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SECTOR PLANNING DOCUMENT

COUNTRY

SECTOR TITLE: JUSTICE SECTOR

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PART ONE - SECTOR PROFILE

1. SECTOR CONTEXT

Overall, The former Yugoslav Republic of Macedonia's progress in the justice sector reforms has been mixed. Important policy, legislative and institutional changes to improve rule of law and administration of justice have been undertaken in The former Yugoslav Republic of Macedonia since the *Strategy for Judicial Reforms 2004-2007* was adopted. The *Council for Judicial Reform (CJR),*

established in 2004 as part of the Strategy implementation monitoring mechanism, has continued its operations in coordinating justice-related policy formulation to this date. Important constitutional and legislative changes were introduced as a result of the Strategy implementation, including setting up of the judicial and prosecutorial *governance (Judicial and Prosecutor Councils) and the founding of the Academy for Judges and Public Prosecutors(AJPP) as professional training body* development of the system of administrative justice (including the establishment of High administrative court and Administrative court), establishment of a separate Criminal Court Skopje, Basic public prosecutor office for organised crime and corruption, advancement of structural independence of the judiciary, strengthening of the anti-corruption framework development of the system of recovery of proceeds of crime (by setting up of the Agency for the Management of Confiscated Assets, AMCA), improvements in juvenile justice and prison reform. Significant procedural legislation was adopted as a result of the Strategy implementation, including statutes on Courts, Interception of Communications, Administrative Disputes,Trial Procedure.. Another outcome of the above Strategy was a sub-sectorial *Strategy for Criminal Law Reform 2007-2011*. The Strategy implementation included developments in substantive criminal law and, most importantly, adoption of a new Criminal Procedure Law (in force from 1 December 2013), which cemented a shift to a more *prosecutor-led investigation* and a more *adversarial system* of handling of evidence at trial. E-justice was also advanced with the notable introduction of the Advanced Court Case Management and Information System (ACCMIS), JCMIS for tracking performance of courts and judges, ABMS for accounting and budgeting, development of the court websites, and equipment of some courts with the audio recording hardware and software.EU (as part of IPA1 framework) and other donors have carried out various interventions to support most of the reforms mentioned above[1].

Notwithstanding the comprehensive legislative and organisation changes which have already been made in the justice sector over the past decade, key regulatory and capacity gaps remain and therefore will need to be addressed as priorities in the coming period: Most notably, insufficient capacities mechanisms and skills are lacking to ensure *uniformity of practice* of the courts, especially the Supreme Court (SC), Courts of Appeal in *research and analysis*, as well as the poorly developed legislative and case-law search tools; despite the continuing efforts in this respect by the newly created professional training bodies (especially AJPP). *Legislative 'inflation'* undermines attempts at more coherence, clarity and foreseeability of law and practice;

Established judiciary and prosecutorial *governance bodies (Judicial Council and Councip for Public Prosecutors) are yet* unable to ensure the principle of *functional independence*. Quality control and *performance management* systems in most sector stakeholders continue to show weaknesses, despite the gradual improvement in view of the shift towards more merits-based, qualitative and quantitative, recruitment, evaluation and promotion tools, especially at the judiciary and prosecution.

Underfinanced and under-resourced *free legal aid system impendes upon* the possibility to apply more adversarial procedural framework,especially can be expected to improve.

Prevalence of *repression-based approaches* in criminal justice, at times result in ill-treatment, abuse of intrusive investigation methods, overuse of detention on remand and confessions as the main incriminating evidence and prevents more effective application of the current legislative trend which introduced more adversarial legislative framework. Criminal procedure with no sufficient *streamlining between adversarial and inquisitorial* approaches, and underdeveloped procedural tools to increase clarity, foreseeability and fairness (formalised standards of proof etc.) results in breaches of defence rights, insufficient victim protection, violation of the privilege against self-incrimination and other

[1] For a more detailed description of EU support activities in the The former Yugoslav Republic of Macedonian justice sector, see Section 6 below.

elements of fairness. Since PPO and criminal investigation services (MOI, MOF) have mixed competences in relation to the new Law on Criminal Procedure (CCP), this might present a continuing challenge in potential risks for double jeopardy, selective investigations, jurisdiction disputes, and insufficient fairness,

Lack of individualised, *evidence-based approach* in the criminal enforcement system may be mended by the foreseen creation of the probation service, yet significant regulatory and capacity-building efforts will be necessary to create proper *demand for the products of the probation system* (such as pre-trial reports) on behalf of the other justice sector players, most notably the judiciary and prosecution ;

Resolving jurisdictional and procedural issues in *misdemeanour* matters will be a complex process, as it might necessitate review *inter alia* of more than 240 substantive laws defining various misdemeanours;

Uncodified civil law prevents both greater clarity and foreseeability of substantive law, as well as greater approximation with EU standards and comparative practices.

Private limbs of the justice system, including the Bar, notaries and bailiffs, continue to lack proper governance, continuous trainings systems.

E-justice and use of ICT is a particularly notable cross-cutting issue, relying directly upon - and being influenced by - the aforementioned institutional setting and capacity level. No consolidated policy exists for ICT at the GOM or sector level, resulting in the somewhat excessive pluralism of powers over the various segments and systems within each stakeholder, and in turn - lack of coordination at a horizontal level, and subordination at a vertical level. While the ICT staffing numbers of the judiciary and other sector stakeholders may be considered satisfactory, the management of the human resources is not always efficient, as some highly educated and skilled staff are being used for routine, mundane tasks. The procurement systems are oriented towards satisfaction of 'survival needs', rather than catering for a more strategic and systemic investment in integrated information systems (IIS), interoperable between themselves and with other domestic and international systems. As a result, basic interoperability is lacking, from single point-to-point communications to development of sophisticated intranet solutions, communication and data exchange networks. Various ICT systems used by the State and non-state actors in the justice chain are not sufficiently *interoperable* and *integrated*, preventing both a smooth information exchange and analysis.

ADRs (Chamber of Mediators) are underused despite the existence of legislative and institutional tools, due largely to more complicated causes deriving from the litigious mentality in the society and insufficient public awareness.

Legislative and institutional approaches to the protection of privacy or some of its incidental elements (i.e. *personal data protection*) at times come at the expense of the interest of *transparency* in the State's dealing with the public, especially in the area of administration of justice.

Finally, lack of *strategic planning, analysis and research* capabilities for definition of targets, development of legislative initiatives and uniform practice, *identification of risks and threats* to guide the policy development and implementation, is a key obstacle to formulating coherent approach and achieving effective implementation of many regulatory initiatives[2]. Institutional capacities in the latter area remain particularly weak, necessitating enhanced focus of the EU support, especially in view of

[2] See the Sector Gaps and Needs Assessment ('the Assessment'), enclosed as Annex, for a more in-depth analysis of the relevant issues and suggested ways of tackling them.

the application of sector approach to programming, which requires an enhanced degree of sector policy and reform coordination status.

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Against the above background, the short-to-medium term needs of the The former Yugoslav Republic of Macedonian justice sector could be grouped into these following blocks:

- increasing independence, accountability and competence of the judiciary by improving its governance, quality policy and performance management (quality policy and control), and professional training systems;

- great access to justice by stronger legal aid and representation, enforcement and ADRs;

- increase balance between efficiency and fairness of criminal investigation and trial, stronger capacities for handling witnesses, more *clear and foreseeable procedural rules and practice*, including formalised standards of proof in questions of guilt, risk (for pre-trial remand purposes), use of intrusive measures, confiscation, inter-agency cooperation and coordination in implementing the new law, improvement of the prosecution governance and professional training systems;

- increasing *interoperability* and *integration* of various information systems (IIS) in the justice sector in order different bodies to exchange the data automatically

- Improving detention conditions, reduce reoffending, consolidate rehabilitation and re-socialisation as a matter of policy and implementation in the *penitentiary and probation systems*;

- Improving *strategic planning*, justice sector *reform coordination*, research and analysis, and EU law approximation capacities, to be used notably in the on-going processes in the development of misdemeanour law, administrative justice and civil law..

Achiving objectives of the on-going or soon-to-be-launched EU-financed projects,will take care of some of the above needs, most notably in strengthening capacities of the judiciary with special focus on the Judicial Council (JC), Council of Public Prosecutors, Academy for judges and public prosecutors, courts and public prosecution offices for an efficient performance of their tasks related to the implementation of the novelties in the legal framework adopted as a guarantee of the independence, accountability, transparency, professionalism and efficiency of the judiciary. In addition, will support the Directorate of Execution of Sanctions in launching the probation system (among key components of an IPA 2010 technical assistance project, to be launched in the second half of 2014), Strengthen strategic planning capacities of MOJ in the EU pre and post accession process and alignment with the EU *acquis*, judiciary's knowledge and capacities regarding the EU and ECHR law, as well as the case-law of the Court of Justice of the European Union and the European Court of Human Rights in order to foster convergence of its national legal system with the EU and ECHR law; (under twining for the Ministry of Justice IPA 2011 to be launched 2015); under IPA 2012 rule of law Sector fiche, support in implementation of international and European Union standards in combating organized and serious crime, financial crime, fraud of EU funds, corruption, money laundering, judicial cooperation, IT infrastructure) and stronger police and prosecution interaction, analysis and risk management (under IPA 2015). At the same time, scope clearly remains for interventions to deal with all these problem areas by way of further support to be programmed as part of IPA 2, with a view to either filling the gaps left by previous interventions, or providing enhanced support in the same fields in order to ensure greater sustainability of EU and other donor efforts.

2. SECTOR APPROACH ASSESSMENT

2.1. Assessment criteria

A *sector approach* and *sector programmes*, based on the needs and relative strengths of a country, can help determine the strategic objectives for which EU financial assistance is most needed, contributing to more effective pre-accession aid. Sector approaches also ensure that donor support is more strategically aligned with national priorities and policies for EU integration. It is expected that a move to a sector approach would improve the effectiveness and efficiency of development aid. This may be achieved by strengthening *ownership* by The former Yugoslav Republic of Macedonia, as an IPA beneficiary country, and increasing *coordination* between the Government and donors working towards specific, well-defined results.A Sector Programme for an IPA beneficiary country should identify what is needed to modernise a sector and align it to EU standards. It should be based on a country's own national development plan, underpinned by EU's overall enlargement policy as well as the country's Accession/European Partnership and SAA. It would also allow for EU integration priorities to be strategically planned for and *sequenced* at an early stage. Moving to a sector approach would provide a more *coherent* framework for undertaking the reforms needed for EU accession. It would also provide objectives, targets and indicators, which can be used to make the assistance more *results oriented*. It would moreover improve the mechanism for reporting on the implementation of projects and delivery of their activities and outputs.

2.1.1. National sector policy

On 3 September 2013 the Government adopted a *Framework for Further Development of Judiciary 2014-2017 (FFDJ)*, setting out 7 areas for further reform spanning the entire justice sector: (a) strengthening independence, impartiality and efficiency of the *judiciary*; (b) improving *administrative justice*; (c) further reforms in the *criminal justice* system; (d) development of *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). *FFDJ is a key policy document*, supported by other relevant reform priorities, which are addressed - or are expected soon to be addressed - in the following *primary policy framework* (in the order of relevance):

- Justice Sector Reform Strategy/Action Plan(currently under elaboration on the basis of FFDJ), which focuses on the 7 main areas mentioned above;
- Strategic Development Plan (SDP) of the Judiciary (currently under elaboration) which aims to improve the judiciary governance system in all aspects of self-regulation, quality policy and performance management;
- Probation Strategy 2013- 2016, which intends to create a fully functioning probation service
- National Strategy on the development of the penitentiary system 2015-2020 (to be developed at the end of 2014 with IPA 2009 Grant CoE project)
- Strategy on Heath Care in the Penitentiary institutions 2012-2014
- Penitentiary Reform Action Plan 2009-2014, with the main focus on the reform of the prison management system, introduction and development of various tools for rehabilitation and resocialisation;
- Action Plan on the Codification of Civil Law, which also foresees review of more than 360 statutes serving as *lex specialis by the end of 2015;*

The *secondary policy framework* for justice reform, covering some of the most important *cross-cutting* issues in the sector, includes the following documents:

- Anti-Corruption and Conflict of Interest Prevention Programme and Action Plan 2011-2015, with the main focus on introduction and development of various criminal, civil ad administrative-law tools in the field;
- Strategy for Cooperation of Government with Civil Society 2012-2017, which foresees inter alia stringer role of CSOs as an external oversight and monitoring mechanism in the justice sector;
- National Programme for the Adoption of the *Acquis* (NPAA), which serves as umbrella document for EU integration related reforms in justice and rule of law, chapters on '*rule of*

law and contract enforcement' and '*administrative law*' in the Pre-Accession Economic Programme 2014-2016, and the Programme of the Government 2011-2015 which foresees reforms of law enforcement and the judiciary; all these policy documents intend to promote approximation with EU law and relevant standards.

All these policy initiatives are meant to ensure more effective and coherent structure, sequencing and *self-reinforcing relationship* between various legislative and institutional developments, and promote *increased balance between the competing priorities:* independence and accountability of courts, procedural fairness and efficiency[3], autonomy and effectiveness of the prosecution and criminal investigation services, effective crime detection/prevention and decriminalisation, accessible justice and application of ADRs, development of administrative justice for more transparent and foreseeable relationship between individual and the State, and greater EU law approximation. At the same time, the rather fragmented nature of this policy framework can be noted. A systemic approach to the justice sector reform is still at an early stage of development, as attested by FFDJ and the current efforts to develop a sector wide justice reform strategy, which will have to ensure coherence among all these strategic documents and provide a consolidated sector reform vision.

