

SHADOW REPORT

FROM MONITORING WORK
AND EFFECTS OF
THE SECTOR WORKING
GROUP ON JUSTICE

January – December 2020





THROUGH
DIALOGUE TO
EU

SHADOW REPORT

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AND EFFECTS OF
THE SECTOR WORKING
GROUP ON JUSTICE

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SHADOW REPORT FROM MONITORING WORK AND EFFECTS OF THE SECTOR WORKING GROUP ON JUSTICE JANUARY – DECEMBER 2020

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FOREWORD

The project “CSO Dialogue – Platform for Structural Participation in EU Integrations” is committed to ensuring structural participation of the civil society that expresses the views of citizens to impact key sector-wide reforms under the EU accession process. The sector working groups (SWGs)¹ are perceived as exceptionally important mechanism for consultations and civil society participation, and a forum for development of national policies and design of reform processes in the country. Hence, the second edition of 12 shadow reports on performance of sector working groups in 2020 is an attempt to bring this mechanism closer to the citizens and to critically analyse their organizational setup, functionality and efficiency.

For the purpose of the second edition of 12 shadow reports on performance of sector working groups in the period January – December 2020, project researchers monitored 17 from total of 19 meetings held by these working groups. Findings from observing SWG meetings and analysing sector policies were discussed at 11 interviews conducted with IPA coordinators from line ministries responsible for relevant sector groups, and with 34 civil society representatives that participate in SWGs. Moreover, changes noted in 2020 compared to 2019 are supported by responses obtained to 312 freedom of information requests inquiring about SWG performance in the course of 2020.

The general assessment implies certain progress in SWG performance despite the extraordinary year which, due to the COVID-19 pandemic, has raised challenges for the overall society. Progress is primarily noted in respect to transparency in SWG operation, notably by means of

¹ The sector working groups are a formal mechanism for consultations and cooperation among the executive authorities (ministries), civil society organizations, the donor community, and other interested parties. By the cut-off date for this report, 12 sector working groups with competences in different areas are established in the Republic of North Macedonia, in order to ensure the sector-wide approach.



greater access to published information that are of importance for SWGs. Furthermore, 2020 was marked by organization of 19 plenary sessions, compared to only 12 sessions held in 2019. However, despite the mild increase in the number of meetings, SWGs still do not meet pursuant to the frequency anticipated under the rules of procedure, which could guarantee a commitment to sector policies and reform implementation. SWGs demonstrated a satisfactory level of functionality, as stipulated in their respective rules of procedures, but these documents fall short in defining the role and position of civil society organizations within SWGs. Having in mind that the central focus of the project “CSO Dialogue – Platform for Structural Participation in EU Integrations” is put on civil society organizations and their efficient involvement in policy shaping, this report stresses the need for advancing the role played by civil society organizations in sector working groups.

GENERAL INFORMATION

SECTOR WORKING GROUP ON JUSTICE

FORMED: 2015

NUMBER OF SWG MEMBERS: 58, Ministry of Justice x 7 members, judicial institutions x 26 members, civil society organizations x 8 members, and donor community x 17 members

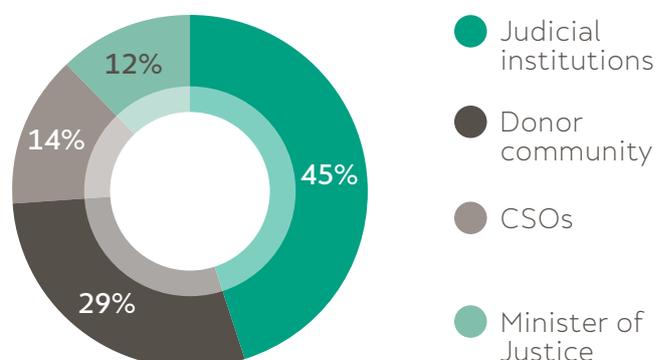
NUMBER OF MEETINGS HELD IN: two plenary sessions, 25.06.2020 and 30.10.2020

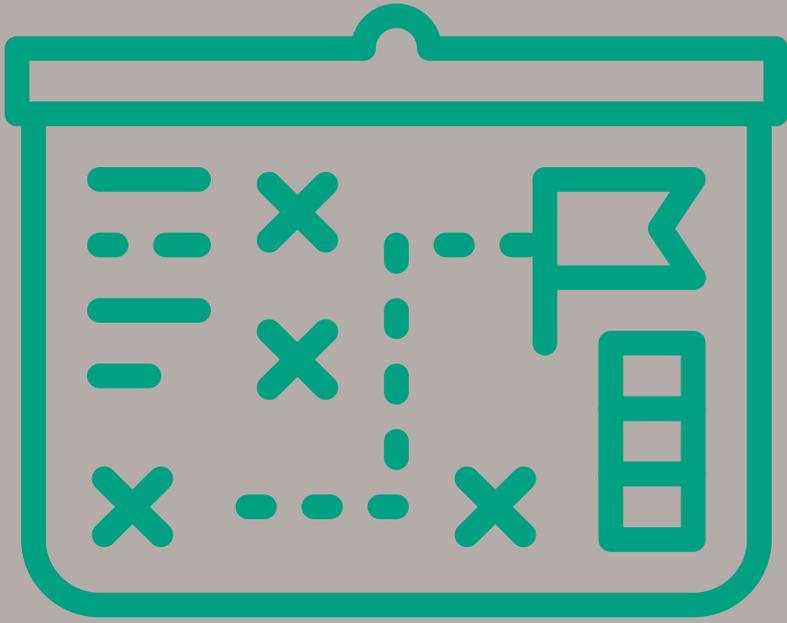
SWG CHAIR: Minister of Justice of the Republic of North Macedonia

SWG CO-CHAIR: EU Delegation to the Republic of North Macedonia

CHART 1.

Distribution of various representatives in SWG Justice





METHODOLOGY APPROACH

For the purpose of this report, the project team combined several research methods for data collection, processing and analysis. Research work was comprised of desk analysis and field/online survey.

The desk research component included in-depth analysis of documents, laws and strategies that are of significance for this sector working group (*for more information see **BIBLIOGRAPHY***). Moreover, the project team submitted **25 freedom of information requests** to the Ministry of Justice as the institution competent for operation of this sector group. Responses to all 25 information requests were disclosed in timely manner.

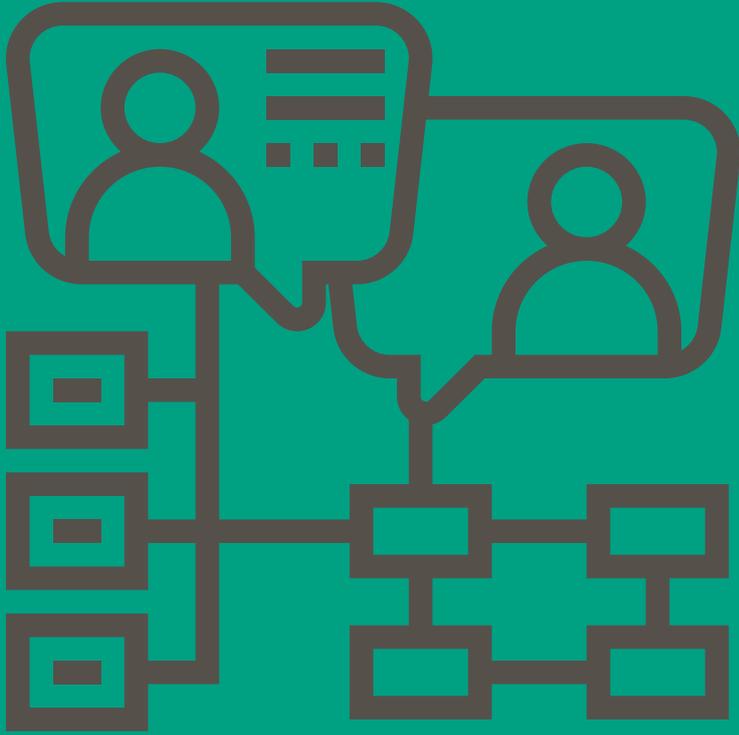
As regards field/online survey, the project team **interviewed**² the coordinator of civil servants from the Ministry of Justice, and organized a **focus group**³ with civil society representatives that participate in this sector working group. The focus group was attended by six from total of eight civil society representatives. At the same time, in the capacity of observers, project researchers attended **two meetings** held by this sector group.

