of Finance (MoF) is responsible for monitoring and analysing the enforcement of public procurement regulations. The PPB will be associated with the activities for prevention of corruption in public procurement.
- The **Public Revenue Office (PRO)** and the **Customs Administration** have investigating powers respectively in the areas of taxation and customs with the objective to detect criminal offenses or corruption. Both institutions will benefit of the Action in relation to the activities related to the fight against corruption and organised crime.
- The **State Audit Office (SAO)** is an independent external audit body, reporting on its audit of state finances to Parliament and the general public. It will be associated with the activities planned for prevention of corruption.
- The **Ombudsman's Office** is an independent body elected by the Parliament to protect the constitutional and legal rights of citizens and all other persons when these are infringed by acts, actions and omissions by the state administration bodies and organisations that have public authority. Being the key human rights protector, the Ombudsman will benefit from the capacity building programme included in the Action.

- The **Commission for Protection against Discrimination** is an independent entity responsible to track and addresses cases of discrimination on the grounds such as sex, race, colour, gender, belonging to a marginalized group, ethnicity, language, citizenship, social origin, religion or belief, education, political affiliation, personal or social status, mental or physical disability, age, family or marital status, property status, health, sexual orientation, gender identity and other grounds. The Commission will be associated to all planned activities enhancing the protection of human rights.
- The **Agency for Realisation of Rights of Communities (AOPZ)** is tasked with implementation of fundamental principles, derived from the Ohrid Framework Agreement and the Constitution, related to the protection of rights of persons belonging to small ethnic communities representing less than 20% of the total population. The Agency is especially focused on the consistent implementation of the principle of equitable representation. It will benefit from the capacity building programme included in the Action.
- The **Public Service Broadcaster** performs activities of public interest in the field of broadcasting, including production and provisioning of radio and television programmes in accordance to the Law on audio and audio-visual media services. The Public Service Broadcaster will be part of this Action in all activities related to freedom of expression.
- The **Agency for Audio and Audio-visual Media Services (AVMU)** is an independent, non-profit regulatory body with public competencies and duties for ensuring transparency of the work of broadcasters, protection and development of pluralism of audio and audio-visual media, protection of minors, protection of interest of citizens in the area of audio and audio-visual media services, etc. AVMU will also be part of the activities related to freedom of expression.
- The **Council of Media Ethics (CMEM)** is a non-governmental, non-political and non-profit organization focused on promoting the principles of transparency and accountability in media sector, protection and upgrading of professional standards and ethics, and raising public awareness of professional and ethical standards that should be respected by the media. The CMEM will be involved in the activities related to freedom of expression.
- Media associations and other media professional organisations, as well as civil society organisations protecting the fundamental right for freedom of expression and other human rights will be eligible to apply.
- The **Ministry of Education and Science (MoES)** and the **Ministry of Labour and Social Policy (MoLSP)** are the institutions in charge of the programming, implementation and monitoring of the Education Strategy 2018-2025 and the Employment and Social Reform Programme, among other strategies, and will be involved in the present Action in relation to the education and re-socialisation activities for prisoners and children in conflict with the law.
- The **Ministry of Information Society and Administration (MISA)** is in charge of the programming, implementation and monitoring of the Public Administration Reform Strategy 2018-2020 which includes some objectives and actions related with the fight against corruption that are part of this Action.

METHOD(S) OF IMPLEMENTATION AND TYPE(S) OF FINANCING (SEE ANNEX IMPLEMENTATION – BUDGET)

4. PERFORMANCE MEASUREMENT

METHODOLOGY FOR MONITORING AND EVALUATION

Progress in the implementation of the Action will be monitored through the Performance Assessment Framework (PAF) which is being prepared through a separate EU project and is expected to be put in place in 2019. The PAF is sector-based and integrates macro indicators (outcome and impact levels) and micro indicators (output level) for the sector Rule of Law and Fundamental Rights, deriving from the country sector strategic documents. Since the Action proposes measures relevant to the priorities identified in the national strategic documents, the majority of the formulated indicators are part of PAF. PAF is developed as a web-based application (to be backed up by a Government decision on responsibilities and deadlines) allowing regular electronic input of data, data processing and data analytics. The PAF data will be used in the Sector Working Groups on Justice and Home Affairs, which is also the inclusive platform of all stakeholders to monitor the implementation of the sector priorities.