Against this background, the main developments to be suggested in the short-term for improvement in the quality of sector policy, in order to increase *supportiveness of the domestic context* for a sector-approach Programme are: (a) further development of a comprehensive *Justice Sector Reform Strategy/Action Plan*, based on a more detailed needs assessment with regard to the 7 sub-sectorial reform components already defined in the FFDJ (currently discussed between MOJ, EUD and experts); providing coherence among the existing sector-related reform documents and including clear and realistic financial projections of the proposed actions; (b) finalisation of the *judiciary SDP*, including a chapter on the ICT development; (c) improvement in *output, outcome (result) and impact* indicators in all the policy documents which are either under development or review, with linkages to the findings in the context of the monitoring process (also see Sections 2.1.4 and 2.1.5 below).

2.1.2. Institutional setting, leadership and capacity

The The former Yugoslav Republic of Macedonian justice sector comprises various intertwined institutions and areas cutting across various branches of power (judiciary, executive and legislature), as well as various independent (PPO) or semi-independent (inspectorates) bodies, and even private corporations and professional associations (lawyers, bailiffs, notaries). Likewise, many of the crosscutting relationships in the justice sector (i.e. fight against organised crime and corruption) are dealt with by the interior (home affairs) sector. Moreover, an in-depth understanding of the peculiar nature of the justice sector and its reform process warrants a conclusion that a *change in a particular instrument* (be it policy, regulatory or institutional) *does not bring about the required change* in the same way as it does in other sectors – mainly because the very stakeholders of the justice sector are the ones who *interpret, apply and decide on whether and how to apply the new legislation*. A real change in the system of administration of justice can only be achieved by a marked improvement in the sector actors' capacity - including *mentality, willingness and skills* - to accompany the statutory or institutional changes. Mindfulness of these specifics of the justice sector is essential in order to seek more adequate priorities, realistic and results-oriented indicators in the justice reform policy design and implementation. Furthermore, the justice sector is neither 'owned' nor coordinated by MOJ or the Government in its daily performance – and indeed it is because of the competition of the *independent* or *autonomous* limbs of the sector that it is able to provide 'checks and balances' against executive abuse. In view of these specifics, *coordination* of the justice sector reform (*but not coordination of sector performance, which needs to remain fragmented and competitive among different institutions*)

[3] It must be noted that the (lack of) efficiency of case handling by courts is quickly becoming an obsolete issue in The former Yugoslav Republic of Macedonia, while the at times excessive emphasis on speed has brought negative results to the detriment of the interests of thoroughness, fairness, and equality in the conduct of court proceedings, which have not dissipated in relevance.

is of paramount significance in order to make sure that the policy development process is sufficiently inclusive and productive (also see Section 2.1.3 below).

As regard the state of affairs in the *judiciary*, development of mechanisms and skills to ensure *uniformity of practice* of the courts can be expected to be well supported by AJPP, but slowed down by the insufficient capacities of the Supreme Court (SC), Courts of Appeal in *research and analysis*, as well as the poorly developed legislative and case-law search tools. The role of the *appeals system* is also essential in order to make sure that the higher courts put emphasis on the interest of uniformity of practice, and not merely the interests of a party. Attempts to ensure greater uniformity of practice can also be prevented by a certain lack of *transparency* in the judiciary governance system in particular, and the administration of justice in general. The issue will be difficult to tackle, as it is conditioned by various factors, including a rather dogmatic approach to national personal data protection rules at the expense of the superior interest of a fair and *public hearing*, as well as traditional approaches within various sector stakeholders, which do not sufficiently take into account the importance of the *publicity* aspect in the functioning of the justice. For instance, some in the judiciary still appear to consider their jurisprudence as only having the value (if any) of internal methodological guidance, and not a publicly accessible mechanism necessary to increase *clarity and foreseeability of the law*.As an additional key issue, the judiciary *governance system*and the body at its pinnacle (Judicial Council) can find difficulties in ensuring the principle of *functional independence* in view of the underdeveloped *performance management* system, including *ethical and disciplinary* oversight.

The interest of ensuring greater *access to justice* requires more significant efforts to improve independence, accountability and competence of the *private sector* stakeholders (Bar, bailiffs, notaries), which moreover have a very underdeveloped *professional (continuous) training* system in comparison with that of the judiciary and prosecution, while the systems of *initial training* for each of these professions is effectively lacking. Moreover, a holistic definition and increased role of the *legal aid system*is necessary in view of the shift towards more adversarial process in criminal matters, in particular, which is well understood by the policy makers (MOJ) but may face objective constraints in view of the already strained overall budget that The former Yugoslav Republic of Macedonia devotes to the justice system. ADR legislative and institutional framework (Chamberof Mediation, Chamber of Arbitration etc.) remains in need of development, against the background of the prevalent *litigation mentality* in the society, which also necessitates comprehensive awareness-raising efforts.

The momentum in the reform of the *criminal investigation and trial*system has gained pace since the entry into force of the new CPL on 1 December 2013. Having said that, many obstacles for effective implementation of the code remain. Prosecutorial *governance system* and its respective leading body (Council of Public Prosecutors) can find difficulties in ensuring the principle of *functional independence* in view of the nascent stage of the CPP operation and underdeveloped *performance management* system, including *ethical and disciplinary* oversight. Moreover, reduction of prevalence of *repression-based approaches* in criminal justice - resulting in ill-treatment, abuse of intrusive investigation methods, overuse of detention on remand and confessions as the main incriminating evidence - needs to be tackled by two main tools. First of all, greater application of *research, analysis and risk management*to guide crime detection and prevention policies is necessary, alongside stronger external oversight of law enforcement pre-trial, and greater factual control of the executive investigation services by the prosecution. The above interests may particularly be obstructed by the traditional ambivalence to any outside control and secrecy (even from the prosecution) in the work of the investigation services of MOI and other executive agencies. Better streamlining in criminal procedure *between adversarial and inquisitorial approaches* necessitates the increase of *defence rights at pre-trial and trial stages*, stronger capacities for handling witnesses, more *clear and foreseeable procedural rules and practice*, includingformalised standards of proof in questions of guilt, risk (for pre-trial remand purposes), use of intrusive measures, confiscation etc.In addition, since PPO and criminal investigation services (MOI, MOF) have mixed competences in relation to the new CPL, continuing challenges in inter-agency cooperation and coordination can present themselves both in implementing the new law.

Lack of individualised, *evidence-based approach* in the *criminal enforcement system* may be mended by the foreseen creation of the probation service.Yet significant regulatory and capacity-building efforts will be necessary to create proper *demand for the products of the probation system* (such as pre-trial reports) on behalf of the other justice sector players, most notably the judiciary and prosecution. A significant revamping of the *prison* management system is necessary in order to strike a better balance between the interests of crime prevention on the one hand, and rehabilitation and re-socialisation on the other.

S*trategic planning*, sector *reform coordination*, *analysis and research*of MOJ and *other justice sector stakeholders* need to be either built from scratch, or significantly strengthened, if a more comprehensive and long-term approach to both the sector reform and sector performance is to take hold[4]. These attempts are additionally obstructed by the usually hasty law-making process which results in *legislative 'inflation'*, which is facilitated by the underdeveloped *gap analysis*, *impact assessment* and *EU law approximation* mechanisms. As a result, for instance, resolving substantive law, jurisdictional and procedural issues in *misdemeanour* matters will be a complex process, as it might necessitate review *inter alia* of more than 240 substantive laws defining various misdemeanours, alongside review of procedural statutes. The on-going process of preparing a legislative package on General Administrative Law, Misdemeanours and Administrative Disputes has so far been slowed down a number of times.Complex codification process of civil law will also necessitate review of more than 360 statutes serving as *lexspecialis*. These important legislative development processes for the justice sector are among the main areas affected by a lack of strategic planning, sector reform coordination, analysis and research capacities.

A significant cross-cutting issue in all of the above groupings is a lack of *interoperability* and *integration*of various information systems (IIS) in the justice sector. Resolving this issue faces various political (to what extent the different bodies are ready to exchange the data automatically by way of MOUs, especially in the criminal justice sub-sector where the interest of secrecy is requisite to ensure effectiveness?), legal (to what extent the national personal data protection rules should apply in the justice sector communication channels?), and practical questions (how State and non-State bodies making up the sector be expected to design and manage integrated information systems?). The state of *e--justice and use of ICT* relies directly upon - and is being influenced by - the aforementioned institutional setting and capacity level. No consolidated policy exists for ICT at the GOM or sector level, resulting in the somewhat excessive pluralism of powers over the various segments and systems within each stakeholder, and in turn - lack of coordination at a horizontal level, and subordination at a vertical level. While the ICT staffing numbers of the judiciary and other sector stakeholders may be considered satisfactory, the management of the human resources is not always efficient, as some highly educated and skilled staff are being used for routine, mundane tasks. The procurement systems are oriented towards satisfaction of 'survival needs', rather than catering for a more strategic and systemic investment in integrated information systems (IIS), interoperable between themselves and with other domestic and international systems. As a result, basic interoperability is lacking, from single point-to-point communications to development of sophisticated intranet solutions, communication and data exchange networks. As observed above, a notable disconnect at the ICT level can also be observed between the systems of State institutions and those of the private sector stakeholders making up the justice sector (Bar, bailiffs, notaries).

Against the above background, the need to mend the gaps in institutional setting and capacity will require interventions under 5 areas mentioned above - notably(a) *judiciary*, (b) *access to justice*, (c) *criminal investigation and trial*, (d) *criminal enforcement* (penitentiary and probation), and (e) *strategic planning and reform coordination* (including assistance in the on-going important justice-related legislative development efforts in the misdemeanour and civil law). In addition, the following

[4] See the Sector Gaps and Needs Assessment ('the Assessment'), enclosed as Annex, for a more in-depth analysis of the relevant issues and suggested ways of tackling them.

improvements of all justice sector stakeholders should continue on a more horizontal level should be tackled by the national authorities, with the support of the 5 proposed actions, in order to ensure a more *supportive context* for a sector-approach Programme: (a) development of *capacity assessment,* performance management, *monitoring and evaluation* (M&E) systems (see Section 2.1.5 below); (b)comprehensive improvements in the interoperability and integration of ICT systems, e-Government and e-justice; (c) e*vidence based policy development, research* and *analytical* capacity strengthening; dedicated analytical capacities must be strengthened at all justice sector bodies(d)*stronger leadership* and the coordination mechanism for sector reforms need to be ensured, while enhancing the role of each stakeholder in the policy-making and implementation (see Section 2.1.3 below);; (e) more supportive and *service-oriented*, rather than prescriptive and inspection-oriented, *management* and regulation functions should be encouraged within the public administration in general; (f) better *financial planning and programming* capacities need to continue developing (see Section 2.1.4 below);; (g) *decentralisation* and greater involvement of the regional and local units of each body should be encouraged; (h) more sustainable and self-sufficient professional training systems of each justice sector body.

2.1.3. Sector and donor coordination

In the area of *European integration and justice sector cooperation with EU organisations and Member States*, the leading role in driving the policy development, implementation and review rests with NPAA *Working Group on Chapter 23* 'Judiciary and fundamental rights' (WG23). The Working Group is presided by the Head of EU Department[5]at MOJ. The WG can be considered as a *high-level* coordination body at the policy-setting level, with inclusive representation, detailed and transparent mechanisms *dedicated Rules of Procedure*.[6] WG23 is provided with *secretarial* capacities by the MOJ European Integration Department ('EU Sector'). MOJ also takes part, among others stakeholders, in an analogous NPAA Working Group on Chapter 24 'Justice, freedom and security' (WG24). The latter mechanism, admittedly, does not have the same degree of elaborate decision-making process as WG23. In addition to these WGs, the more general coordination of actions in light of the priorities from the perspective of EU integration – including the level of alignment with the *Acquis* – is decided through regular meetings of the *Working Committee on European Integration* (WCEI) and *the Subcomitte*, which discusses the level of implementation of NPAA and EU-funded programmes via IPA. WCEI is chaired by the Deputy Prime Minister, and involves State Secretaries from line ministries. The WCEI is consisted of the members of the NPAA working groups. It holds very regular (almost monthly) meetings, and is provided operational support by the Secretariat of European Affairs (SEA). WCEI could be considered as 'umbrella' for the 35 working groups involved the field of EU integration, including WG23 and WG24.

WCEI and WG23 also share the roles of donor coordination for justice sector with regard to EU-funded assistance. Occasional discussions on donor assistance are held in the context of these and other formats. Considering the presence of many donors in the justice sector, the Government has made efforts by setting up a dedicated Sector-Wide Approach Working Group on Justice and Home Affairs (SWAWG), in order to avoid overlap and promote synergies between national policies and donor priority alignment. The body is provided secretarial support by SEA. MOJ and MOI are focal points of this Working Group, which also includes representatives of MOF and the donor community (EU, UN (UNDP), USAID, UK and the Netherlands embassies and others).

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[5] Referred to as the 'Head of EU Sector' in some sources. In fact, a problem of harmonisation of titles of analogous departments exists across the The former Yugoslav Republic of Macedonian executive sector in particular, and public administration in general.