According to the monitoring methodology, performance of sector working groups is assessed in respect to five segments:

- SWG functionality;
- civil society participation in SWG;
- CSO capacity for contribution and participation in SWG work;
- effects from SWG work; and
- IPA.

² Interview with the coordinator from the Ministry of Justice was conducted on 05.05.2021.

³ Focus group with civil society representatives that participate in this sector group was held on 27.04.2021.



PART 1

SECTOR POLICIES

In 2020, the Republic of North Macedonia was ranked 58th among 128 countries under the [the Rule of Law Index⁴](#), with an overall score of 0.53. For comparison, under the 2019 Index⁵ the country was ranked two places higher (56), with an overall score of 0.54.

The 2020 Rule of Law Index provides data on the rule of law in 128 countries worldwide, by ranking or assessing eight relevant factors: constraints on government powers, absence of corruption, open government, fundamental rights, order and security, regulatory enforcement, civil justice and criminal justice. Data for index development are taken from surveys conducted with 130,000 households and 4,000 experts worldwide. In the case of RNM, the country is best ranked under the factor “order and security”, with a score of 0.79, and is worst ranked under the factor “absence of corruption”, with a score of 0.44, which is by 0.02 points lower than the last year’s score⁶. Comparison against other EU candidate countries shows that RNM is the best ranked in this group: Serbia (75th rank), Albania (78th rank), and Turkey (107th

4 World Justice Project Rule of Law Index® 2020, available at: <https://bit.ly/3eKA7SB>

5 World Justice Project Rule of Law Index® 2019, available at: <https://bit.ly/2RQGkTK>

6 World Justice Project Rule of Law Index® 2020, summary data for RNM, available at: <https://bit.ly/3uM73zo>

rank)⁷. As regards EU member states, only Hungary has a worse score than RNM and holds the 60th rank.

Strategy on Justice System Reform 2017-2022

Key documents that provide the roadmap for necessary reforms in the justice sector are the **Strategy on Justice System Reform 2017-2022**⁸ and **its Action Plan**. In December 2020, the Ministry of Justice published the Second Report on Implementation Track Record for the Strategy on Justice System Reform 2017-2022, which provides an overview of achievements made under the justice system reform in 2019 and 2020. According to this report, 114 from the total of 227 activities are fully implemented, 35 activities are underway, 15 activities are late, 44 activities are implemented in continuity, 13 activities have later date of implementation, while 6 activities depend on previous adoption of relevant legislative changes.

In 2018, the Council for Monitoring Implementation of the Strategy on Justice System Reform (2017-2022)⁹ was formed with a view to ensure more efficient strategy implementation, and its composition includes civil society representatives through the Blueprint Group on Judiciary Reforms.

In its 2020 Progress Report for North Macedonia, the European Commission noted that efforts are still needed to ensure systemic implementation of the updated plan for the judicial reform strategy. At the same time, the report notes that the Strategy on Justice System Reform has contributed to improved independence of the judiciary, but reforms have yet to bear desired results.

Similar findings on strategy implementation are given in the analysis developed by the Blueprint Group for Judiciary Reform, where it is noted that most laws anticipated under the strategy have been adopted and entered into force in the past period, while enforcement of legal solutions in the practice is assessed as correct and timely. Harmonization and alignment of penal provisions from the new Law on Misdemeanours with other material laws in the fields of environment, culture, education, science and tourism has been achieved in relatively short period of time, while the Ministry of Justice, in continuity, worked on adopting rulebooks and other bylaws arising from the Law on Execution of Sanctions. However, not all laws from the strategy

⁷ Montenegro is not included in the list of states ranked under the Rule of Law Index.

⁸ Strategy on Justice System Reform 2017-2022, available at <https://bit.ly/2RP5iD5>

⁹ Constitutional meeting of the Government of RM's Council for Monitoring Implementation of the Strategy on Justice System Reform, available at: <https://bit.ly/2XsIL3n>



are marked by same treatment in respect to their enforcement. In particular, remarks are raised with implementation of legal solutions from the Law on the Public Prosecution Office, the Law on Administrative Disputes, the Law on the Judicial Council of RNM, and sections from the Law on Free Legal Aid.

In terms of strategy documents, 2020 marked the start of processes for development of several important documents, such as: National Strategy on Penitentiary System (2021-2025), Strategy for Development of Probation Service 2021-2025 and National Strategy for Prevention of Corruption and Conflict of Interests 2021-2025¹⁰.

Digital Transformation of the Justice System in North Macedonia

At its 66th session, the Government of the Republic of North Macedonia¹¹ adopted the communication on activities planned for the judiciary's digitalization by the end of 2021.

The plan for digital transformation includes activities that will be implemented in several phases. It anticipates equipping more than 100 courtrooms across 34 courts in the country, including courtrooms at the Academy for Judges and Public Prosecutors and the penitentiary institution "Idrizovo".

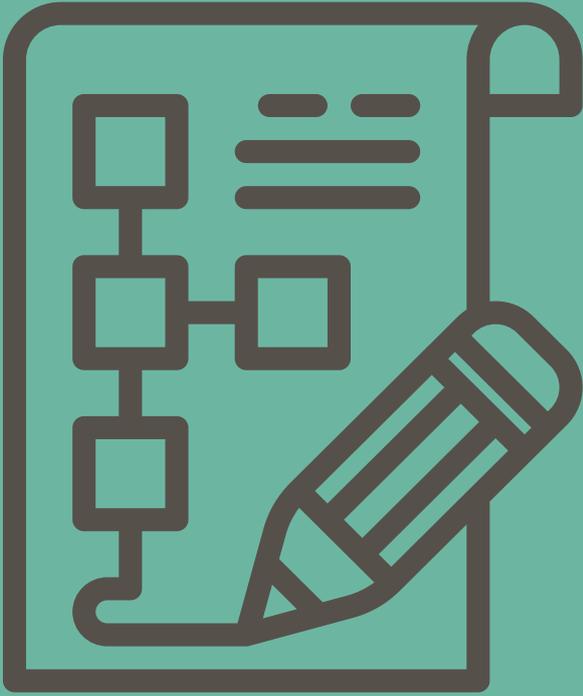
Digital transformation, inter alia, implies introduction of online hearings, which should accelerate court proceedings, making them cheaper and significantly reducing possibilities for delays.