In addition, the Action envisages a separate contract for a final independent evaluation of the effectiveness and the impact of the Action. The European Commission may carry out additional evaluation for this Action or its components via independent consultants, through a joint mission or via an implementing partner. In case a mid-term or final evaluation is not foreseen, the European Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner. All evaluations will be carried out as prescribed by the DG NEAR guidelines for evaluations. In addition, the Action might be subject to external monitoring in line with the European Commission rules and procedures set in the Financing Agreement.

The ongoing monitoring of the specific contracts will be a responsibility of the EU Delegation and the NIPAC office, as well as of the Steering Committees established in the context of the specific technical assistance interventions.

5. SECTOR APPROACH ASSESSMENT

The country sector approach framework distinguishes two sub- sectors, respectively Justice and Home affairs. There is progress in the sector approach uptake achieved in 2017-2018, notably as regards the coordination and the strategic framework. The established sector roadmaps are under implementation with the majority of targets being met in 2018. There is an outspoken commitment to the reforms in the judicial and home affairs system on behalf of the country.

Justice Sector

There is a relevant and comprehensive coordination system in the sector which can support the reform in the sector. The established sector working group (SWG JUST) is the inter-institutional co-operation forum enlarged to donors and civil society and chaired by the Minister of Justice. It meets in three formats: core/expert, institutional (expert and decision-makers) and plenary/extended, involving also donors and civil society along with all national institutions. The SWG is engaged in analysing and defining the sector priorities, as well as monitoring and reporting on the progress of the sector strategies. In 2018, the SWG JUST met regularly – over 20 times, including three plenary sessions. Other coordinative mechanisms also exist in the country¹⁶, having

¹⁶ There are a number of additional sector and donor coordination mechanisms, like:

- In the frame of the 3-6-9 Government plan, a Council for Reform of the judicial sector was established (July 2017) which was responsible for coordinating the preparation of the Judicial Strategy and its mandated ended with the adoption of the

more specific focus.

The sector institutional structure is well established and institutions have clear responsibilities. Nevertheless, understaff of qualified personnel in certain institutions exist, as well as a lack of IT support and relevant trainings in some institutions. Although there has been some functional analysis in previous years, a more extensive functional and workload analysis in the justice sector institutions is needed. The institutional set-up is largely in place, and following some adjustments and reinforcements of relevant units/departments, it could provide the required support for sector reform, as the political will and commitment to reform is present at the top.

Coherent strategic framework exists, provided by the umbrella **Strategy for Reform of the Judicial Sector and Action Plan 2017-2022**, which provides a comprehensive vision on seven specific areas: (a) strengthening independence, impartiality and efficiency of the judiciary; (b) improving administrative justice; (c) further reforms in the criminal justice system; (d) development of the civil justice system; (e) alternative dispute resolution; (f) access to justice; (g) enhancing the protection of fundamental rights (with a particular focus on the penitentiary). Another important strategic document is **the Strategy for Information and Communication Technology in the Judiciary 2018-2023**, which maps out the measures to increase access, timely and easy usage of the judicial services for all users, to improve the quality of data, protection and security as well as cooperation with other judicial systems.

A clear weakness that still needs to be addressed is the monitoring and reporting on the implementation of the sector strategies. To support the national authorities, a EU-funded project is currently preparing a **Performance Assessment Framework (PAF)** integrating the most important progress indicators at macro and micro level. However, PAF needs to be backed-up by a strong governmental push towards more transparency and accountability in the sector policy management.

Home Affairs Sector

The institutional set-up is supportive for the implementation of the sector reform, mainly due to the existence of clearly defined lead institution. However, identified weaknesses in term of capacities should be resolved in the short-medium term, particularly the insufficient human resources in the strategic planning department, financial policy, UBK, and IT policy unit. Important shortcoming in the sub-sector is the lack of an institutionalized training policy for the basic and continuous training.