[6] See the *Rules of Procedure of Working Group 23 - Judiciary and Fundamental Rights*, developed by the Konrad-Adenauer-Stiftung (KAS), the Swiss Agency for Development and Cooperation (SDC) and the Association for Development Initiatives 'Zenith', Skopje, December 2013.

With a view to monitoring the process of implementation of the new Law on Criminal Procedure, a *Coordinating Body for the Monitoring of the Process of Implementation of the new CPC* (CBM) was set up in 2011. CBM is presided jointly by the Ministers of Justice and Interior, while also involving Deputy Prime Ministers, Minister of Finance, Public Prosecutor, other PPO and judiciary (basic court president level) representatives. No CSOs or Bar members are involved. CBM has met at least 3 times since 2012, thereby attesting its relative weakness as a proper coordination mechanism for the CPL implementation. CBM has no operational coordination level for secretarial support or targeted expertise.

The future *Civil Code development* process is coordinated by a *dedicated mechanism* involving various Working Groups, led by various members of the academia and policy makers. The body has no consistent support at the operational coordination level for secretarial support or targeted expertise.

The *Council for Judicial Reform*(CJR) was established in 2004 to drive the then Strategy for Judicial Reforms 2004-2007. CJR has continued operating ever since, meeting at least twice per year todefine strategic policy direction of the justice sector. Composed of 30 members, the Council has a very broad (in terms of scope) and mixed representation from the highest (including Minister of Justice, President of the Supreme Court, Public Prosecutor etc.) and senior executive levels, [and includes members of the private sector stakeholders (Bar, bailiffs, notaries). At the same time, the Council lacks representation from MOF and broader justice sector. Since CJR has no dedicated support body at the operational level, it is provided *ad hoc* secretarial support and targeted expertise by MOJ.

The Development of a new *sector-wide justice reform strategy* on the basis of FFDJ is led informally by MOJ. FFDJ itself was formally developed by a dedicated Working Group, which has the same composition as the Council for Judicial Reform. This coordination mechanism could serve as a good basis to provide both *policy-setting* and *operational support* in the wider justice sector reform policy elaboration, implementation and review. CJR could remain to serve at the pinnacle of the coordination mechanism (*policy-setting level*), in view of its high representative level. At the same time, more line ministries (most notably, MOF) should be involved, while also ensuring wider participation from outside the public sector. It is also important to make sure that, in contrast to WG23 and CBM – which are more preoccupied with ‘monitoring roles’ (level of implementation) – discussions within CJR should be focused more on strategic issues of ‘policy direction’. In this respect, some modalities of holding inclusive discussions involving international counterparts could be borrowed from SWAWG.

In addition to these mechanisms, a certain coordination effort is being exercised by the *Inter-Ministerial Body for Human Rights*, with the key role for the Ombudsman.

Against the above background, while various ad hoc mechanisms exist with regard to separate fragments of the justice sector reform and donor coordination, a coherent coordination mechanism at both policy-setting and operational levels is lacking. This fragmentation of the coordination mechanism appears to be influenced by one key factor – lack of dedicated strategic planning capacities (units) at each sector stakeholder. Message should be clear that policy-making in regard to the justice sector reform should become the responsibility of each stakeholder. At the institutional level, this should entail, at least, the creation of a separate position or structure dealing in particular with providing feedback and new inputs for the high-level sector coordination mechanism, thereby contributing to the development of new chapters in the sector reform policy. Hence, while the *policy-setting level* of the reform coordination (high level meetings between representatives of various branches of power and private structures making up the justice sector) appears to be functioning adequately, at the *operational level*, the coordination mechanism should be significantly strengthened. MOJ should be enabled not only to provide secretarial assistance but also targeted expertise to all the above coordination structures, while linkages should be improved within each sector stakeholder

between the functions of coordinators (i.e. MOJ EU Department, Judiciary Department), strategic planners, and research/analysis units[7].

The sector reform coordination mechanism will have to ensure leadership if an eventual Sector Programme is to be successful. This may be achieved through team-work over the joint sector reform strategy, which should create horizontal 'peer-support' mechanisms among the stakeholders. This will guarantee reciprocal controls, assists to fend off outside influences, and also add up a spirit of competition to the stakeholders' joint undertaking. The reliance on the *national expertise* and also on the *stakeholders' own capacities* should eventually serve as a guarantee of its sustainability and financial efficiency. Finally, *donor coordination* can not be expected to be achieved if no domestic driver for the sector reform coordination exists at both the policy-setting and operational levels.

The national authorities should tackle the following issues, with the support of the 5 proposed actions, to ensure a more *supportive context* for a sector policy support Programme: (a) broadening *composition* of the sector-wide justice reform strategy development at the *policy-setting* level by involvement in the *Council for Judicial Reform (CJR)* of representatives of MOF and the civil society; (b) setting up dedicated working groups within CJR based for design and implementation of actions under each relevant chapter of JSRSAP (judiciary, criminal justice, civil justice, administrative justice, access to justice and ADRs, penitentiary and probation, reform coordination, IT), and regular meeting of WGs; (c) strengthening the capacities of MOJ to provide support at the *operational level*(secretarial and targeted expertise) with regard to all sub-sectorial reform policies reviewed above; eventual setting up of a dedicated *strategic planning, research and analysis* unit at MOJ(within its Judiciary Department) would be particularly beneficial;(d) judiciary, PPO, MOI and other key stakeholders in the justice sector should also have dedicated strategic planning capacities, which should interact with the MOJ (future) strategic planning unit in all questions relating to the institutional and sector reform policy development, implementation, and review; interaction between these to-be-created 'back offices' - horizontally between all the sector stakeholders, and vertically within respective institutions (among policy leaders, planners and implementing bodies) - is essential, if the future sector-wide justice reform strategy and action plan are to achieve its objectives; (e) engagement of experts specialised in *financial planning* to support the strategic planners, research and analysis staff at MOJ, in order to calculate financial projections of future policies and encourage application of MTEF in the institutional budgeting process by all justice sector stakeholders; (f) CBM should be more actively coordinated at the operational level by PPO, which should drive more specific discussions on the new CCP implementation by providing secretarial support and targeted expertise; (g) more *proactive*, and not reactive, *coordination of donor* efforts; (h)establishment of dedicated Inter-Agency ICT coordination mechanism for the justice sector (dedicated Working Group under CJR), in charge of developing ICT policies (strategies, action plans) for the whole justice sector and its institutional blocks, as well as providing guidance to various sector institutions to encourage greater ownership and interoperability of the various ICT products and services used.

2.1.4. Medium-term budgetary perspectives

It appears that any of the policies mentioned above have *not*been fed into a Medium-Term Expenditure Framework (MTEF) of the Government. The Pre-Accession Programme 2014-2016[8] does include some 3-year projections with regard to basic parameters of GOM revenue and expenditure. However, it does not reflect costs of any of the justice or other sector-related policies. Comprehensive

[7] As the matters stand, staff from different departments at MOJ is involved in planning, research and analysis. Strategic planning, research and analytical capacities within other justice stakeholders have also been assessed as either non-existent, or lacking in capacity (see the Assessment Annex mentioned above, Section 2.2). One of the key objectives of the on-going or soon-to-be-launched EU-financed projects – including TA for JC and the future probation service (programmed as part of IPA 2010) and the future twinning for MOJ (IPA 2011) - should be accommodated to shift more focus to the development of strategic planning, research and analysis capacities within MOJ, JC and other sector stakeholders.

[8] Quote above, see page 38.

improvements are required in terms of structure of sector policies and their integration into a medium-term expenditure framework. The general issues with MTEF transpire into the specific state of the budgeting system in the justice sector. The system is very complex, because some of the sector stakeholders derive their budgets directly from Parliament (courts, prosecution), while others have separate budget lines as part of the Government allocation, whereas others still (private corporations such as the Bar, bailiffs, notaries) depend on contributions by their members. The key role in the budgeting cycle belongs to the Ministry of Finance, which formulates specific budget methodologies (tables) for each institution (including the Judiciary Council), indicating benchmark numbers with regard to each budget line. After an internal and external negotiation processes, budgets are approved by Parliament at the end of each calendar year. The regular budgetary process within its planning phase envisages definition of allocations for the next budget year and - by certain percentage - projections for two forthcoming years. At the same, time, methodologies to apply these projections are not even among the stakeholders, especially those outside the executive branch of power. As a result, while some of the justice sector bodies (i.e. courts, prosecution) have a formal ability independently to request budgeting from Parliament, their actual ability to exercise that power is limited, owing *inter alia* to a lack of capacity in substantiating their budgetary needs, including insufficient application of program budgeting methodologies and fragmented budgetary process (among different levels of courts)[9]. Moreover, it is yet to be seen whether a fixed statutory provision for the courts budget, while definitely generous on a comparative European level[10], plays a positive role in balancing the interests of the courts independence with the promotion of their financial sustainability and accountability (also see the analysis on PFM in Section 2.1.6 below).

The national authorities should tackle the following issues, with the support of the 5 proposed actions, to improve institutional budgeting and PFM capacities , in order to ensure a supportive domestic context for a sector-approach programme: (a) increased degree of *transparency*, *program budgeting* methodologies, and use *non-financial performance information* at the GOM level; (b) development of Sector Expenditure Plan (SEP) for justice - with the sector budget 'integrator' role for MOJ, with requisite roles given for autonomous limbs of the justice sector (i.e. JC Budget Council etc.) - to serve as an effective tool for strategic sector prioritisation and *ex-ante* approval for programme implementation and aid delivery control; (c) definition of *financial projections* with regard to the *sector reform policy documents*, with realistic and achievable multi-annual budgetary commitments tied to each major item of the respective strategy, and drawn against the background of MTEF projections with regard to each relevant institution/block of the justice sector. More active involvement of the Ministry of Finance - and experts specialised in financial planning - in the justice sector reform coordination mechanism (see Section 2.1.3 above) is among key conditions in order to achieve the above objectives.

2.1.5. Performance assessment framework

With regard to the question of sector policy monitoring and evaluation (M&E) system, the key required improvement is an *increased emphasis on outcome/impact indicators* and greater familiarity of the stakeholders with and application of the results-oriented monitoring (ROM) framework[11]. Systems should be oriented towards Programmes (block of projects) rather than a particular project to

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[9] For a more comprehensive overview of relevant budgeting cycles and capacities of some sector stakeholders in the budget formulation and PFM area, see the Assessment enclosed as Annex.

[10] Currently set by The former Yugoslav Republic of Macedonian Parliament at 0.41% of GDP. This compares to the median courts' budget as a proportion of GDP at 0.20% GDP on a pan-European level measured y CEPEJ. At the same time, the much –higher than average number of judges in The former Yugoslav Republic of Macedonia should also be taken into account on a comparative European basis (42 per 100,000 inhabitants in The former Yugoslav Republic of Macedonia versus the CEPEJ median of 18 with regard to professional judges, and 114 (The former Yugoslav Republic of Macedonia) versus 47 (CEPEJ median) for non-professional judges). It might appear, therefore, that the fixed statutory rate does not encourage the judiciary to think about the increase in the efficiency of the use of its resources to provide higher quality services to the society at a reasonable cost.

[11] See the *Mapping of Sector Strategies Report* mentioned above, pp. 10-11.

assess performance over a longer period of time. All in all, while the justice sector reform policy M&E systems require improvement, they are reasonably expected to evolve in line with the advancement of the quality of policies and the coordination mechanisms (see Sections 2.1.1 - 2.1.3 above). With regard to a separate question of justice *sector performance (rather than reform implementation) monitoring*, all justice sector institutions can be said to have underdeveloped quality policy and performance assessment systems, characterised by formalistic and quantitative approaches to both designing relevant indicators and reporting. The *judiciary* is yet to show an understanding of *difference between the performance of individual judges and prosecutors on the one hand and the performance of the courts and justice system as a whole, on the other hand. Ensure effective and efficient performance of the justice sector is the responsibility of the state – not of any individual actors - and evaluation systems need to shift towards addressing customer satisfaction, identifying system deficiencies and making structural and organisation improvements rather than, as up to now, holding individual judges personally liable (through the evaluation and disciplinary systems) for everything from court back-logs to ECHR violations. At the same time, the tools providing guarantees of the integrity and competence of individual judges (ie. implementation of code of ethics, training and greater quality-based evaluation) should be strengthened. Equally, reporting and analysis of performance of the courts/ justice sector needs to improve, as this is currently absent from annual reports of the JC and the Supreme Court, which lay excessive focus on simple qaantitative parameters such as statistics of numbers of cases processed each year is not an adequate performance indicator.* For a sensible improvement of the state of affairs to take place, *quality policy and performance management system* of the *judiciary and prosecution* should be formalised by way of harmonised rules and disseminated guidelines, and performance targets defined by the Judiciary Council (JC), to be cascaded in more specific rules and guidance notes by the respective courts and prosecution offices and linked with the ethical and disciplinary oversight systems. *Inter-linked and comparable set of performance criteria* for all judges, courts and the judiciary governance(namely JC) should be created to control and measure performance, taking into account the wider strategic frameworks (SDP etc.). Interoperable performance indicators at the corporation (between various jurisdiction and courts, between regions) level should be set, inter-linked to allow comparative analysis. Various *quantitative*[12] and *qualitative*[13]*criteria* have to be used, and set against the background of comparative statistics from other countries of the region in particular, and Europe in general in new performance management systems of the judiciary. *Dedicated staff* and roles should be assigned for application of the newly developed policies and performance management systems at the judiciary. User satisfaction surveys should be conducted and used as the quality policy and performance control tool .*Merits-based (score-based)* mechanism of appointment and promotion criteria of judges and prosecutors should be institutionalised; (i) *rules* and procedures for *appointments* (to each judicial post), re-assignments (to another court) and *promotions* should be developed and applied on the basis of the above policy and methodological improvements, with *competitions* should be held in all cases of appointment to a particular post. The judiciary governance bodies should strengthen the existing indicator analysis sections in their respective periodic M&E (Annual Activity etc.) reports. Rules should be introduced to make *performance indicators mandatory*, reflected in the relevant sections of reports with targets should be set for improvements each year. *Statistical and data analysis* tools should be established at JC and courts to support *evidence-based policy* decisions, with real time assessment of performance based on the pre-defined indicators and milestones and "early warning" elements. The role of the *courts administration* has to be better defined in the overall judiciary performance assessment framework, while *professional associations* of both the judges and courts staff is to be strengthened.