The process for digitalization of Macedonian courts will be directly, financially, technically and expertly supported by OSCE, the United States of America, the European Commission, and the Government of Norway.¹²

¹⁰ National Strategy on Prevention of Corruption and Conflict of Interests 2021-2025, available at: <https://bit.ly/3vwEwiM>

¹¹ Minutes from the 66th session of the Government of RNM, available at: <https://bit.ly/3w2D8mU>

¹² Digitalization of the judiciary will make court proceedings faster and cheaper, and it will reduce delays, MIA, available at: <https://bit.ly/3hshHry>



PART 2

SWG FUNCTIONALITY

2.1 RULES OF PROCEDURE

SWG Justice relies on standard rules of procedure¹³, which contain the same set of general provisions for all SWGs without any additions in respect to competences and criteria that would accommodate specificities of this sector group. In 2020 no changes were made to the content of these rules of procedure.

Total number of SWG members accounts for 58, of which eight are civil society representatives. Annexes to the rules of procedure provide a detailed list of institutions, donor community and civil society organizations represented in this sector group.

Most provisions from the rules of procedure are fully enforced, but non-adherent implementation of some provisions contributes to incomplete utilization of possibilities available to this sector group, such as capacity and expertise disposed by civil society representatives.

According to the rules of procedure, this sector group should hold at least one meeting per month, but in 2020 only two meetings were organized. Moreover, the rules of procedure anticipate that SWG members

¹³ Rules of Procedure for SWG Justice, available at: <https://bit.ly/3w6dM82>



should be presented with invitation and draft agenda at least 10 days before the scheduled meeting. According to civil society representatives, this deadline was not complied with for both meetings held in 2020. Another obligation arising from the rules of procedure concerns distribution of minutes from SWG meetings to all members. Actually, minutes are sent to SWG members together with invitations and materials for the next SWG meeting. Due to the fact that the focus group with civil society representatives was held between two SWG meetings, it was indicated that they have not received the minutes from the previous meeting held in 2020. Having in mind that SWG meetings are usually held twice in the year, this practice should be changed and minutes should be sent in timely manner to all SWG members in order to receive more detailed information and be able to provide comments should they believe some information are not properly reflected in said minutes.

More information on agenda, materials and topics discussed at SWG plenary sessions is given in **PART 3: CIVIL SOCIETY PARTICIPATION.**

Transparency and openness in respect to information presented to and produced by sector working groups are very important, having in mind the need for information dissemination to all societal actors that are not members and have not attended meetings of these sector groups. However, the **Ministry of Justice's** website does not host any information about this sector working group (rules of procedure, minutes from SWG meetings, etc.).

During the interviews, representatives from the Ministry of Justice stressed the need for the rules of procedure to be revised, thereby addressing some illogical provisions and allowing greater inclusivity and more effective operation of this sector group. For example, they referred to the fact that holding at least one meeting per month is unrealistic knowing that SWG meetings are chaired by the Minister of Justice. In their opinion, the rules of procedure should reduce the number of plenary sessions and increase the number of operational meetings, including invitation of civil society representatives to participate in operational meetings as well.

Similar views in respect to the rules of procedure were shared by **civil society representatives**, that are members of this sector working group. In their opinion, the current rules of procedure do not fully elaborate the role of civil society organizations within the sector group, their rights and their tasks, i.e. expectations about their contribution to SWG work. Another major problem indicated by civil society represen-

tatives concerns the fact that actual policies, strategies and projects are not discussed at SWG meetings.

2.2 ANNUAL PLAN AND ANNUAL REPORT

Annual plans and annual reports are not anticipated under the rules of procedure for SWG Justice, but if these are created in transparent and inclusive manner, they could serve as important incentive for more efficient and more organized work by this sector group.

The situation in respect to these two documents remains unchanged from last year (2019), duly noted in the first report¹⁴, i.e. SWG Justice did not adopt **2021 annual work plan** and did not develop **2020 annual work report** despite the decision taken by the Government of RNM¹⁵ for development of this type of documents.

Views on this issue shared by representatives from institutions and civil society organizations are somewhat different. According to representatives from the Ministry of Justice, based on the current organizational setup, the primary function of SWG Justice is to take part in setting priorities that will be financed under IPA and in developing necessary documents for that purpose. Hence, the sector group's dynamics cannot be anticipated under annual work plans, because its operation depends on many factors, including the work dynamics and internal processes at the Secretariat for European Affairs and the EU Delegation, as direct implementing party of IPA funds, but also at other donors involved in this sector group. At the same time, it was indicated that topics for SWG meetings cannot be anticipated in advance because they emerge from programming, implementation and sustainability of IPA projects and are determined on the basis of project track records, and possible problems that might emerge in their implementation.

On the other hand, civil society representatives believe that development of annual plans will increase accountability for operation of this sector group. Provided that institutions are able to define topics for SWG meetings at the year's start, they propose the calendar of meetings (plenary and operational) with precise time intervals to be developed in the first quarter of the year and to be shared with all SWG members.

¹⁴ Shadow Report from Monitoring Work and Effects of Sector Working Groups, January 2019 – February 2020, available at: <https://bit.ly/3tzacRZ>

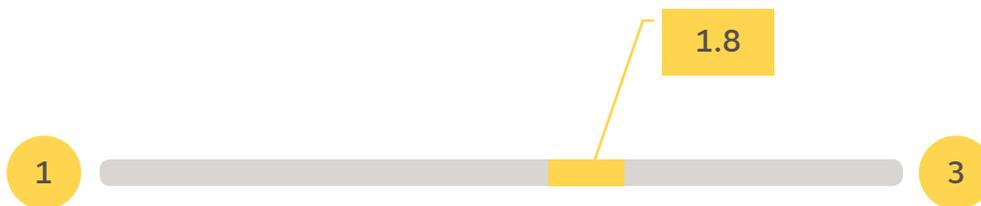
¹⁵ Minutes from the 67th session of the Government of RM, held on 08.05.2018, available at: <https://bit.ly/3vpTRBw>

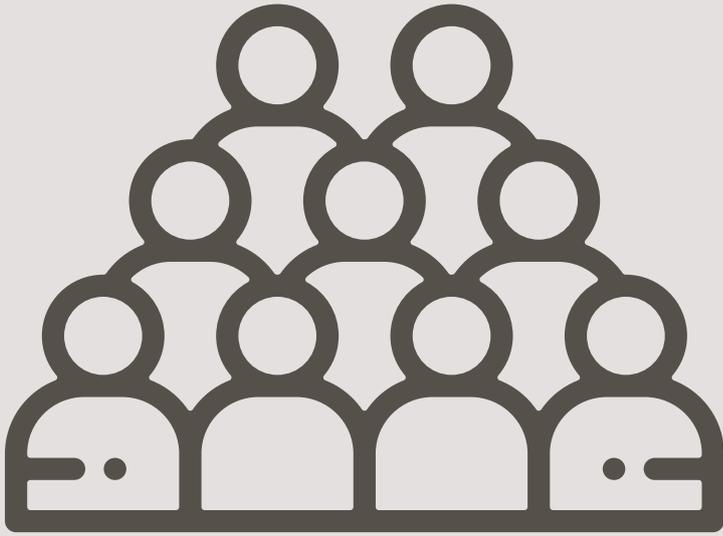
ASSESSMENT ON SWG FUNCTIONALITY



According to the methodology for monitoring work and effects from sector working groups, **SWG functionality** is measured against 14 standards and 8 indicators that focus on creation of relevant work documents by SWGs (rules of procedure, annual plan and annual report) and their enforcement in the practice. All standards and indicators are assigned a numeric value, whereby 1 is the lowest and 3 is the highest score.