The established sector working group (SWG HA) is an inter-ministerial co-operation forum enlarged to donors and civil society and chaired by the Minister. . It meets in three formats: core/expert, institutional (expert and decision-makers) and plenary/extended, involving also donors and civil society along with all national institutions. The SWG is engaged in analysing and defining the sector priorities, as well as monitoring and reporting on the progress of the sector strategies. In 2018 the SWG JUST met regularly – about 15 sessions, two of which plenary. Other coordinative mechanisms also exist in the country¹⁷, having more specific focus.

Strategy (28.11.2017). Later on (March 2018), a Council for monitoring the implementation of the Strategy was established chaired by the Primer Minister.

- NPAA Working Group on Chapter 23 “Judiciary and fundamental rights”. WG23 is chaired by the MoJ EU Department. In addition to this WG, a more general coordination of actions in light of the priorities from the perspective of EU integration is decided in the Working Committee on European Integration and the Subcommittee, which discusses the level of implementation of NPAA, EU funded programmes.

¹⁷ Such as 1). NPAA Working Group on Chapter 24 “Justice, Freedom and Security”. Chaired by the Ministry of Interior, Working group for Chapter 24 is covering 12 areas of the EU *acquis*: asylum, migration, external borders, VISA policy, combating organised crime, combating trafficking of human beings, fight against drugs, fight against terrorism, judicial cooperation in criminal and civil matters, police cooperation, counterfeiting of the euro and customs’ cooperation; 2). National Coordination Centre for Border Management. The Coordination Centre was set up by a Government Decision in 2007, based on the Law on State Border Surveillance and the Law on Border Control. Its creation aims at improving the interaction among the various bodies involved., 3). National Committee for Combating Trafficking in Human Beings and Illegal Migration. This Committee is the lead institution for the preparation and implementation of the strategy for combating trafficking in human beings and illegal migration,

The national strategic framework is complicated and is based on over 20 documents such as the Police Development Strategy 2016-2020 which is expected to strengthen proactive policing model and a higher level of protection of life, property and personal security of citizens, the Second National Strategy for Improvement of the Road Traffic 2015-2020, the National Strategy for Combatting Trafficking in Human Beings and Illegal Migration 2017-2020, the National Strategy on Illicit Drugs 2014-2020, the National Integrated Border Management Strategy 2015-2019, the Resolution on the Migration Policy 2015-2020, the National Strategy against Money Laundering and Financing Terrorism 2017-2020, the Strategy to Strengthen the Capacity for Conducting Financial Investigations and Asset Confiscation 2018-2020, the Strategy for integration of refugees and foreigners 2017-2027, the National Counterterrorism Strategy 2018-2022 and the National Strategy for Countering Violent Extremism 2018-2022. Other relevant documents covering some of the important crosscutting issues in the sector include the State Programme for Prevention and Repression of Corruption and Reduction of Conflict of Interest 2016-2019 with the main focus on introduction and development of various criminal, civil and administrative law/initiatives tools in the field; the Strategy for Cooperation of the Government with the Civil Sector 2018-2020 which foresees inter alia stronger role of CSOs as an external oversight and monitoring mechanism in the justice sector, and the National Programme for Adoption of the *Acquis* (NPAA) which serves as umbrella document for EU integration related reforms in rule of law.

This complicated strategic framework creates some challenges as regards the follow-up and public involvement in the progress on the sector reforms. To ease up the public monitoring the national authorities, with the EU support work on a Performance Assessment Framework (PAF) integrating the most important progress indicators at macro and micro level. The PAF is expected to be released in 2019 and will be used through the next strategic programming period.

6. CROSS-CUTTING ISSUES

GENDER MAINSTREAMING

The country has put in place the legal framework to ensure gender equality through the adoption of the Law on equal opportunities for women and men and the Law on prevention of and protection from discrimination. The current legal framework actually prohibits discrimination on the grounds of gender and sexual orientation and prescribes that equal representation of men and women exists when one sex is represented with at least 40% per cent in bodies at all levels (state, municipal levels other institutions). At the same time, only 34.6% of women in North Macedonia are employed, placing the country significantly below the EU average of 58.5%. Of the inactive people 64,4% are women. Only 38% of the private companies are owned by women against 62% owned by men. Similarly, in terms of qualifications only 15% of women have graduated from a university in comparison with the EU average of about 25%. Inequality between the sexes remains a major obstacle for economic development and for reducing poverty.