[12] increase in budgeting and staffing of each sub-sector or institution, number of new legislative proposals and adoptions, number and attendance of capacity-building events, reduction in crime and reoffending rates, lower case-load of courts and increase in speed, reduction of complaints on law enforcement abuse etc.

[13] positive evaluations of sector or stakeholder performance by the system users in various user-satisfaction surveys and trial monitoring, positive conclusions in CPT and other reports by informed observers, improvement of standing of The former Yugoslav Republic of Macedonia in various international ratings conducted by outside observers, lower number of ECHR violations etc.

Finally, feedback *linkages* should be established and applied in practice between the progress in *monitoring* and *performance-based budgeting*.[14]

Similar developments can be expected at the *prosecution*in view of the autonomous role of PPO in the constitutional set up of the country (similar to that of the judiciary)–notably, by strengthening the leading role by the *Council of Public Prosecutors* (CPP), which is yet to show a more significant role in the PPO quality policy and performance management system. While the performance assessment systems of other justice sector stakeholders – especially those belonging to the *executive* (MOI, MOI, MOF etc.) branch of power – can be said to be more *advanced* in view of the consolidating role of GOM in performance assessment of public servants, some of the endemic problems of the judiciary and prosecution M&E systems should also be tackled, especially in order to improve *qualitative*(rather than merely quantitative) benchmarking and *reduce formalism* in the prevalent approaches to measuring performance. In addition, while the relevant systems of the *private justice sector stakeholders* (Bar, bailiffs, notaries) should be allowed to evolve according to the priorities set by these private corporations, strengthening of their respective governance bodies, ethical and disciplinary frameworks, and professional training systems should be followed as key ingredients of improved performance assessment framework for the whole justice sector.

Finally, use of *ICT tools* should particularly be encouraged for M&E applications, building upon the positive experience of the judiciary's JCMIS statistical software, which is used in collecting data from various courts in order to track performance. The system just started producing statistical data, and it should be revised soon, after having the first real time results in a statistically relevant period. More external M&E tools to track performance can also be developed by way of using ICT, for instance by providing the ability for users of the justice sector services to leave comments on the relevant (courts, prosecution etc.) websites, allowing subsequent research and analysis on the basis of the data mining approach, giving scientific qualification and explanations. Real-time automated monitoring of performance indicators within each justice sector stakeholder will give a real boost to improving the overall system.

The national authorities should tackle the following issues on the basis of the outline above, with the support of the 5 proposed actions, to ensure a more *supportive context* for a sector approach Programme.

[14]see the Assessment (Sections 1.1, 1.2 and 2.2 in particular) for more in-depth analysis of objectives and outcomes for reform.

2.1.6. Public finance management

According to the most recent SIGMA assessments[15], the public expenditure management system in The former Yugoslav Republic of Macedonia meets most of the essential preconditions for an effective and efficient administration characterised by a high level of fiscal discipline and control of public funds. The State Audit Office (SAO) has a good legal basis for external audit, but this authority is not anchored in the Constitution. While SAO has found no significant irregularities in PFM by the courts in conducting regular audits of the judiciary, some systemic problems were found. It is notable that arrears accumulated by some courts on payments for utility and other current expenses at times exceed the total amount of that court's annual budget, while the total amount of unpaid expenses tends to increase from 5 to 10% annually at different first instance courts. The problem might require a certain rethinking of the general PFM methodologies at the judiciary. It also amplifies the need for urgent steps to improve efficiency by a quick and comprehensive transition towards full electronic notification and communication with the parties, thereby eliminating some of the main sources of the courts' debt (postal expenses). Implementation of a full Management Information System (MIS) might be called for as an upgrade from the current ABMS solution used by the courts, which would substantially improve monitoring, management and control of the financial and budgetary matters. Furthermore, interoperability of the courts' and other justice institutions' IIS with the information systems of the Ministry of Finance would give an additional possibility for consolidation of real-time data, allowing design and application of appropriate and timely measures. All in all, it can be concluded that the PFM framework and capacities are stable, allowing for *application of sector approach* to support the The former Yugoslav Republic of Macedonian justice reforms. At the same time, implementation of the short-term steps designed by SIGMA and recommendations of SAO with regard to the systemic sector-related problems in PFM will have to be followed closely, in order to lay basis for a more supportive domestic context for a future sector policy support Programme.

2.1.7. Macro-economic framework

The pattern of economic growth in the country has been very similar to the pattern of growth in the Balkans, particularly since the global Financial Crisis started in 2008-2009[16]. Economic growth in The former Yugoslav Republic of Macedonia was roughly comparable or greater than worldwide economic growth in the immediate years leading up to the global financial crisis. Since 2009, however, economic performance in The former Yugoslav Republic of Macedonia and throughout the Balkans has lagged significantly behind the global norm, or, in other words, has been significantly worse in post global crisis environment. In fact, The former Yugoslav Republic of Macedonia's economy witnessed a *recession* in 2012 (-0.4% GDP), on the heels of the 2009 recession, and economic output overall in the Balkans was stagnant in 2012. GDP growth of 3.2% was registered in 2013. Since 2009, according to the EIU, FDI flows to the Balkans have essentially collapsed. EIU estimates FDI inflows to the Balkans in 2012 at USD 9.7 billion, or about *one-fourth* the inflows experienced in 2008.The former Yugoslav Republic of Macedonia's current account deficit (3-year average is less than 4% to GDP) is not nearly as problematic as elsewhere in the Balkans, nor is its external debt (62% of GDP) high relative to many countries in the region, including EU.Progress in macroeconomic reforms continues to be modest, albeit steady[17]. According to the EBRD (November 2012), The former Yugoslav Republic of Macedonia advanced in financial sector reforms in 2012 and in competition policy and infrastructure reforms in 2011. In October 2012 of an Action Plan for Youth Employment as adopted to tackle the acute problem of high level of youth unemployment. In addition, a December 2012 amendment to the labour market laws focused on improving labour market statistics

[15] See *SIGMA Assessment* and *Priorities*, the Republic of The former Yugoslav Republic of Macedonia, May 2013.
[16] See *The former Yugoslav Republic of Macedonia Gap Analysis Update*, by the USAID Strategic Planning and Analysis Division, Program Office, E&E Bureau, May 2013.

[17] See *The former Yugoslav Republic of Macedonia Gap Analysis Update*, by the USAID Strategic Planning and Analysis Division, Program Office, E&E Bureau, May 2013.

and better identifying the real number of unemployed. Amendments to the company legislation were also adopted in December 2012, aimed at improving market exit of firms. At the same time, according to the World Bank (WB) *Doing Business* dataset, The former Yugoslav Republic of Macedonia's business environment *(or microeconomic reforms)* continues to be very favourable, as The former Yugoslav Republic of Macedonia ranks 23rdin the World. The current Government's Pre-Accession Economic Programme reaffirms stability-oriented macroeconomic policy as a dominant medium-term objective. Improvement of the rule of law and the administration of justice are among preconditions for further increase in foreign and domestic investments and improvement of the economic situation[18].Against the above background, *applicability of sector approach to the The former Yugoslav Republic of Macedonian justice sector under this area of assessment is confirmed*.

2.2. Overall assessment

The area of justice has been identified as one of the sectors to receive increased support from EU, in order to promote readiness of The former Yugoslav Republic of Macedonia to comply the major EU pre-accession requirements in the fields of rule of law and good administration of justice. In order to make the EU assistance to the justice sector more effective and sustainable, it is advisable to embed it within a longer-term strategic support framework. Thus, with the introduction of the new Instrument for Pre-Accession Assistance for the financial perspective 2014-2020 (IPA 2), a particular attention should be paid to the sector-based support (*sector, or, Programme approach*), as opposed to programming by way of individual projects. It can be held that *sector approach* in programming for the The former Yugoslav Republic of Macedonian justice sector is applicable. At the same time, *notable* improvements in the *sector policy quality, coordination mechanism, sector budget and MTEF* (in particular), *PFM and M&E systems* need to be observed, in order to increase supportiveness of the domestic context for a future sector policy support Programme.

Based on the national sector reform policies reviewed above, 7 key areas have been defined in FFDJ, allowing for adequate scope to deal with most of the above gaps (see Section 2.1.1 above). FFDJ will have to be further developed into a fully-fledged justice sector reform strategy and action plan. For this purpose, coordination of the national sector reform policy development and implementation efforts will be essential (also see Section 2.1.3 below). Since various problems, causes and directions for reform have been established above both by reference to the aforementioned national policies as well as an independent gap analysis, the proposed selection of the areas of intervention and their prioritisation for IPA2 has been based on cumulative analysis of the following five criteria:

- urgency of the problem from the point of view of the general interest and gaps with European standards and best practices, which, among other sources, transpires from the assessment of affairs in the whole justice sector[19];
- likelihood of finding consensus among the domestic authorities that the problem needs to be tackled - albeit not necessarily on the 'ways' of tackling it - in order to secure greater local ownership of the initiative;
- need to balance inputs in size and intensity to the beneficiary's capacity to lead and absorb support, as well as the EU Delegation's capacity to manage it;
- sustainability of previous EU-financed interventions;
- need to allocate EU resources to areas which have not benefited from sufficient attention by other donors, or where improvements following various donor interventions have not been significant;
- ability for a donor / implementing body to find sufficient focus within the problem area in order to achieve tangible results and satisfy the principle of concentration.

[18] See the *MOF Pre-Accession Economic Programmes* for 2013-2015 and 2014-2016 (draft).

[19]See the Sector Gaps and Needs Assessment ('the Assessment'), enclosed as Annex, for a more in-depth analysis of the relevant issues and suggested ways of tackling them.

Against the above background, without changing the core essence of these key reform areas defined in FFDJ, they can be regrouped somewhat more narrowly under 5 blocks of activities with strong relevance in the short to medium term:

- increasing independence, accountability and competence of the judiciary by improving its governance, quality policy and performance management (quality policy and control), and professional training systems;

- great access to justice by stronger legal aid and representation, enforcement and ADRs;

- increase balance between efficiency and fairness of criminal investigation and trial, stronger capacities for handling witnesses, more *clear and foreseeable procedural rules and practice*, including formalised standards of proof in questions of guilt, risk (for pre-trial remand purposes), use of intrusive measures, confiscation, inter-agency cooperation and coordination in implementing the new law, improvement of the prosecution governance and professional training systems;

- increasing *interoperability* and *integration* of various information systems (IIS) in the justice sector in order different bodies to exchange the data automatically

- Improving detention conditions, reduce reoffending, consolidate rehabilitation and re-socialisation as a matter of policy and implementation in the *penitentiary and probation systems*;

- Improving *strategic planning*, justice sector *reform coordination*, research and analysis, and EU law approximation capacities, to be used notably in the on-going processes in the development of misdemeanour law, administrative justice and civil law..

All the *on-going projects* programmed within the IPA 2007-2013 framework should be launched with the above requirements in mind (also see page 3 above)– most notably, being mindful of the need to help the justice sector stakeholders in particular, and the sector in general, to develop the required capacities in *strategic planning*, reform coordination, *research* and *analysis*, *budget formulation and financial* management. Training curricula within the projects benefitting AJP and other professional training schools should be improved accordingly. All the activities should aim at reinforcing strategic approach to justice reforms at all levels of the sector governance and management, by building on and complementing the interventions that have already been or are being carried out in this area by EU or other donors.

3. RELEVANCE WITH OTHER POLICIES AND STRATEGIES

The sector reform policies are in line with the overall policy framework of The former Yugoslav Republic of Macedonia-EU dialogue (see Sections 1 and 2.1.1 above), which emphasise a number of priorities to be addressed, including strengthening of independence and the overall capacity of the judiciary, improved detention conditions,cooperation among justice institutions, international cooperation and mutual legal assistance, harmonisation with EU law. The *Stabilisation and Association Agreement*, in particular, includes provisions on reform of the judiciary, international cooperation, and fight against organised crime and corruption.Most importantly, the *High-Level pre-Accession Dialogue Roadmap*(of 2012) introduces new dynamics in the reform process by increased level of approximation of the The former Yugoslav Republic of Macedonian legislation in the framework of the Chapters 23 and 24. Key challenges and reform goals determined in five areas for the on-going period include: freedom of expression, rule of law, public administration reform, electoral reform and strengthening the market economy. The national justice sector reform policies proposed to be supported by way of this Programme cut across- and should make a sizeable impact on - the progress in all of the above areas.