Average score for functionality of SWG Justice in this monitoring period is calculated at 1.8.





PART 3

CIVIL SOCIETY PARTICIPATION

The list of CSOs involved in this sector group has not changed from last year, i.e. the same **eight civil society organizations are still represented in SWG Justice, with the status of members:**

- Foundation Open Society – Macedonia;
- Macedonian Young Lawyers Association;
- Institute for Human Rights;
- Association for Development Initiatives ZENITH;
- Eurothink – Center for European Strategies;
- European Policy Institute – EPI;
- Coalition “All for Fair Trials”;
- Association for Democratic Initiatives¹⁶.

The list of civil society organizations that participate in this sector working group is given in the annex to the rules of procedure. According to civil society representatives, except for information on their respective

¹⁶ Websites of CSO members in SWG Justice: Foundation Open Society – Macedonia, Eurothink – Center for European Strategies, Macedonian Young Lawyers Association, Institute for Human Rights, Association for Development Initiatives ZENITH, European Policy Institute EPI, Association for Democratic Initiatives, Coalition “All for Fair Trials”



organizations, the annex should also enlist contact info for persons representing these organizations at SWG meetings, in order to avoid misunderstandings related to delivery of invitations and distribution of information related to work of SWG Justice.

In 2020, due to the public health crisis, all meetings were held via the platform WEBEX, for which the Ministry of Justice requested assistance from the Secretariat for European Affairs for organization of meetings and sending invitations to all SWG members. Analysis of invitations shows that SWG members were presented with all necessary documents (agenda, materials to be discussed at the meeting, etc.), but the deadline of 10 days stipulated in the rules of procedure was not fully enforced, i.e. invitations were sent only three days before the scheduled meetings. Civil society representatives indicated that, having in mind that SWG plenary sessions usually imply presentations, comments and debates around voluminous materials in whose development they have not been involved, compliance with the rules of procedure's deadline for sending meeting agenda and materials could be of great importance for more effective involvement on their part.

According to the monitoring methodology, project researchers regularly attended SWG meetings in the capacity of observers. Based on observations from these meetings, it could be established that all meetings allow sufficient time, usually towards the end, for civil society representatives to join discussion with their opinions, initiatives, remarks and recommendations on issues related to topics being discussed. Civil society representatives reported that institutions demonstrate positive behaviour towards views presented by CSOs and they are open for analysis and discussion of their views. However, they also reported that meetings are focused on presentations by competent institutions and that their views and opinions always take second place. In their opinion, this approach is somewhat expected, having in mind SWG structure and setup. As regards greater involvement of civil society representatives in SWG work, CSOs proposed their members to be given opportunity to suggest agenda items, implying two-directional communication on topics that will be discussed at SWG meetings.

Both sides, institutions and civil society organizations, agree that such communication exist, but it rarely concerns policies that are part of this sector working group. CSOs indicated use of different platforms¹⁷ and networks for frequent and productive communication with the

¹⁷ Blueprint Group for Judiciary Reform: <http://blueprint.org.mk/>, Civil Society Platform for Fight against Corruption: <https://bit.ly/3f9ms6p>, Network for Protection against Discrimination: <https://bit.ly/3hfv51R>, etc.

Ministry of Justice. In addition to regular communication with institutions, CSOs still perceive SWG membership as one of the most important structures to impact reform processes. The mere fact that they are full-fledged members is perceived as the closest level to equality with institutions in discussion of various policies and strategies.

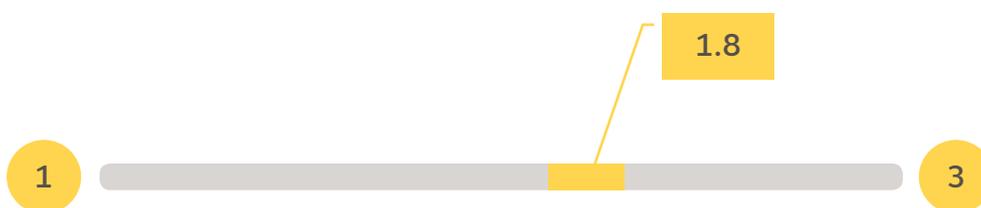
Regular communication with CSOs beyond SWG work was also reported by the Ministry of Justice, indicating that CSOs are involved and consulted on all important processes and reforms that are underway, through various communication channels.

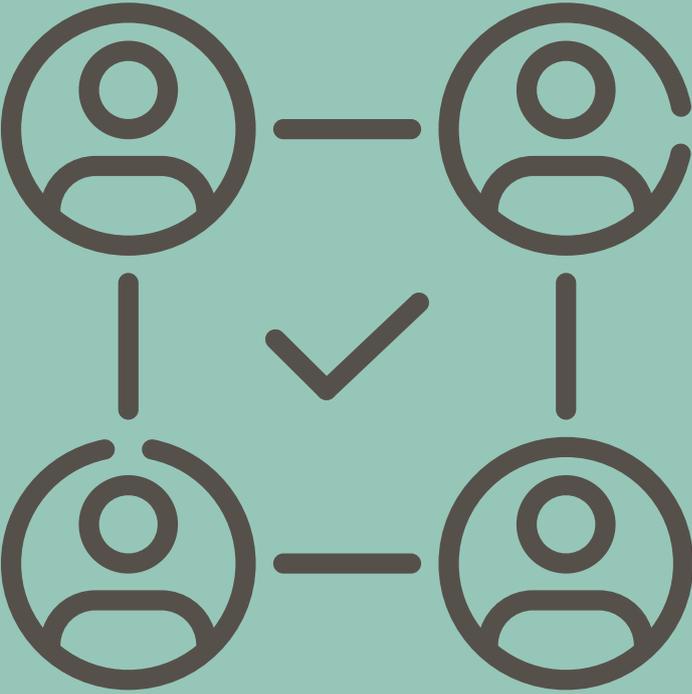
Except with eight CSOs represented in SWG Justice, in the course of 2020, representatives from the institutions have also engaged in coordination on different issues pertaining to work of this sector group with the National Roma Centrum (NRC) and the Center for Environmental Democracy FLOROZON.

AASSESSMENT ON CIVIL SOCIETY PARTICIPATION

According to the methodology for monitoring work and effects of sector working groups, **civil society participation in SWG** is measured against 9 standards and 3 indicators that focus on the number and the status of CSOs involved in SWG work. Moreover, they cover regular and timely delivery of invitations and necessary materials for SWG meetings, as well as opportunities afforded to CSOs to join discussions before, during and after meetings. All standards and indicators are assigned a numeric value, whereby 1 is the lowest and 3 is the highest score.

Average score for civil society participation in SWG Justice in this monitoring period is calculated at 1.8.





PART 4

CSO CAPACITY

In the course of 2020, civil society organizations that participate in this sector working group regularly produced press releases, analyses, research papers and policy briefs as part of their program and project activities, but these were not directly intended to be exclusively used by this sector group.