Both the Ministry of Justice and the Ministry of the Interior are committed to equal gender treatment in the management of its human resources. The present Action will further promote the gender approach through specific capacity building activities, and in particular in the context of the

4). Council for the Prevention of Money Laundering and Financing Terrorism. Its goal is to improve inter-institutional cooperation in accordance with the Law on the Prevention of Money Laundering and Financing Terrorism. The Council is included in the implementation of the National Assessment of the Risk of Money Laundering and is in charge of drafting reports submitted to the Moneyval Committee, as well as drafting laws imposing interministerial expertise and consultation, 5). National Coordination Centre for Fight against Organised and Serious Crime. Established with the Government Decision in March 2014, The NCC is led by MoI and it coordinates the efforts of all law enforcement agencies in fighting organised crime, 6). National Coordination for Countering Violent Extremism and Terrorism. In charge of the elaboration and implementation of two inter-connected strategies: National Counterterrorism Strategy and National Strategy for Countering Violent Extremism.

protection of the rights of the most disadvantaged groups. Women and girls belonging to these groups are often subjected to multiple discrimination and gender-based violence¹⁸. However, they have limited access to protection, support and redress when their rights are violated. This action will ensure that the respect of women's rights become a part of the culture in the law enforcement and judicial systems. In order to measure the gender impact of the proposed approach, indicators will collect information about the sex of the participants to the capacity building activities.

EQUAL OPPORTUNITIES

The action will impact on the implementation of the equal opportunities principle since it aims at ensuring rule of law and rule of law only exists if it works for all. Further on, the action will provide support to vulnerable groups of people in promoting their rights – expected beneficiaries are people of disadvantaged groups, migrants, victims of trafficking, groups in risk of radicalisation. Thus the action will promote the equal opportunities for everybody.

MINORITIES AND VULNERABLE GROUPS

All sector activities will support the Ohrid Framework Agreement and “Race directive” 2000 (2000/43/EC of 29 June 2000), in accordance with the principles of subsidiarity and participatory development, as well as social cohesion and good inter-community relations, based on the principles of mutual tolerance.

The project will give particular consideration to protection of minorities and vulnerable groups such as children (as victims, witnesses and in conflict with the law), young people of minority origin, particularly Roma, women, minorities, disabled persons, etc. The Action shall seek to strengthen the implementation of these provisions in practice through capacity building and awareness-raising activities, primarily implemented through the judicial and police academies to ensure that that respect for the rights of minorities becomes a part of the culture in the law enforcement and judicial systems. These activities can easily be extended to victims' rights based on a newly adopted law and on the legal aid law.

ENGAGEMENT WITH CIVIL SOCIETY (AND IF RELEVANT OTHER NON-STATE STAKEHOLDERS)

The civil society organisations have been engaged in the discussions of the national sector priorities, primarily during the preparation of the relevant strategic documents. The Sector Working Groups have proved to be an excellent sector dialogue platform involving all relevant stakeholders. They will continue to play this role also in future providing a national forum where various types of stakeholders can discuss and exchange opinion on how and if the measures produce results, are there emerging risks and concerns. In this respect, a starting EU project will seek to enhance the participation of CSOs in the SWG through mobilizing their resources and building their capacities to analyse the implementation of the national policies in various sectors and provide structured input for the operation of the SWGs. This project will also encourage and structure the participation of the CSOs in ENER (Single National Electronic Registry of Regulations). Thus, the current Action will benefit of this new level of interaction between civil society and state, which will be of crucial importance primarily as regards the harmonization and enforcement of the legislation on internal market.

¹⁸Second report on the progress made in the fight against trafficking in human beings (2018) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims {SWD(2018) 473 final} and {COM(2018) 777 final}” / 2018 Roma Communication and external evaluation of the EU Roma Framework

The Civil Society will be included in different stages of the implementation of this Action, notably under Result 4 and 5, where civil society will be involved in the implementation of some activities related to fundamental rights and freedom of expression. Representatives of the CSOs will also take part as training audience, or trainers in the envisaged capacity building activities. Specific attention will be paid in the framework of this Action to ensure that civil society and other non-state stakeholders are consulted in the right time of the legislative and policymaking process and that the decision-makers are informed about the outcomes of the consultations, in line with the Strategy for Cooperation with the Civil Society Sector 2018-2020 approved by the Government in March 2018.

ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)

As part as a wider obligation to sustainable development, the EU has a longstanding commitment to address environmental concerns in its assistance programmes. This Action, although not directly focused on environment, will still promote the principles of environmental suitability. First of all, by strengthening the Rule of Law, it will promote the respect to the laws, rules and procedures in all areas, including the environmental one. Second, the envisaged constructions (i.e. prison) will comply with the energy savings and environmentally safe practices. The proposed Action is of soft nature and it will not have a negative impact nor jeopardize the environment.

7. SUSTAINABILITY

- Rule of Law is of crucial importance for any area of development. Investments in this sector will have impact on economic and social life of the country, on the administrative effectiveness and efficiency, on international relations. Progress in this sector will be important for the accession perspective of the country. Therefore, the Action has the potential to have an important and sustainable impact on all spheres of life.
- An important element of sustainability is the political commitment for reforms in judicial and home affairs areas. In this sense, the Action comes to support the implementation of these reforms by bringing EU expertise in the process. The Action will support cooperation with EU peers (judges, prosecutors, Judicial Councils, police officers, investigators) and will transfer specific know-how thus building the social capital of the country and investing in long-term partnerships with EU, which is a guarantee for sustainability.
- The action is expected to impact on the operational procedures and on the strategic visions, on the knowledge and on the motivation of involved people, on the physical and on the information resources, creating different sustainability vectors, the synergy of which will ensure the long-term impact of the EU funding.

8. COMMUNICATION AND VISIBILITY

Communication and visibility will be given high importance during the implementation of the Action. The implementation of the communication activities shall be funded from the amounts allocated to the Action.

Communication and visibility will be given high importance during the implementation of the Action with a particular focus on promotion of the justice reform accomplishment, of the human rights and anti-discrimination measures, of the anti-corruption actions, of the anti-terrorism and extremism measures and of the freedom of expression activities. The communication and visibility approach is based on several pillars:

- Promotion of the action through the visibility and communication strategy "EU for YOU", of the EU Delegation, based on sector campaigns, which target the citizens at large outlining the benefits of the EU aid for the country in a communicative, comprehensible and interactive style. In addition, all EU projects are promoted through the Delegation web site.

As of 2018, the EU Delegation together with NIPAC launched the IPA Visualization Map (<https://euprojects.mk>) providing information on all IPA projects in the country.

- Promotion of the EU support at the level of the action – this implies selection of one or two activities out of the whole Action with very high media potential and creating a media event allowing to promote in general the EU values and principles in a certain specific context. This approach is being piloted under 2016 IPA annual programme and will be extended further. The cooperation with the NIPAC office and the other beneficiaries will be very important to ensure one-voice communication to citizens.
- Promotion of the EU support at the level of each single contract and in line with the EU communication and visibility requirements in force. All contractors have to develop a communication plan, which will be approved by the EU Delegation. The communication and visibility plan should highlight the external communication activities that need to take place. In approving the communication plan the EU Delegation usually encourages "out-of-the-box" communication solution having the potential to attract the attention of media and citizens and allow passing important messages.

All contractors are also expected to show a good communication reflex and the ability to exploit unexpected opportunities to the benefit of the action. Having in mind importance of digital communication in today's era of web technologies and social media, creation of EU-funded projects' communication materials in an Internet friendly format is essential. The implementation of the communication activities shall be funded from the amounts allocated to the Action and the separate contracts. It is the responsibility of the contractors and beneficiaries to keep the EU Delegation and the Commission fully informed of the planning and implementation of the specific visibility and communication activities. The beneficiary shall also report on the visibility and communication actions in the relevant reports.

All visibility and communication actions shall focus on results and changes achieved and shall demonstrate how the EU support brings the country closer to the EU standards. The objective is to improve the awareness on the EU funding of the general public and not only of target specific audiences. The communication policy applied must ensure that the added value and impact of the EU's interventions are understood by the citizens and that EU funds are managed and used in an transparent, efficient and effective way for the benefit of the country as a whole.