PART TWO– SECTOR SUPPORT

4. FINANCIAL ASSISTANCE CONTEXT

4.1. Relevance with the IPA Country Strategy Paper

In view of the policies defined in the latest Enlargement Strategy 2013-2014, the most recent Annual Progress Reports, and the Government's general priorities, IPA2 (EU support envelope 2014-2020) should focus on strengthening the rule of law and justice as a key strategic priority. Progress in the sector will ensure a stable and democratic future for the country, benefitting directly its socio-economic development, including through increased inward investment. IPA2 will support advancement of the country's judicial and police reforms, increased respect for fundamental rights, and implementation of the Ohrid Framework Agreement. According to the Country Strategy Paper objectives, assistance would provided to activities safeguarding the independence and professionalism of the judiciary, effectively combating corruption and organised crime, addressing problems with the freedom of expression, tackling new challenges emerging in the fields of migration and asylum, border management, implementation of visa, migration and asylum policies in line with the EU *Acquis*. In addition, the Country Strategy Paper foresees assistance for improving the administrative justice system (including misdemeanour law.), development of institutional capacities and infrastructure (including IT infrastructure) of justice sector stakeholders, harmonisation of private law (civil and commercial) with EU legislation, including support for the process of codification of civil law..

4.2. Lessons learned from past and on-going assistance

The following key lessons from previous activities have been taken into account in the current Programme design: (a) absorption capacity of beneficiaries should be properly assessed and not over-estimated, to enable partners to providethe necessary human, material and technical resources; (b) functional needs assessments should be conducted; (c) ownership should be increased by supporting policies rather than separate actions; (d) promote awareness of the Programme among the stakeholders and their programming capacities; (e) factor in sustainability at the earliest design stage; (f) promote balance various modalities of support within a Programme; (g) promote balance between the need to have clear, foreseeable but sufficiently flexible activity design, to be adapted when needed in time for its launch; (h) activitieswith cross-cutting sector element or many stakeholders should include strong coordination mechanisms; (i) synergies between various activities (taking place at the same time) should be promoted within a sector and among donors; (j) encourage more pro-active donor co-ordination.

5. INTERVENTION LOGIC

5.1. Objectives of the IPA sector support

The overall objective of this Programme is to improve the system of administration of justice in line with EU law, international standards and best European practices.

The specific objectives of this Programme have been defined as follows:

- increase independence, accountability and competence of the *judiciary* by improving its governance, performance management (quality policy and control), and professional training systems (*Action 1: Enhancing performance of the judiciary*);

- improve *access to justice* through financially stable and effective legal aid system, capable Bar, enforcement, notary services, use of ADRs and e-justice (*Action 2: Strengthening access to justice*);
- increase balance between efficiency and fairness in *criminal investigation and trial*, together with the improvement of the prosecution governance and professional training systems (*Action 3: Consolidation of criminal justice reforms*);
- improve detention conditions, reduce reoffending, consolidate rehabilitation and re-socialisation as a matter of policy and implementation in the *penitentiary and probation system*(*Action 4: Enhancing performance of penitentiary and probation services*);
- improve *strategic planning*, justice sector *reform coordination*, research and analysis, and EU law approximation capacities, to be used notably in the on-going processes in the development of misdemeanour law, administrative justice and civil law (*Action 5: Coordination of justice sector reforms*).

5.2. Sector support actions, results, activities, outcome and impact indicators

These 5 interventions have been formulated by reference to a cumulative analysis of various factors and principles mentioned in Section 2.2 above. The design of Actions below outlines asector policy support *Programme* for a multi-annual *(medium-term)* perspective of 3-4 years, based on the assumption of applicability of sector approach, which has been outlined above. At the same time, in view of the inherent 'intermediary period' (during 2014-2015, at least) required for *increasing maturity* of the justice sector to achieve greater readiness and *increase supportiveness* for the Programme according to the observations set out in Section 2 above, the following prioritisation of the Actions is suggested:

- *Action 3: Consolidation of criminal justice reforms*;
- *Action 2: Strengthening access to justice*, with the main focus on *E-Justice, legal aid system, Bar* and with the possible exclusion of enforcement, notary and ADR components as a separate activity to be launched at a later date;
- *Action 5: Coordination of justice sector reforms and EU law implementation*, to be launched immediately after the end of the twinning activity for MOJ planned under IPA 2011, with the possibility of decoupling of the misdemeanour law, public disputes and civil law development component as a separate activity at a later date;
- *Action 4: Enhancing performance of penitentiary and probation services*, to be launched immediately following the planned IPA 2010 project which should help create the probation service, as well as after the end of the on-going COE-implemented penitentiary project;
- *Action 1: Enhancing performance of the judiciary*, to be launched immediately following the planned IPA 2010 project which should contribute to building capacities of the judiciary, its governance and professional training systems.

In deciding on this prioritisation, account has been taken of the existence (at least at development stage) of the (relevant sub-sector) *reform policy* with regard to each of the proposed areas, an increased degree of *genuine* (demonstrated) *will and capacity* of the stakeholders to achieve real change, and need to ensure *sustainability* and *synergies* in view of the on-going or already programmed IPA activities. It is suggested to cover several Actions with one contract, especially with regard to the supplies of ICT equipment and services, which have been indicated as cross-cutting components in all 5 proposed Actions. In addition, large calls for proposals for grants (to CSOs etc.) have been suggested to cover several Actions.

Action 1

Action title	***Enhancing performance of the judiciary***
Specific	*Increase independence, accountability and competence of the judiciary by improving its governance, performance management (quality policy and control),*

objective	*and professional training systems*
Action results	*Improved judiciary governance system, ethical and disciplinary framework, performance management(quality policy and control) and professional training systems, improved courts administration and its management, greater use of e-justice more consistent and accessible practice of the courts*
Activities	***Activity 1.*** *Strengthening strategic planning, budgeting and communication capacities of court management structures (Judicial Council, Supreme Court, appellate courts, council of court administration)* *Sub-Activity 1.1.1 Development of Strategic Development Plan (SPD) of the Judiciary, including steps for development of uniform practice and jurisprudence as a source of law, rationalisation of the courts network, review of horizontal (based on nature of dispute) and vertical ((based on appeal or higher review jurisdiction) competences, improvement of the role of the Courts Administration (CCA)* *Sub-Activity 1.1.2 Development of dedicated strategic planning and monitoring, and communication/PR capacities at the Judicial Council and the courts.* *Sub-Activity 1.1.3 Improving budgeting, public financial management (PFM) capacities* *Sub-Activity 1.1.4 Capacity-building of the courts, Council of Courts Administration (CCA), associations of judges and courts administration on strategic planning, budgetary and PFM matters, and communication/PR* ***Activity 1.2*** *Development of the performance management system of the judiciary and mechanisms to apply it through review of quality policy and performance standards, appointments, evaluations, promotions and re-assignments (transfers) system, and new ethical and disciplinary framework and procedures* *Sub-Activity 1.2.1 Development of clear and transparent judiciary quality policy/performance standards, and its consistent application across the judiciary career management system* *Sub-Activity 1.2.2 Improvement of ethical and disciplinary oversight system, including guarantees against improper interference with independence by way of better case-flow management, use of e-justice, and internal and external oversight mechanisms* *Sub-Activity 1.2.3 Improvement of regulatory framework defining the legal status and role of the courts administration, capacities of the Council of Courts Administration (CCA) and the Association of Courts Administration (ACA) to manage the courts administration* ***Activity 1.3*** *Development of customised, effective, sustainable initial and continuous training systems at AJP, and mechanisms for ensuring greater uniformity of practice* *Sub-Activity 1.3.1 Further improvement in the initial training (IT) system, including distance learning tools, training needs assessment and trainings quality assessment mechanisms* *Sub-Activity 1.3.2 Further improvement in the continuous training (CT) system, including distance learning tools, training needs assessment and trainings quality assessment mechanisms*

	Sub-Activity 1.3.3 Development of mechanisms to ensure greater uniformity of practice though strengthened research and analysis capacities of the courts ***Activity 1.4*** *Development of ICT regulatory framework and integrated information systems (IIS) for greater access, transparency, efficiency fairness of justice* *Sub-Activity 1.4.1 Development of dedicated Inter-Agency ICT coordination mechanism for the justice sector by setting up Operational Working Group on ICT under the Council for Judicial Reform* *Sub-Activity 1.4.2 Improving Regulatory and institutional ICT framework, ICT management structures, and training of ICT specialists* *Sub-Activity 1.4.3 Development of ICT hardware and software infrastructure, replacing old workstations with new standardised ones within regular product lifecycle (4 years); old servers with new ones based on cloud computing concept (virtualization, inclusion of private, hybrid or public cloud scenarios according to the needs); upgrading active and passive network equipment* *Sub-Activity 1.4.4 Improvement of communication channels and interoperability of ICT systems within the judiciary, externally with other State and non-state actors involved in the justice sector, and with EU Member States, institutions and other international actors for greater judicial cooperation* *1.4.5 Software solutions upgraded based on cloud computing concept, big data analytics and search engine optimisation (SEO), including ACCMIS, ABMS (replaced with more advanced MIS covering substantially more functionalities)[20]; operational systems for fully electronic case management, e-notification, random case assignment, audio and video recording of hearings, Jurisprudence Data Base Information System (JDBIS), Legislative Data Base Information System (LDBIS), centralised and local registers, nomenclatures, court websites (replaced with new centrally managed and hosted, and locally edited websites), intranet suites (internally and externally communicating with the courts system); all system users trained, practice guides and video trained materials released* *1. 6 Activity* *Development of the infrastructure at JC, CCA and the courts* *Material refurbishment of Basic court, AJTP building* *Feasibility study*
Implementation arrangements	*JC, Judicial Budget Council, Supreme Court (SC) and other courts, AJPP, MOJ, Association of Judges, Council of Court Administration (CCA), Association of Court Administration(ACA)* *3-4 years - Project approach*
Performance indicators *(outputs,*	*Activity 1.1* *1.1.1 Strategic Development Plan (SDP) of the Judiciary (and judiciary chapter of the Justice Sector Reform Strategy) developed, implemented and reviewed regularly; external review of implementation carried out; SDP used as core*

[20] Ibid

outcomes)	*element of judiciary chapter in (future) comprehensive justice sector reform strategy and Action Plan (JSRSAP); short-term, medium-term and long-term steps defined for development of uniform practice and jurisprudence as a source of law, rationalisation of the courts network, review of horizontal and vertical (appeals) competences, definition of the role of Constitutional Court in handling human-rights complaints, development of the status of the courts administration, and other strategic areas of the judiciary reform* *1.1.2 Operational dedicated strategic planning, research, analysis and monitoring unit established at JC, consolidating the role of the judiciary in its policy development, reform and legislative initiative processes; binding obligations of each court to submit annual reports evaluating their performance and setting targets for improvement for next year to this Unit, the judiciary governance bodies and the (future) coordination mechanism of the justice sector reform; linkages between those inputs with the Annual Activity Report of the Judiciary* *1.1.3 Operational budgeting and financial management unit strengthened to support the Judicial Budget Council, improved program budgeting tools and methodologies and overseeing the public financial management (PFM) processes within the judiciary; program budgeting (including MTEF and performance-based budgeting) applied in the courts budgetary formulation process; judiciary's inputs submitted for a justice Sector Expenditure Plan (SEP), aligned with the judiciary SDP and the sector-wide reform strategic documents; feedback relationship established between the state of the M&E system and the budgeting process; unification of the courts' budgeting system (one budget for all courts); single public procurement process in place based on harmonised needs assessment of the courts; new PFM methodologies introduced and applied in practice* *1.1.4 Operational communication and PR units at JC and the courts, developing and applying methodologies to seek greater transparency and the image of the judiciary in the media and among the general public* *1.1.5 Specific written rules of procedure drafted and applied by JC, with clear conditions on public access and participation at its hearings, and timely prior announcement of the agendas; communication channels between the judiciary and other branches of power formalised and used to counter attempts at interference with the judiciary's independence, promote its budget resources, and include it as a proper consultation partner in any legislative development in the justice sector; internal communication channels within the judiciary formalised and used; user satisfaction surveys used regularly as part of the courts' communication and PR tool* *1.1.6 Use of statistics, research and analysis in the judiciary policy development and its implementation (as evidenced by number of judicial annual activity reports and quantitative and qualitative indicators)* *1.1.7 Practice guides and methodologies on strategic planning, budgetary and PFM matters, and communication/PR developed and used in training the courts, Council of Courts Administration (CCA), associations of judges and courts administration* *Activity 1.2* *1.2.1 Performance management system formalised by harmonised quality policy/performance standards (rulebooks, practice guides produced etc.) and disseminated by JC, performance targets defined for the whole judiciary/separate jurisdiction (appeals level, administrative court, etc), particular court, judge and member of courts staff; inter-linked and comparable set of performance criteria in place for all judges, courts and the judiciary governance bodies to control and*