As illustration of activities implemented by CSOs participating in SWG Justice, it should be noted that in the course of 2020 five from eight civil society organizations that are also members of the **Blueprint Group for Judiciary Reform**,¹⁸ organized a series of events, briefings with journalists and trainings on judiciary-related topics and regularly reacted to current events and policies. Also, they worked on developing analyses,¹⁹

18 Foundation Open Society – Macedonia, Macedonian Young Lawyers Association, Institute for Human Rights, Association for Development Initiatives ZENITH, European Policy Institute EPI, Coalition “All for Fair Trials”.

19 Analysis on Quality of Reforms Regarding Appointment, Appointment to Higher Court and Dismissal of Judges, available at: <https://bit.ly/2R3IDUV>; Efficient Criminal Justice: Overview of the Cases Initiated by SPO, available at: <https://bit.ly/3y1Lj4J>



policy briefs,²⁰ and monitored the implementation track record under the **Strategy on Justice System Reform (2017-2022)**, followed by publication of **annual report**.²¹

More information on activities taken by all eight CSOs participating in SWG Justice is available on their respective websites.²²

A dilemma raised under the last year's report concerned the fact whether civil society representatives that participate in SWGs represent their organizations or all civil society organizations profiled in this area of operation. Information gathered during interviews with civil society representatives shows that, in 2020, the situation on this matter has not changed significantly compared to last year. Notably, civil society representatives reported that in 2020 they have not organized consultations with other CSOs working on these topics. It was stressed that, as members of different networks, they have regular channels of communication to discuss all major events in this policy area, but oftentimes deadlines for submission of comments to the sector working group are too short in order to be able to organize broader consultations.

CSOs participating in SWG Justice singled out the consultation meeting²³ organized under the project "CSO Dialogue – Platform for Structural Participation in EU Integrations" as exceptionally useful and relevant (for more information see section **5.3 Operational meetings**).

At the same time, civil society representatives indicated that sometimes SWG work and function could be too abstract for CSOs, prompting the need for information on SWG work to be regularly shared on official websites of relevant institutions, which would allow CSOs to be better familiarized with SWGs and would open doors for involvement of new organizations, including greater participation in consultations among the civil society actors.

²⁰ Analysis of Capacity and Resources at the Public Prosecution Office of the Republic of North Macedonia, available at: <https://bit.ly/3vXuLJl>

²¹ 2020 Report on Implementation Track Record under the Strategy on Justice System Reform, available at: <https://bit.ly/2SLq5bd>

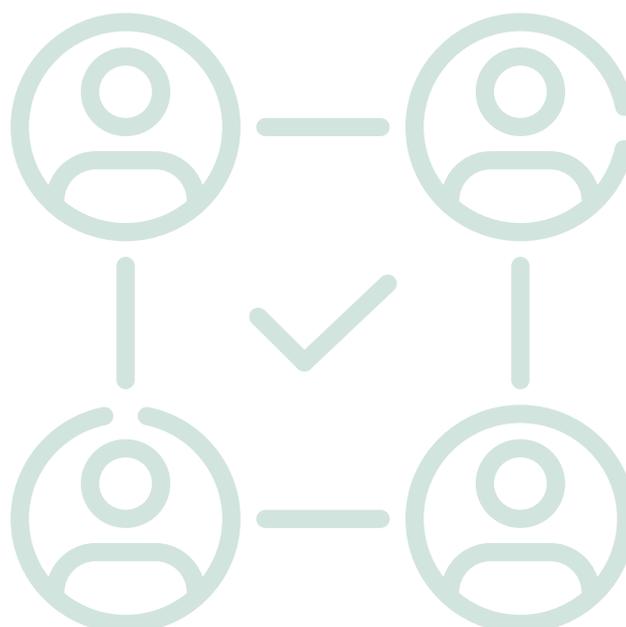
²² Ibid, ref. 16.

²³ Consultations on thematic priorities: judiciary, fight against corruption and fundamental rights, held on 09.11.2020: <https://bit.ly/3eAV4PM>

ASSESSMENT ON CSO CAPACITY

According to the methodology for monitoring work and effects of sector working groups, **CSO capacity for contribution and participation in SWG** is measured against 5 standards and 2 indicators that focus on ability, knowledge and skills disposed by CSOs. Moreover, they concern proactivity on the part of CSOs in respect to organization of consultations and information sessions, production of analyses, research papers and policy briefs, as well as engagement in advocacy for important issues falling within SWG scope of work. All standards and indicators are assigned a numeric value, whereby 1 is the lowest and 3 is the highest score.

Average score for CSO capacity for contribution and participation in SWG Justice in this monitoring period is calculated at 2.5.





PART 5

EFFECTS FROM SWG WORK

In 2020, SWG Justice was fully committed to development and consultations around three key documents (strategic responses, action fishes and action documents), which should facilitate planning and access to IPA III funds (2021-2027). Hence, both plenary sessions held by this sector group in 2020 were focused only on these documents. However, this approach and dynamics of SWG meetings seem insufficient and do not leave space for discussion of sector policies and strategies.

5.1 PLENARY SESSIONS

In 2020, SWG Justice held **two plenary sessions**. Due to the public health crisis, both sessions were held online, via the platform **Webex**. **The first** plenary session was held on 25.06.2020 and was attended by 35 to 40²⁴ representatives from all stakeholders that are part of this sector group (state and judicial institutions, donor community and civil society organizations). Main agenda item at this meeting concerned review of strategic responses for IPA III, Window I: Rule of Law and Democracy.²⁵

²⁴ Meetings were organized as online events and therefore the actual number of participants cannot be fully ascertained.

²⁵ Strategic responses for IPA III, available at: <https://bit.ly/3bkJlm9>



- Thematic priority 1: Judiciary;
- Thematic priority 2: Fight against Corruption;
- Thematic priority 5: Fundamental Rights;

and presentation of 2021 and 2022 action fiches for IPA III.²⁶

The second plenary session was held on 30.10.2020 and, just like the first session, it was attended by 35 to 40²⁷ representatives from all stakeholders that are part of this sector group (state and judicial institutions, donor community and civil society organizations). Agenda items at the second plenary session concerned presentation of strategic responses for IPA III, Window I: Rule of Law and Democracy:

- Thematic priority 1: Judiciary;
- Thematic priority 2: Fight against corruption;
- Thematic priority 5: Fundamental rights.

5.2 GENERAL INFORMATION ON IPA III PROGRAMMING (2021-2027)

The Instrument for Pre-accession Assistance (IPA III) concerns the programming period 2021-2027. The European Commission introduced this instrument together with the new EU multiannual financial framework. IPA programming took place throughout the entire 2020 and was initiated with development of PAF indicators,²⁸ followed by strategic responses and action fiches.

IPA III is introduced with adoption of the Regulation on Establishing the Instrument for Pre-accession Assistance and the Regulation on Implementing Rules and Principles for IPA III²⁹ by the European Union, and is coherent to other funds, programmes and instruments of the Union, primarily the Neighbourhood, Development and International Cooperation Instrument. According to its structure, IPA III is organized into 5 windows:

²⁶ 2021 and 2022 action fiches for IPA III, available at: <https://bit.ly/3bkJlm9>

²⁷ Ibid, ref. 22

²⁸ Performance Assessment Framework (PAF)

²⁹ Regulation of the European Parliament and of the Council establishing the Instrument for Pre-accession Assistance (IPA III) COM/2018/465 final.

1. Rule of Law, Fundamental Rights and Democracy;
2. Good Governance, Acquis Alignment, Good Neighbourly Relations and Strategic Communication;
3. Green Agenda and Sustainable Connectivity;
4. Competitiveness and Inclusive Growth;
5. Territorial and Cross-Border Cooperation.

Each window is comprised of several thematic priorities, as follows:

TABLE 1:
IPA III windows and thematic priorities

WINDOW 1: RULE OF LAW, FUNDAMENTAL RIGHTS AND DEMOCRACY	WINDOW 2: GOOD GOVERNANCE, ACQUIS ALIGNMENT, GOOD NEIGHBOURLY RELATIONS AND STRATEGIC COMMUNICATION
<ul style="list-style-type: none"> ◆ Judiciary; ◆ Fight against corruption; ◆ Fight against organized crime; ◆ Migration and border management; ◆ Fundamental rights; ◆ Democracy; ◆ Civil society. 	<ul style="list-style-type: none"> ◆ Good governance; ◆ Administrative capacity and acquis alignment; ◆ Good neighbourly relations and reconciliation; ◆ Strategic communication, monitoring, evaluation and audit.
WINDOW 3: GREEN AGENDA AND SUSTAINABLE CONNECTIVITY	WINDOW 4: COMPETITIVENESS AND INCLUSIVE GROWTH
<ul style="list-style-type: none"> ◆ Environment and climate change; ◆ Transport, digital economy and energy. 	<ul style="list-style-type: none"> ◆ Education, employment, social protection and inclusion policies, and health; ◆ Private sector development, trade, research and innovation; ◆ Agriculture and rural development; ◆ Fisheries.



WINDOW 5: TERRITORIAL AND CROSS-BORDER COOPERATION

This window is comprised of a separate list of thematic priorities given in Annex 2 to the IPA III Regulation.³⁰ Modalities for implementation of this component include:

- ◆ cross-border cooperation with IPA countries;
- ◆ participation in micro region strategies.

According to the IPA III Regulation, the European Commission proposes a programming framework for the period 2021-2027 that includes all priority areas eligible for funding. Based on this programming framework, each IPA III country develops its strategic responses, elaborating links between EU priorities and those under national and sector strategies, followed by development of projects in the next phase.

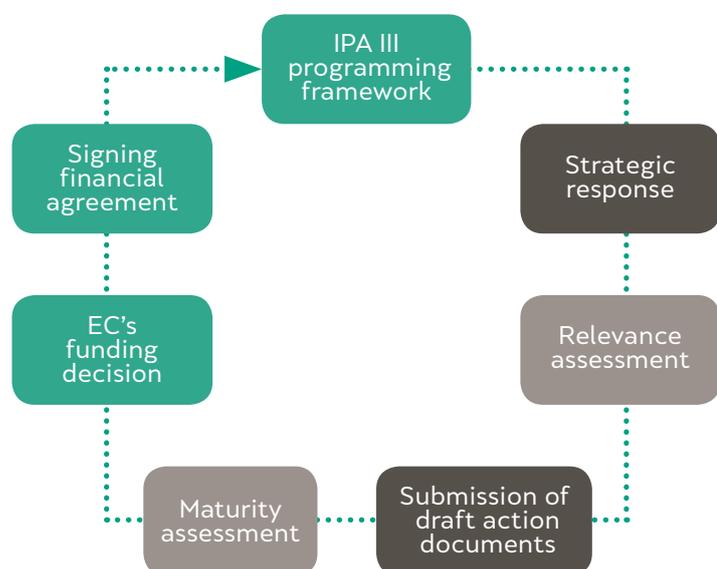
IPA III does not include specific financial allocations per beneficiary country. Actually, countries will have to compete for the total of 14.162 billion euros available on the basis of their capacity and project proposals. However, IPA III introduces the principle of fair share in order to ensure certain balance and proportionality in distribution of IPA III funds among beneficiary countries.

IPA III programming is pursued in two stages.

1. **Relevance assessment.** In this stage, the country develops summary action fishes with elaboration of proposed projects. The European Commission assesses these fishes in terms of their relevance.
2. **Maturity assessment.** This stage implies development of action documents, but only for projects that have passed the relevance assessment, followed by detailed elaboration. The European Commission assesses projects in terms of their maturity. After action documents are approved, the country presents the European Commission with tender documents for projects approved in both stages, followed by signing of financial agreements for individual action documents.

³⁰ COM/2018/465

CHART 2.
IPA III programming cycle



The process for developing strategic and action documents for the years 2021 and 2022, but also for next programming years, is anticipated to take place within the existing sector working groups (SWGs), established under the sector-wide approach from IPA II.

In the second half of 2020, under coordination from the Secretariat for European Affairs, sector working groups developed and presented the European Commission with 22 action fishes, of which 10 for the year 2021³¹ and 12 for the year 2022³².

TABLE 2. *2021 and 2022 action fishes for IPA III*

ACTION FISHES 2021			
INDICATIVE TITLE OF THE ACTION	INDICATIVE BUDGET	CO-FINANCING RATIO	
		EU	MK
1. EU for Efficient Judiciary and Enhanced Prevention of Corruption	10 million euros	85%	15%
2. Civil Society Facility	3 million euros	/	/
3. EU for Modern Administration	10 million euros	100%	0%
4. EU for Good Governance	9 million euros	89%	11%
5. EU Integration Facility	5 million euros	100%	0%
6. EU for Environmental Standards	12 million euros	83%	17%
7. EU for Clean Air	14 million euros	86%	14%
8. EU for Prespa	23,7 million euros	76%	24%

31 <https://www.sep.gov.mk/data/file/Dokumenti/Akciski%20fisea/2021.zip>

32 <https://www.sep.gov.mk/data/file/Dokumenti/Akciski%20fisea/2022.zip>



9.	Preparation of European Transport Corridors Projects	9,5 million euros	100%	0%
10.	EU for Green Growth	27,5 million euros	73%	27%
ACTION FISHES 2022				
INDICATIVE TITLE OF THE ACTION		INDICATIVE BUDGET	CO-FINANCING RATIO	
			EU	MK
1.	Private Sector Development ³³	9,2 million euros	87%	13%
2.	EU in Support of the Fight against Organized Crime	5,2 million euros	88%	12%
3.	EU for Improved Border Management, Migration and Asylum Policy	7,8 million euros	90%	10%
4.	Civil Society Facility	3 million euros	/	/
5.	EU Integration Facility	10 million euros	100%	0%
6.	Union Programmes	15,4 million euros	50%	50%
7.	EU for Modern Waste Water Systems	53 million euros	50%	50%
8.	EU for Safe Roads	20 million euros	50%	50%
9.	EU for Quality Employment and Equal Opportunities	6,6 million euros	91%	9%
10.	EU for Health	5,9 million euros	85%	15%
11.	EU for Trade Facilitation	8,1 million euros	72%	28%
12.	EU for Development of Agriculture	6 million euros	83%	17%

5.2.1 Strategic response and action fiche for justice and fundamental rights

The strategic response in the sector on justice and fundamental rights is part of Window 1: Rule of Law, Fundamental Rights and Democracy.

³³ Sector fiche with remaining funds under Component I from IPA I for the years 2012 and 2013.