	measure performance, taking into account the wider strategic frameworks (SDP etc.); delinking of the evaluation system for judges with that of the courts system as a whole (notably, removal of quantitative and procedural targets which currently discourage functional independence, quality decision-making, problem-solving and application of ADRs, while only encouraging formalism and speed); evaluation system benchmarking each judge's following of the established Supreme Court and other higher courts' jurisprudence; dedicated staff and roles assigned for application of the newly developed performance management system *1.2.2 Specific written rules and procedures for appointments (to each judicial post), re-assignments (transfers to another court) and promotions developed and applied on the basis of the above policy and methodological improvements; competitions held in all cases of appointment to a particular post; practical and effective application of the merits-based appointments, transfers and promotions system* *1.2.3 Code of Ethics reviewed and practice guide for the Code of Ethics developed and published; delineation of ethical and disciplinary responsibility in law and practice; methodological guidance on certain serious violations of the Code of Ethics applied in practice in disciplinary cases; institutionalisation of the principle of functional (personal, procedural) independence of a judge dealing with a case from other judges, institutionalisation of duty of impartiality of a judge in accordance with the Bangalore Principles, other international standards and European best practices (as evidence in the Code and the JC practice)* *1.2.4 Disciplinary rules reviewed, clarified list of grounds for disciplinary liability, including the scope and extent of mensrea (intention, negligence) and considerations of prejudice caused, with clarification of the need for their cumulative or separate consideration; formalised and harmonised disciplinary procedures before competent disciplinary bodies, with clear definition of right of involvement by the judge concerned, access to the disciplinary case-file, scope and extent of obligation to provide information to third parties about the pending disciplinary case; enlarged list of disciplinary sanctions, including dismissal, warning, public warning, lower salary, obligation to undergo continuous training, publish research etc.; consolidated (single set of) procedures for all types of disciplinary breaches; proportionality principle applied in deciding whether and what sanction is to be imposed; operational mechanism to investigate disciplinary complaints with strengthened capacities (also see below)* *1.2.5 Operational JC inspectorate to hear individual complaints and carry out planned inspections of the activities of judges and courts; its findings used both in disciplinary investigations, in the general review by the judiciary of implementation of its quality policy, and application of anti-corruptive measures within the judiciary* *1.2.6 Separate budgetary line for CCA created within the courts budget; performance management system for the courts administration (including job descriptions, exams for appointment, and policy for filing administration positions in courts evaluation) developed within the framework of outputs and outcomes in the performance management system developed by JC for the whole judiciary (see Indicators 1.2.1 and 1.2.2 above); dedicated staff are appointed at JC and SC to oversee and manage CCA activities; ethical and disciplinary rules updated, practice guides for ethical and disciplinary rules developed, dedicated case management software at CCA developed for handling complaints against courts staff within the framework of outputs and outcomes in the performance management system developed by JC for the whole judiciary (see Indicators 1.2.3 and 1.2.4 above); dedicated staff are appointed at SC to provide support to CCA*

	at the operational level; awareness raising campaigns on the role of the courts administration carried out *1.2.7 Work facilities and infrastructure (including ICT) at JC, Judicial Budget Council, courts, CCA improved based on a feasibility study* *Activity 1.3* *1.3.1 Improved initial training (IT) curricula and training methodologies (including distance learning) developed and applied; IT needs and capacity assessment mechanisms developed; automation of training needs assessment by way of online questionnaires and software to process them; M&E system in place to evaluate training quality; new trainer selection system introduced; training of trainers (TOT) approach enhanced; co-operation agreements and networks in place between AJPP and relevant EU judicial IT bodies; internships and traineeships at ECHR and EU MS judiciary bodies conducted;* *1.3.2 Improved continuous training (CT) curricula and training methodologies (including distance learning) developed and applied, CT needs and capacity assessment mechanisms developed with inputs of the Association of Judges and the Association of Courts Administration; automation of training needs and quality assessment by way of online questionnaires and software to process them; M&E system in place to evaluate training quality; improved new trainer selection system introduced; training of trainers (TOT) approach enhanced; CC, SC and Appeal court judges among regular trainers at AJP; and permanent pool of trainers, including trainers from the regions; regulatory linkages between improved CT system and quality control, performance management and relevant M&E by the judiciary governance bodies made; strengthened obligations to undergo CT and disciplinary responsibility for failure to undergo CT strengthened (based on practice of JC); CT systems of judges and other legal professionals (i.e. prosecutors, practising lawyers) approximated; some curricula and courses harmonised; co-operation agreements and networks in place between AJPP and relevant EU judicial CT bodies; internships and traineeships at ECHR and EU MS judiciary bodies conducted; integrated information system (IIS) of AJPP interoperable with those of HEIs* *1.3.3 Methods of interpretation of law, burden and formalised standards of proof in various types of process, jurisprudence as source of law, reasoning of judgments, oratory skills, professional ethics and disciplinary matters, information technologies, psychology, strategic planning, M&E, courts budgeting and PFM, PR and communication, performance management (quality policy/performance standards), ethical and disciplinary standards included among key IT and CT subjects* *1.3.4 Operational analytical and research units at CC, SC and other courts, for analysing domestic and comparative gaps in application of law; institutionalised feedback between the courts' analytical and research units, AJP and HEIs; research and analytical papers produced, in coordination by AJP and HEIs, as a result of the CT exercises at AJP, identifying gaps between statute and practice, in order to suggest jurisprudential and/or legislative developments; user-friendly websites of courts with search engines allowing to link search for legislation with search for practice of SC and other courts under that legislation (also see Activity 1.4 below)* *Activity 1.4* *1.4.1 Operational Working Group on ICT under the Council for Judicial Reform (CJR), chapter on ICT as pat of the judiciary SDP adopted, chapter on ICT as part of the comprehensive Justice Reform Strategy adopted, with short-term, medium*

	term and long-term to achieve steps for coordination of ICT management of all systems existing at various justice sector stakeholders by way of one body (servicing various State and non-State justice sector players) *1.4.2 Regulatory and institutional ICT framework amended on the basis of ICT chapters of judiciary and justice reform policy documents, ICT management structures reorganised and consolidated, ICT specialists trained, call centres/help desks established, SLA agreements signed with Judiciary Institutions, book of standards for procurement of ICT products and services developed* *1.4.3 ICT hardware infrastructure developed with special emphasis on internal and external pooling, surveying and measuring user satisfaction, time and project management, and more efficient use of resources[21]; old workstations replaced with new standardised ones within regular product lifecycle (4 years); old servers replaced with new ones based on cloud computing concept (virtualization, inclusion of private, hybrid or public cloud scenarios according to the needs); active and passive network equipment upgraded and reconstructed)* *1.4.4 Core and auxiliary software solutions upgraded based on cloud computing concept, big data analytics and search engine optimisation (SEO), including ACCMIS, ABMS (replaced with more advanced MIS covering substantially more functionalities)[22]; operational systems for fully electronic case management, e-notification, random case assignment, audio and video recording of hearings, Jurisprudence Data Base Information System (JDBIS), Legislative Data Base Information System (LDBIS), centralised and local registers, nomenclatures, court websites (replaced with new centrally managed and hosted, and locally edited websites), intranet suites (internally and externally communicating with the courts system); all system users trained, practice guides and video trained materials released* *1.4.5 Memorandum of Understanding (MOU) and other regulatory framework for interoperability of the ICT systems of the judiciary with the systems of justice and other sector stakeholders adopted based on EU Interoperability Framework Standards, including operational standards, integration of national PDP rules (where applicable), definition of mechanism for resolution of jurisdictional disputes; master plan for implementation adopted; prioritised list of institutions selected for phase approach; scope and degree of automated data exchange measured according to master plan; MOUs and other regulatory framework reviewed* *1.4.6 Full electronic case management, random case assignment, audio and video recording of hearings, e-notification and video conferencing tools applied by the courts*
Performance indicators *(impact)*	*1. User satisfaction surveys (conducted as part of the judiciary performance management system, or by external observers) attest increase trust of the society in the judiciary generally, and independence and competence in particular (baseline: 2014)* *2. Trial monitoring surveys conducted by external observers attest improvement of affairs in fairness of proceedings in the same selected court or appellate region*

[21] See the aforementioned Assessment report (Section 2.10), for a more detailed explanation of the objectives ad functionalities to be implemented in the justice sector ICT systems.

[22] Ibid

	(baseline: 2014) *3. % annual decrease in number of **structural** violations found by ECHR with regard to decisions taken by the The former Yugoslav Republic of Macedonian judiciary (baseline: 2014; only pilot judgments or repetitive cases taken into account[23])* *4. % annual decrease in number of cases at ECHR establishing divergences in practice of the The former Yugoslav Republic of Macedonian courts in applying national law, or establishing breaches of independence or impartiality of a tribunal, or the principle of fairness of proceedings (baseline: 2014)* *5. % annual decrease in findings by the Council of Europe (COE) Committee of Ministers (CM) on failure to enforce **individual measures** in an ECHR judgment regarding The former Yugoslav Republic of Macedonia(baseline: 2014)* *6. % annual decrease in number of instances The former Yugoslav Republic of Macedonia is criticised by COE CM for failure to carry out **general measures** in view of an ECHR judgment regarding the country(baseline: 2014)* *7. % annual decrease in overall length of court proceedings (from the moment of lodging of initial claim/'charge' to 'final decision') in all types of process (baseline: 2014; from average length previous year* *9. The former Yugoslav Republic of Macedonia's standing in various relevant international rule-of-law indices (by CEPEJ, GRECO, Freedom House, World Justice Project, Transparency International) relating to the performance of the judiciary and corruption in justice sector improves (baseline: 2014)* *10. The former Yugoslav Republic of Macedonia's progress in administration of justice noted in EU Progress Reports (baseline: 2014)* *11.Progress in independence, accountability and competence of the The former Yugoslav Republic of Macedonian judiciary noted in interim and final reports of donor activities, and reports by other international organisation, (baseline: 2014)*

Action 2

Action title	***Strengthening access to justice***
Specific objective	*More accessible justice through financially stable and effective legal aid system, capable Bar, Bailiffs, notary services, use of ADRs and e-justice*
Action results	*Improved legal aid system, performance management mechanisms and professional training systems of the Bar, Bailiffs and Notary chambers, greater scope and degree of application of ADRs and e-justice tools*
Activities	***Activity 2.1** Enhancing financial sustainability of the legal aid system, regulatory framework and capacities to provide higher quality, enlarged scope and improved regional coverage of legal aid* *Sub-Activity 2.2.1 Development of the legal aid system policy and its*

[23]Increased total number of cases year-on-year where ECHR has found a violation is not a proper indicator to measure progress in justice reforms, as it might depend on the dynamics of the ECHR internal handling of cases, as well as on the increased ability of national lawyers to better reason applications from the ECHR standpoint.

	coordination mechanism and capacity building *Sub-Activity 2.2.2 Improvement of regulatory and institutional framework and capacities to balance quantity and quality of legal aid in all types of process* ***Activity 2.2** Refine of governance structures, oversight of ethical and disciplinary matters, and sound initial and continuous training systems of the Bar Association members in order to ensure competence and higher level of quality in paid and pro bono services* *Sub-Activity 2.2.1 Refine of legislative framework concerning the role of the Bar in the justice sector, including in governance of other sector actors and capacity building* *Sub-Activity 2.2.2 Improvement of ethical and disciplinary oversight system* *Sub-Activity 2.2.3 Development of initial and continuous training systems* ***Activity 2.3** Review of ADR regulatory basis and institutional capacities, to raise awareness, encourage and incentivise various justice sector players and users to apply ADRs* *Sub-Activity 2.3.1 Awareness raising on various ADRs and other use* *Sub-Activity 2.3.2 Improvement of legislative framework expanding scope, extent and institutional coverage of ADRs* *Sub-Activity 2.3.3 Strengthening capacities of the ADR coordination mechanism, including the Mediation Chamber* ***Activity 2.4** Refine of governance structures, oversight of ethical and disciplinary matters, and sound initial and continuous training systems of Bailiffs* *Sub-Activity 2.4.Refine of legislative framework concerning the role of bailiffs in the justice sector, including their powers and relationships with other State and non-State actors* *Sub-Activity 2.4.2 Improvement of ethical system and professional disciplinary oversight mechanisam* ***Activity 2.5** Refine of governance structures, oversight of ethical and disciplinary matters, and sound initial and continuous training systems at the Notary Chamber* *Sub-Activity 2.5.1 Refine of legislative framework concerning the role of notaries in the justice sector, including their powers and relationships with other State and non-State actors and capacity building* *Sub-Activity 2.5.2 Improvement of ethical and disciplinary oversight system* *Sub-Activity 2.5.3 Development of initial and continuous training systems* ***Activity 2.6** Support to CSO to monitor performance of the actors of justice sector and contribute to its further improvement* *Sub-activity 2.6.1. user satisfaction studies ,surveys as well as assessments of transparency and accountability of justice sector actors* *Sub-activity 2.6.2 Promote citizens' access to justice* *Sub-activity 1.5.3. cooperation between CSO and justice sector actors in in policy development, implementation and monitoring*