TABLE 3. Strategic response and action fiches for justice and fundamental rights

SWG	STRATEGIC RESPONSE	KEY THEMATIC PRIORITY	ACTION FICHE	ACTION FICHE OBJECTIVES
JUSTICE AND FUNDAMENTAL RIGHTS	WINDOW 1: RULE OF LAW, FUNDAMENTAL RIGHTS AND DEMOCRACY Thematic priority 1: Judiciary	((1) Enhanced independence, impartiality and transparency of the judicial system (2) Improved quality, effectiveness and efficiency of the judicial system and court services for citizens	2021) EU for Efficient Judiciary and Enhanced Prevention of Corruption - 10 million euros, 85% EU financing	<ul style="list-style-type: none"> ◆ To modernize ICT operational management and infrastructure ◆ - To strengthen capacity and efficiency of the Constitutional Court ◆ Preparation phase for modernisation of premises at the Academy for Judges and Public Prosecutors
	WINDOW 1: RULE OF LAW, FUNDAMENTAL RIGHTS AND DEMOCRACY Thematic priority 2: Fight against corruption	1) Enhanced institutional system and legislative framework on prevention of corruption (2) Enhanced institutional system for suppression of corruption	(2021) EU for Good Governance - 9 million euros, 89% EU financing	<ul style="list-style-type: none"> ◆ To modernize ICT operational management and infrastructure ◆ To strengthen capacity and efficiency of the Constitutional Court ◆ Preparation phase for modernisation of premises at the Academy for Judges and Public Prosecutors
	WINDOW 1: RULE OF LAW, FUNDAMENTAL RIGHTS AND DEMOCRACY Thematic priority 5: Fundamental rights³⁴	1) Strong national framework on fundamental rights (2) Fight against discrimination and ensuring protection for children and women, persons with disabilities, LGBTI and minorities		<ul style="list-style-type: none"> ◆ To improve digital skills of public administration and to enable simple, fast and secure communication between the administration and service users (citizens and businesses)
	WINDOW 1: RULE OF LAW, FUNDAMENTAL RIGHTS AND DEMOCRACY Thematic priority 6: Democracy	(1) Transparent, inclusive and credible political and election system (2) Strong and accountable parliament		<ul style="list-style-type: none"> ◆ To improve access to public information in compliance with applicable legislation by providing further support to the Agency for Protection of the Right to Free Access to Public Information ◆ To improve use of statistical and financial data in support of policy reforms and stability

³⁴ Priorities related to treatment of persons with disabilities are covered under Window 4, thematic priority 1, through various interventions.



5.3 OPERATIONAL MEETINGS

According to information obtained through the instrument for free access to public information, SWG Justice held **two operational meetings** in 2020. **The first** meeting was held on 05.10.2020, several days before the second plenary session, and was focused on finalizing the strategic response to IPA III, Window I: Rule of Law and Democracy. Civil society representatives participating in this sector group were not invited to attend this meeting.

The second operational meeting was held on request from CSOs made through the project “CSO Dialogue – Platform for Structural Participation in EU Integrations”³⁵ for the purpose of presenting their views and comments about the strategic response for IPA III, Window I: Rule of Law and Democracy. Having in mind the importance of these documents that should outline the strategy and define priorities for funding under IPA III, Window I: Rule of Law and Democracy over the next seven-year period, organization of such meeting that would be attended by all stakeholders was of exceptional importance. Civil society representatives participating in SWG Justice were invited and attended this meeting, as well as other representatives from organizations that work on topics covered. After the meeting, CSOs submitted their comments in written, thus contributing to improvement of these documents, but did not receive any feedback about which proposals have been accepted by the sector group’s chair, i.e. the Ministry of Justice.

5.4 COVID-19 AND IPA II PROJECTS

The COVID-19 pandemic has led to reallocation of funds from IPA II projects to finance relief measures tackling the health crisis. There are no IPA II projects related to the COVID-19 pandemic in the justice sector.

³⁵ Official website of the project “CSO Dialogue – Platform for Structural Participation in EU Integrations”, available at: <https://dijalogkoneu.mk/>

ASSESSMENT ON EFFECTS FROM SWG WORK

According to the methodology for monitoring work and effects of sector working groups, **effects from SWG work** are measured against 3 standards and 8 indicators that focus on changes effectuated by SWG work though planning and monitoring, and methods for foreign aid coordination. All standards and indicators are assigned a numeric value, whereby 1 is the lowest and 3 is the higher score..

Average score for effects from work of SWG Justice in this monitoring period is calculated at 1.7.





PART 6

GENDER MAINSTREAMING IN THE 12 SECTOR WORKING GROUPS

The obligation for gender mainstreaming in work of sector working groups (SWGs) arises from the national legislation, but also from the Country Indicative Strategy Paper for the Instrument for Pre-accession Assistance 2014–2020 (IPA II)³⁶, the European Union’s Gender Action Plan (GAP II)³⁷ and the broader EU acquis. As elaborated in the previous Shadow Report, GAP II stresses the need for gender mainstreaming in programs and assistance programming,³⁸ while IPA II treats gender equality as cross-cutting issue and as separate priority area for support.³⁹

This year was hallmarked by the public health crisis, which furthered already existing gender gaps and inequalities. The COVID-19 pandemic had negative impact on women’s

36 European Commission, Instrument for Pre-Accession Assistance (IPA II), Revised Indicative Strategy Paper for the Former Yugoslav Republic of Macedonia (2014-2020). Available at: <https://bit.ly/3hxZE2W>

37 Gender Equality and Women’s Empowerment: Transforming the Lives of Girls and Women through European Union (EU) External Relations 2016-2020 (GAP II). Available at: <https://bit.ly/2Quy3oo>

38 Ibid.

39 European Commission, Instrument for Pre-Accession Assistance (IPA II), Revised Indicative Strategy Paper for the Former Yugoslav Republic of Macedonia (2014-2020). Available at: <https://bit.ly/3hxZE2W>



participation in the labour market in RNM, whose activity rate was already low before the crisis. According to the most recent data available, 62.3% of women,⁴⁰ in the country are economically inactive, compared to 37.7% of men.⁴¹ Moreover, 77% of health sector employees in RNM are women,⁴² which means that women - at the time of crisis - found themselves at the frontline of this struggle. Women are more represented in sectors that have been most affected by the crisis. For example, 80% of textile industry workers are women.⁴³ Therefore, under conditions of pre-existing and deepened inequalities, addressing these issues by gender mainstreaming in work of all bodies and institutions, including SWGs, gains an even greater importance.

6.1 FINDINGS FROM MONITORING SECTOR WORKING GROUPS

6.1.1 SWG meetings

In the course of 2020, SWG meetings rarely included discussion on policy impacts in terms of gender equality as a cross-cutting theme. Information and data collected by the cut-off date for this report⁴⁴ allow the conclusion that, as noted in the 2019 report, only two sector groups have integrated the gender perspective in their work: SWG Education, Employment and Social Policy and SWG Agriculture and Rural Development. This refers to the conclusion that SWGs have still not recognized their key role in promoting gender equality by means of gender mainstreaming in development and implementation of sector policies.

40 State Statistical Office (MAKStat Database 2019). Active population according to economic activity, gender and age. Economic inactivity of women. Available at: <https://bit.ly/3yt39Ov>

41 State Statistical Office (MAKStat Database 2019). Active population according to economic activity, gender and age. Economic inactivity of men. Available at: <https://bit.ly/3yt39Ov>

42 ILO (2020). Covid-19 and the World of Work NORTH MACEDONIA Rapid Assessment of the Employment Impacts and Policy Responses, available at: <https://bit.ly/3mGGtV7>

43 Ibid.

44 By the cut-off date for this report, information and data were collected from line ministries responsible for eight sector working groups: SWG Justice, SWG Public Administration Reform, SWG Local and Regional Development, SWG Education, Employment and Social Policy, SWG Home Affairs, SWG Transport, SWF Public Finance Management, and SWG Agriculture and Rural Development.

6.1.2 Trainings

Recommendations made under the 2019 Shadow Report concerned specially designed training for SWG members on gender mainstreaming that would be complementary to already existing gender equality training for administrative officers.

Namely, in 2017 the Ministry of Labour and Social Policy (MLSP), with the support from the United Nations Entity for Gender Equality and Empowerment of Women (UN WOMEN), developed an e-training course on gender equality intended to enhance knowledge of public administration employees. This training course is comprised of two modules, basic and advanced, and is administered by the Ministry of Information Society and Administration (MISA) through the E-learning Management System, which is accessible only to administrative officers.

Defeating is the fact that, in 2020, this basic module of the gender equality training was attended by only three administrative officers and nobody attended the advanced module. For comparison, in 2019 the basic module was attended by 359 and the advanced module was attended by 54 administrative officers. From its introduction to present, the gender equality training was attended by a total of 11,017 administrative officers. However, this figure pales into insignificance against the fact that, by 31.12.2020, public sector institutions employ a total of 131,183 persons.⁴⁵ Here it should be noted that this training course is available only to administrative officers, but not to other groups of public sector employees.⁴⁶

In October 2020, under the Project for Gender Responsive Budgeting (GRB) and in cooperation with UN WOMEN, MLSP organized four one-day trainings on strategic planning, which featured gender mainstreaming elements. These trainings were attended by professional and management staff members and those involved in strategic planning and policy/program development at institutions, including coordinators and deputy coordinators for equal opportunities. In total, all four trainings were attended by 32 staff members from 13 line ministries and 1 state institution. In December 2020, a two-day online training was organized on gender mainstreaming in strategic planning and gender responsive budgeting, attended by 33 staff members from 14 line ministries.

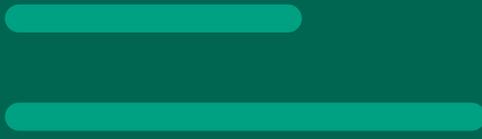
⁴⁵ Ministry of Information Society and Administration. 2020 Report from the Register of Public Sector Employees. Available at: <https://bit.ly/2T3DTxW>

⁴⁶ Pursuant to Article 14 of the Law on Public Sector Employee ("Official Gazette of the Republic of Macedonia" no. 27/14, 199/14, 27/16, 35/18 and 198/18 and "Official Gazette of the Republic of North Macedonia" no. 143/19 and 14/20), job positions of employees in public sector institutions are categorized into four groups: administrative officers, officers with public authority, service providers assistance/technical staff.

6.1.3 Gender analysis of policies



In 2020, the Ministry of Justice (MoJ) engaged in gender responsive budgeting for its program on redress to unjustly convicted or unlawfully/illegally detained persons. Hence, the ministry formed a working group tasked with development of 2020 gender responsible budget statement, followed by adoption of MoJ's Operation Plan for 2018-2023 Action Plan for Implementation of the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).



FINAL CONCLUSIONS AND RECOMMENDATIONS

1. By organizing two plenary sessions in the course of 2020, SWG Justice increased frequency of its operation compared to 2019 when it had organized only one session. However, even this work dynamics is far from sufficient and does not meet the minimum number of meetings anticipated in the rules of procedures. At the same time, SWG meetings held in 2020 were solely focused on presentation of strategic documents for IPA III, thus failing to open space for discussion of actual policies and strategies in this sector. Such organizational setup does not allow a conclusion on efficient performance track record for this sector group or enforcement of the sector-wide approach, which requires sector policies to be broadly discussed. Hence, efforts are needed to enforce the rules of procedure's obligation by increasing the number of plenary sessions held annually and by increasing the number of operational meetings to which all SWG members will be invited to attend, including civil society representatives. Regular operational meetings could provide an excellent opportunity for involvement of all stakeholders in all stages on developing strategy documents, and would facilitate much broader debate on actual policies and strategies.

2. Civil society representatives are full-fledged members of SWG Justice, but their role is still incompletely defined in respect to improving capacity and efficiency of this sector group. Involvement of civil society representatives in all stages on developing documents that are produced by this sector working group is of great importance, as it would increase their activity at SWG meetings. Hence, the rules of procedure need to be changed in order to define the model for selection of civil society representatives, as well as their role and mandate in respect to operation of this sector group.

3. SWG Justice did not develop 2020 annual work plan, which was also the practice in previous years. Operation of this sector working group without previously determined dynamics open many possibilities for incomplete utilization of capacity disposed by this sector group. Hence, SWG Justice is recommended to develop its annual work plans in the first quarter of the year, which - when possible - should also determine topics for plenary sessions and advance schedule of plenary and opera-



tional meetings. All SWG members should be involved in development of such annual plans. This approach would allow a much clearer vision for all members in respect to intensity of planned activities and outcomes, and would ensure transparency and accountability for the overall process.

4. An important aspect of SWG work is transparency towards all stakeholders. Official website of the Ministry of Justice does not host any information on operation of SWG Justice, such as documents on its establishment, the rules of procedure, minutes from SWG meetings held and other documents and decisions. Hence, the project team recommends that all previous documents related to SWG work be published on the ministry's website and to continue such practice for future activities. Having in mind the importance of topics discussed within this sector group, due consideration should be made for a more intensive public activity for information dissemination to all stakeholders.

FINAL CONCLUSIONS AND RECOMMENDATIONS IN TERMS OF GENDER MAINSTREAMING IN THE 12 SECTOR WORKING GROUPS

1. Most SWGs have still not recognized the importance of gender mainstreaming as a cross-cutting theme in their work. Although some line ministries have engaged in gender analysis of particular policies or have performed gender-responsive budgeting for individual programs, oftentimes these documents are not discussed and are not taken into account at SWG meetings. Hence the need for gender mainstreaming in work of all SWGs and use of gender analyses on state-of-affairs in specific sectors as baseline for policy development, implementation and evaluation.

2. It is recommended for e-training on gender equality to become part of the framework of generic competences and annual training programs, thereby underscoring its mandatory implementation and ensuring greater coverage in terms of trained administrative officers. Moreover, it is equally important for training materials to be regularly, timely and continuously updated, in order to avoid the risk of outdated content. While implementation of specially designed training course on gender mainstreaming in strategic planning represents a step forward, it is still early to assess its effects. It is recommended for participants in such trainings and workshops to mandatorily include SWG members. In order to ensure that such training gains an even greater importance, it would be desirable to evaluate knowledge of training participants and to regulate organization of such trainings on regular instead of ad-hoc basis.

3. Given that recommendations from 2019 Shadow Report are not fully taken into consideration, valid is the recommendation for involvement of coordinators and deputy coordinators for equal opportunities in SWGs, including civil society representatives with expertise and experience in the field of gender equality, as support for gender mainstreaming in all SWGs.

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- ◆ Transcript from the focus group organized with civil society representatives that participate in SWG Justice, held on 27.04.2021
- ◆ Insight in electronic communications with SWG members
- ◆ Rule of Procedures for SWG Justice
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- ◆ 2021 action fiche: EU for Good Governance