	Activity 2.7. *Development of ICT regulatory framework and IIS for greater access to justice* *Sub-Activity 2.7.1 Development of ICT hardware and software infrastructure, with special emphasis on external pooling, surveying and measuring user satisfaction, time and project management, and more efficient use of resources* *Sub-Activity 2.7.2 Improvement of communication channels interoperability of ICT systems internally within stakeholders providing access to justice, externally with other State and non-state actors involved in the justice sector, and with EU Member States, institutions and other international actors for greater judicial cooperation in civil and administrative matters*
Implementation arrangements	*MOJ, Bar Association, Bailiffs Chamber, Notary Chamber, Mediation Chamber, , CSOs* *3-4 years - Project approach*
Performance indicators	*Activity 2.1* *2.1.1 Legal aid chapter of the Justice Sector Reform Strategy developed for the whole legal aid system (including the courts, Bar, CSOs, HEIs, executive, ADR components), as part of the (future) JSRSAP, with steps foreseen in short-term, medium-term and long-term, inter alia for the creation of an independent legal aid service to be provided by State-employed civil servants (with regional office/apparatus of the legal aid councils and call centres), in order to increase quality of legal aid while preserving efficient use of resources; provision for setting up of operational para-legal support centres for State, local authority and CSO partnerships in providing para-legal support for vulnerable categories of persons; provision to gradually increase financing of the legal aid system increased to the CEPEJ average level* *2.1.2Clear and foreseeable definition in law of basic criteria for affording legal aid ('means test', 'reasonable prospect of success', 'small claims') in civil and administrative cases in order to balance the number of legally-aided cases with the need to improve quality;* *2.1.3 Effective, clear and foreseeable system for exemption from court fees as form of legal aid in civil and administrative process, legal aid expense insurance, and legal aid for enforcement proceedings* *2.1.4 Practice guides and other readily made materials on various pieces of legislation developed as a form of legal aid* *Activity 2.2* *2.2.1 Bar Act reviewed to provide greater linkages between the governance system of the Bar and other key branches of the justice sector; regulatory and methodological improvements in relationship of the Bar with MOJ in supervising the profession, including the streamlining of the roles in licensing of lawyers; interaction between the Bar and JC, including proportionate representation by each corporation in each other's qualification and disciplinary oversight mechanisms* *2.2.2 Reviewed Code of Ethics; Ethics Commission of the Bar strengthened; harmonised disciplinary rules and procedures, with clear and foreseeable linkage to the ethical rules strengthened obligation to undergo continuous training by imposition of penalties for failure; operational mechanism for processing*

	complaints of the public against Bar members *2.2.3 Strengthened legal professional privilege (lawyer/client confidentiality), including but not limited to stringent legislative regulation of searches, tapping or other intrusive measures with regard to the lawyers' person, work-space or equipment* *2.2.4 Harmonised curricula, methodologies and institutional set-up in providing initial training (IT) and continuous training (CT); expanded continuous training role of the existing professional development schools of other legal professions (AJP etc.) to accommodate the Bar members; harmonisation of some parts of the CT curricula across various legal professions* *Activity 2.3* *2.3.1 Awareness raising campaigns targeted at affecting the prevalent litigation (rather than a more pragmatic accommodation, or settlement) mentality in the society; positioning of civil litigation as 'social evil' and the last-resort measure* *2.3.2. New ADR regulatory basis, providing for various forms (including arbitration, mediation, negotiation and conciliation) and covering all types of process* *2.3.3 Mediation mainstreamed in the activities of the Bar, judiciary and other justice sector institutions; expansion of mediation roles for notaries, bailiffs and other legal professionals; awareness campaigns and public outreach on new roles and institutions involved in mediation; introduction and application of tools compelling parties to seek mediation in all types of process* *2.3.4 Strengthened capacities of the Mediation Chamber to act as a coordinator in civil and administrative process; strengthening capacities of mediation services within line ministries (MOI, MOE, MOF/tax authorities, Ministry of Labour etc.);* *2.3.5 Harmonised Codes of Ethics and disciplinary rules and procedures for arbitrators and mediators* *2.3.6 Review of performance indicators in justice and law enforcement, encouraging application of ADRs* *Activity 2.4* *2.4.1 Upgraded enforcement legislative framework giving adequate powers to the bailiffs to seek from all relevant sources for information about debtors; increased ability of the bailiffs to reach debtor assets and effectively claim injunctions in courts, balanced with proper standards of procedural fairness and introduction of a mediation role of bailiffs* *2.4.2 Clear and foreseeable ethical and disciplinary rules and procedures for bailiffs; established linkages and delineation between ethical and disciplinary rules by way of application of a single Code of Ethics and practice guides* *2.4.4 Use of data collected by way of IIS to develop risk management tools; use of risk management at all stages of the enforcement system policy development and implementation (also see the ICT component below)* *2.4.5 Setting up of dedicated initial training system for bailiffs by using the capacities of the existing professional training schools in justice sector; sustainable continuous training system* *2.4.6 Practical conditions for expansion to and empowerment of mediation role for bailiffs by building personal and institutional capacity*

	Activity 2.5 *2.5.1 Clear and foreseeable ethical and disciplinary rules and procedures for notaries; established linkages and delineation between ethical and disciplinary rules by way of application of a single Code of Ethics and practice guides* *2.5.2 Use of data collected by way of IIS to develop risk management tools; use of risk management at all areas and stages of notary activities (land registration titles etc.), policy development and implementation (also see the ICT component below)* *2.5.3 Setting up of dedicated initial training system for notaries by using the capacities of the existing professional training schools in justice sector; sustainable continuous training system* *2.5.4 Practical conditions for expansion to and empowerment of mediation role for notaries by building personal and institutional capacity* *Activity 2.6* *2.6.1 Trial monitoring initiatives, user satisfaction surveys, assessments of transparency and accountability justice sector actors, conducted by CSOs* *2.6.2. Submission y CSOs of monitoring reports on the sector and institutional reform policies and their implementation* *Activity 2.7* *2.7.1 ICT hardware infrastructure developed with special emphasis on internal and external pooling, surveying and measuring user satisfaction, time and project management, and more efficient use of resources[24]; old workstations replaced with new standardised ones within regular product lifecycle (4 years); old servers replaced with new ones based on cloud computing concept (virtualization, inclusion of private, hybrid or public cloud scenarios according to the needs); active and passive network equipment upgraded and reconstructed)* *2.7.2 Core and auxiliary software solutions upgraded based on cloud computing concept, big data analytics and SEO, including dedicated MOJ, Bar, Bailiffs, Notaries, ADR bodies, software solutions, centralised and local registers, nomenclatures, websites (replaced with new centrally managed and hosted, and locally edited websites), intranet suites (communicating internally and externally); all system users trained; practice guides and video trained materials released* *2.7.3 One portal for access to justice ('one-stop shop'), linking websites of various players in giving access to justice; practice guides on various procedural and substantive issues in legislation (developed by State and non-State actors) published on the portal as readily-made legal aid materials, among other substantive and procedural sources* *2.7.4. MOUs and other regulatory framework for interoperability of the ICT systems of the Bar, Bailiffs, Notaries, ADR bodies,CSOs with the systems of justice and other sector stakeholdersadopted based on EU Interoperability Framework Standards, including operational standards, integration of national PDP rules*

[24]See the aforementioned Assessment report (Section 2.10), for a more detailed explanation of the objectives ad functionalities to be implemented in the justice sector ICT systems.

	(where applicable), definition of mechanism for resolution of jurisdictional disputes; master plan for implementation adopted; prioritised list of institutions selected for phase approach; scope and degree of automated data exchange measured according to master plan; MOUs and other regulatory framework reviewed
Performance indicators *(impact)*	*1. User satisfaction surveys (conducted by the sector stakeholders, or by external observers) attest increased access to justice in general, and the performance of the legal aid, Bar, bailiffs, notaries and the ADR system in particular (baseline: 2014)* *2. Trial monitoring surveys conducted by external observers attest improvement of affairs in access to justice in general, and quality of legal representation in particular (baseline: 2014)* *3. ... % annual decrease in number of violations found by ECHR with regard to access to justice[25](baseline: 2014; only pilot judgments or repetitive cases taken into account)* *4. State financing of the legal aid system at the CEPEJ average level in proportion to GDP* *5. Legal aid provided in at least 10% of cases (baseline: pending litigious cases at material time)* *6. % of total final court judgments in civil cases enforced within reasonable time (baseline: all final court judgments on 1 January 2015)* *7. % of total final court judgments in administrative (excluding misdemeanour) cases enforced (baseline: all final court judgments on 1 January 2015)* *8. 10 % annual increase of cases in ADR (baseline: same point in time one year ago for which annual statistics available) split per type of ADR/type of process possible)*

Action 3

Action title	***Consolidation of criminal justice reforms***
Specific objective	*Strengthen independence, efficiency, accountability, and competence of prosecutors, improve substantive criminal legislation, develop conditions for practical and effective implementation of the new Criminal Procedure Law (CPL)*
Action results	*Improved prosecution governance system, ethical and disciplinary framework, performance management and professional training systems, administration and its management at PPO, enhanced inter-agency cooperation in detection and prevention of crime on domestic and international level, and improved substantive and procedural criminal legislation*

[25]In the context of the ECHR jurisprudence, issues related to 'access to justice' are established by way of findings of a breach of the 'right to a court' under Article 6 paragraph 1 of the European Convention on Human Rights, the principles of 'effective participation' and defence rights in criminal process under Article 6 paragraph 3, the right to an effective remedy under Article 13, and with regard to the failure of the State to discharge a 'positive obligation' under other Convention provisions.

Activities	***Activity 3.1*** *Development of strategic planning, budgeting, communication capacities, performance management system, ethical and disciplinary framework, analytical and research capabilities, professional training system and infrastructure at PPO* *Sub-Activity 3.1.1 Development of Strategic Development Plan (SPD) of the prosecution and the criminal justice chapter of the Justice Sector Reform Strategy, including steps for rationalisation of the PPO network, review of horizontal and vertical competences, improvement of the legal status and role of the Council of Public Prosecutors (CPP) and status of the prosecution administration* *Sub-Activity 3.1.2 Setting up of dedicated strategic planning and monitoring, budgeting, public financial management and communication/PR capacities at CP* *Sub-Activity 3.1.3 Development of clear and transparent prosecution quality policy/performance standards, and its consistent application across the prosecution career management system* *Sub-Activity 3.1.4 Improvement of ethical and disciplinary oversight system, including guarantees against improper interference with independence by way of better case-flow management, and internal and external oversight mechanisms* *Sub-Activity 3.1.5 Improvement of the initial and continuous training systems of prosecutors and the PPO administration* *Sub-Activity 3.1.6 Development of infrastructure at CPP and PPO* ***Activity 3.2****Development of regulatory framework and capacities of PPO and other institutions in various inter-agency cooperation mechanisms, linkages between analysis, research, risk management and intelligence, institutionalisation of principles of lawfulness and proportionality in oversight of intrusive measures, recovery of proceeds of crime* *Sub-Activity 3.2.1 Strengthening of the PPO capacities and ability to lead investigations under the new CPL, as well as development of domestic and international cooperation mechanisms in detection and prevention* *Sub-Activity 3.2.2 Improvement of policies and oversight mechanisms of special investigative techniques (SITs)* *Sub-Activity 3.2.3 Development of analytical, research and risk management capacities at PPO in crime detection and prevention* *Sub-Activity 3.2.4 Improvement of regulatory tools and capacities of the Agency for Management of Confiscated Assets (AMCC) and others in dealing with proceeds of crime* *Sub-Activity 3.2.5 Development of substantive criminal legislation* ***Activity 3.3*** *Improvement of regulatory framework and capacities to accommodate prosecutor-led investigation with more adversarial handling of evidence at trial* *Sub-Activity 3.3.1 Improvement of regulatory and practical conditions for greater defence rights and lawyers' role pre-trial, witness handling and witness protection capacities, balanced use plea bargaining, and greater protection of victim rights* *Sub-Activity 3.3.2 Improvement of clarity and foreseeability of criminal*

	procedure by formalised standards of proof *Sub-Activity 3.3.3 Streamlining of investigation mechanisms ensuring balance between independence and efficiency* *Sub-Activity 3.3.4 Development of alternatives to custodial measures pre-trial and post conviction by formalised policies and their application* ***Activity 3.4** Development of ICT regulatory framework and IIS at PPO, criminal investigation services and AMCC* *Sub-Activity 3.4.1 Development of ICT hardware and software infrastructure, with special emphasis on internal and external pooling, surveying and measuring user satisfaction, time and project management, and more efficient use of resources* *Sub-Activity 3.4.2 Improvement of communication channels and interoperability of ICT systems of the crime detection and prevention bodies internally, and with EU Member States, institutions and other international actors for greater judicial cooperation in criminal matters*
Implementation arrangements	*PPO, MOI, MOJ, AJP, Agency for Management of Confiscated Assets (AMCC) Council for Public Prosecution(CPP), Association of Prosecutor* *3-4 years - Project approach*
Performance indicators *(outputs and outcomes)*	*Activity 3.1* *3.1.1 Strategic Development Plan (SPD) of PPO (and criminal justice chapter of the Justice Sector Reform Strategy) developed, implemented and reviewed regularly; external review of implementation carried out; SDP used as core element of criminal chapter in (future) JSRSAP; short-term, medium-term and long-term steps defined for rationalisation of the PPO network, review of horizontal and vertical competences, improvement of the role of the Council of Public Prosecutors (CP) and status of the prosecution administration for rationalisation* *3.1.2 Operational dedicated strategic planning, research and analysis unit (SPRAU) and monitoring unit (SPRAU) at CP (also see Indicator 1.1.2)* *3.1.3 Operational budgeting and financial management unit to support at CP (also see Indicator 1.1.3)* *3.1.4 Operational communication/PR units at CPP and PPO* *3.1.5 Specific written rules of procedure drafted and applied by CPP, with clear conditions on public access; communication channels between the prosecution and other branches of power formalised and used to counter attempts at interference with the prosecution independence, promote its budget resources, and include it as a proper consultation partner in any legislative development in the justice sector; internal communication channels within the prosecution formalised and used; user satisfaction surveys used regularly as part of PPO communication and PR tool* *3.1.6 Use of statistics, research and analysis in the prosecution policy development and its implementation (as evidenced by number of PPO annual activity reports and quantitative and qualitative indicators)* *3.1.7 Dedicated practice guides and methodologies on strategic planning, budgetary and PFM matters, and communication/PR developed and used in training of prosecutors, members of CPP and its staff, Association of Prosecutors and PPO administration*

	3.1.8 Specific written rules and procedures for appointments (to each PPO post), re-assignments (transfers) and promotions developed and applied on the basis of the above policy; competitions held in all cases of appointment to a particular post; practical and effective application of the merits-based appointments, transfers and promotions system *3.1.9 Code of Ethics reviewed and published ; delineation of ethical and disciplinary responsibility in law and practice; methodological guidance on certain serious violations of the Code of Ethics applied in practice in disciplinary cases;* *3.1.11 Improved initial and continuous training systems (also se Indicators 1.3.1 - 1.3.3).* *3.1.12 Work facilities and infrastructure at PPO for organised crime and corruptionand the PPO offices thought country reconstructed based on a feasibility study* *Activity 3.2* *3.2.1. Operational Judicial Police, Investigative Centres, case assignment systems at PPO improved , institutionalising functional independence of prosecutors and investigators* *3.2.2 PPO for organise crime and corruption applying 'task-force' approach, leading joint investigative teams on regular basis* *3.2.3 International inter-agency coordination mechanisms in place by way of cooperation plans with Eurojust and other relevant international counterparts signed, implemented and updated annually* *3.2.4. Crime-specific standard operating procedures (SOPs) and risk assessment reports, released, updated and exchanged between domestic and (where applicable) international counterparts* *3.2.5. SOPs and risk assessment reports on use of special investigative techniques (SITs) updated and exchanged within the national SIT coordination mechanism involving PPO and law enforcement; greater integration of CPL and dedicated SIT legislation and rules; clear rules, stronger oversight mechanisms and more accessible remedies as a result of SIT use in practice; evaluation and updating of SOPs confirm gradual integration of risk-management mechanisms into leading and guiding all intelligence operations in the sphere of crime detection and prevention* *3.2.6 Strengthened procedural safeguards against law enforcement abuse, improper use of intrusive measures, breaches of privacy and fair trial (as evidenced by decisions of higher domestic courts, Constitutional Court, ECHR, or found by other informed observers)* *3.2.7 Extended confiscation, third party confiscation, non-conviction based confiscation, freezing of assets, civil recovery and other measures to deal with proceeds of crime improved application by Agency for Management of Confiscated Assets* *3.2.8 Effective and sustainable initial and continuous training capacities of AJPP, Police Academy and other professional training schools, especially on dealing with organised crime and recovery of proceeds of crime; distance learning systems in place (software and hardware procured), harmonisation of curricula and methodologies at the Police Academy, AJPP, other justice and law enforcement professional trainings schools*

	Activity 3.3 *3.3.1 Enhanced formal and practical conditions for lawyers' investigation in criminal process; greater procedural standards to ensure that the prosecutor investigative activity also involves collection of - or exchange information with defence -* *3.3.2 New policies and strengthened capacities in witness interviewing techniques and witness protection* *3.3.3 Enhanced formal and practical tools to ensure adequate victim participation in criminal proceedings, increasing reasonable prospects of monetary compensation, setting up of victim compensation funds (paid for by fines collected from perpetrators), development and use of victim impact statements in court* *Activity 3.4* *3.4.1 Full electronic case management at CPP and PPO interoperable with the courts' electronic case management system; interoperability with other law enforcement and prosecution services in exchanging data and criminal intelligence; use of IIS in domestic, international cooperation and mutual legal assistance mechanisms; fully functional audio-video interrogation systems* *3.4.2 ICT hardware infrastructure developed with special emphasis on internal and external pooling, surveying and measuring user satisfaction, time and project management, and more efficient use of resources; old workstations replaced with new standardised ones within regular product lifecycle (4 years); old servers replaced with new ones based on cloud computing concept (virtualization, inclusion of private, hybrid or public cloud scenarios according to the needs); active and passive network equipment upgraded and reconstructed)* *3.4.3 software solutions upgraded based on cloud computing concept, big data analytics and SEO, including dedicated PPO, CPP, AMCC software solutions, centralised and local registers, nomenclatures, websites (replaced with new centrally managed and hosted, and locally edited websites), intranet suites (communicating internally and externally); risk assessment modules procured;all system users trained; practice guides and video trained materials released* *3.4.4 MOUs and other regulatory framework for interoperability of the ICT systems of PPO and criminal justice services with the systems of justice and other sector stakeholders adopted based on EU Interoperability Framework Standards, including operational standards, integration of national PDP rules (where applicable), definition of mechanism for resolution of jurisdictional disputes; master plan for implementation adopted; prioritised list of institutions selected for phase approach; scope and degree of automated data exchange measured according to master plan; MOUs and other regulatory framework reviewed* *3.4.5 Full electronic case management applied by the prosecution, interoperable with the e-case management systems of the courts, criminal investigation, penitentiary and probation agencies*
Performance indicators	*1. User satisfaction surveys (conducted as part of the PPO performance management system, or by external observers) attest increase trust of the society in*

(impact)	*PPO generally, and independence and competence in particular (baseline: 2014)* *2. ... % annual decrease in number of violations found by ECHR with regard to criminal justice[26](baseline: 2014; only pilot judgments or repetitive cases taken into account)* *3. ... % annual decrease in number of cases at ECHR establishing a breach of Articles 5 (lawfulness and length of detention) and 6 (fairness of proceedings, presumption of innocence and defence rights) in the context of any criminal proceedings(baseline: 2014)* *4.. % annual increase in total amount of confiscated proceeds of crime (baseline: same point in time one year ago for which annual statistics available)* *5..% annual increase in use of home arrest, electronic surveillance and other forms of alternative bail as a proportion of cases of detention on remand (baseline: same point in time one year ago for which annual statistics available)* *6. ... % annual decrease in overall length of criminal proceedings (from the moment of 'charge' to 'final decision') (baseline: 2014; from average length previous year)* *7. The former Yugoslav Republic of Macedonia's progress in criminal justice noted in EU Progress Reports, as well as The former Yugoslav Republic of Macedonia's standing in various relevant international rule-of-law indices (by Freedom House, World Justice Project, Transparency International) relating to the performance of the criminal justice system improves (baseline: 2014)*

Action 4

Action title	***Further Improving administrative misdemeanour, and civil legislation***
Specific objective	*Improve efficiency, effectiveness and fairness in administrative disputes, misdemeanour cases, and assist in codification of civil law in compliance with EU law and best practices*
Action results	*More efficient and effective administrative justice, clear and foreseeable duties and powers of administrative and misdemeanour relevant bodies*
Activities	***Activity 4.1*** *Improvement of substantive and procedural statutes and rules on misdemeanours, ensuring balance between efficiency and fairness* *Sub-Activity 4.1.1 Review of substantive legislation and rules on misdemeanours* *Sub-Activity 4.1.2 Review of procedural legislation and rules on misdemeanours* *Sub-Activity 4.1.3Strengthening capacity building of relevant actors involved in the process of codification of misdemeanour law* ***Activity 4.2*** *Review of procedural statutes and rules in public-law disputes, ensuring balance between the competing public and private interests*

[26]In the context of the ECHR jurisprudence, issues related to 'criminal justice' are established by way of findings of a breach of violations of Articles 2, 3, 5, 6, 8 of the Convention, and some selected provisions in Additional Protocols (Nos. 1, 4 and 7 in particular) with regard to any criminal investigation or trial.

	Sub-Activity 4.2.1 Review of procedural legislation and rules on in public law disputes to ensure efficiency, effectiveness and fairness in public law disputes *Sub-Activity 4.2.2 Development of ADRs in administrative process* ***Activity 4.3*** *Development of regulatory framework and capacities building for implementation of new Civil Code, review of other substantive and procedural statutes and rules in private-law disputes in light of compliance to the Code provisions, ensuring balance between the competing interest* *Sub-Activity 4.3.1 Improvement of the coordination mechanism to develop, implement and review the Civil Code* *Sub-Activity 4.3.2 Assistance in implementation of the new Civil Law in alignment with the relevant, of EU civil legislation* *Sub-Activity 4.3.3 Review of procedural framework in private-law disputes in light of the new Civil Code, preparation of guidelines to various bodies* ***Activity 4.5*** *Development of ICT regulatory framework and IIS* *Sub-Activity 4.5.1 Improving ICT hardware and software infrastructure of High Administrative Court, Administrative Court, State Commission for administrative procedure and 2nd procedure for labour cases ,* *Sub-Activity 4.5.2 Improvement of communication channels and functional interoperability of ICT systems between High Administrative Court, Administrative Court, State Commission for administrative procedure and 2nd procedure for labour cases and state administration bodies.*
Implementation arrangements	*MOJ, courts, AJP, , misdemeanour bodies, Administrative and, High Adminsitratvie Court* *3-4 years - Project approach*
Performance indicators *(outputs and outcomes)*	*Activity 4.1* *4.1.1 Chapter of JSRS on administrative justice developed, implemented and reviewed* *4.1.2 Reviewed and codified substantive misdemeanour law (including more than 240 relevant statutes) and Criminal Code, providing for clear and foreseeable distinction between substantive provisions regulating criminal offences, misdemeanours and torts; overlap between elements and features of 'criminal' and 'administrative' offences removed (based inter alia on consistent practice of the courts on the matter); public awareness campaign on reviewed legislation* *4.1.3 Clear and foreseeable distinction between jurisdictions competent to deal with 'administrative' and 'criminal' misdemeanours (administrative misdemeanours dealt with by administrative courts, and criminal (public order and safety) before regular ('criminal') courts)* *4.1.4 Improved Misdemeanour Law and Administrative Dispute Law providing for customised, efficient, effective and fair proceedings in all misdemeanour cases, avoidance of application of criminal procedure in any misdemeanour cases, improving fairness by provision of legal aid, streamlining resolution of questions of burden and standards of proof (to prevent self-incrimination and improper reversal), defence rights, the right to appeal; reduced number of authorities having duties and powers in misdemeanour cases; publicity campaign on reviewed*

	legislation *4.1.5 Training modules, practice guides, developed on the basis of the reviewed legislation at AJPP dedicated training of trainers (TOT) for administrative and misdemeanour relevant bodies, lawyers and courts* *Activity 4.2* *4.2.1 Reviewed Misdemeanour Law and Administrative Disputes Law providing for customised, efficient, effective and fair procedure in all public-law disputes (non-misdemeanour), avoidance of application of civil procedure in any public law cases (also see Indicator 4.1.4 above)* *4.2.2 Training modules, practice guides, developed on the basis of the reviewed legislation at various professional training schools (AJP, Police Academy etc.), dedicated training of trainers (TOT)* *Activity 4.3* *4.3.1 Civil Code implementation action plan developed, implemented and reviewed regularly.* *4.3.2 Coordination body within MOJ operational for implementation and review of the new Civil Code* *4.3.3 Substantive and procedural legislation and rules in private law harmonised with EU law and best practices*
Performance indicators *(impact)*	*1. User satisfaction surveys (conducted as part of the judiciary or misdemeanour bodies performance management system, or by external observers) attest increase trust of the society in administrative justice in general, and independence and competence of the administrative courts and misdemeanour bodies in particular (baseline: 2014)* *2. Trial monitoring surveys conducted by external observers attest improvement of affairs in fairness of administrative and civil proceedings in the same selected court or appellate region (baseline: 2014)* *3. The former Yugoslav Republic of Macedonia's progress in civil and administrative justice noted in EU Progress Reports (baseline: 2014)*

Action 5

Action title	***Enhancing performance of penitentiary and probation services***
Specific objective	*Improve prison management, detention conditions, reduce reoffending, consolidate rehabilitation and re-socialisation as a matter of policy and implementation in the penitentiary ad probation systems*
Action results	*Improved prison management, detention conditions and reduced reoffending through policy, legislative, institutional and changes in the penitentiary and*

	probation systems focus on rehabilitation and re-socialisation, increased internal ad external oversight mechanisms, enhanced CSO partnerships, and use of 'evidence-based approach' in crime prevention
Activities	***Activity 5.1.*** *Development of the prison employment policy and management systems and use of risk and needs assessment* *Sub-Activity 5.4.1 Further development of the penitentiary reform policies, their implementation and review mechanism* *Sub-Activity 5.4.2 Improvement in the prison management system through development of strategic planning, budgeting, human resource management, research and analysis, PR/communication capacities, and by development of clear and foreseeable rules promoting balance between the interests of security and rehabilitation, development of prison internal monitoring mechanisms* *Sub-Activity 5.4.3 Individualisation of approach to prisoners and development of risk management capacities* *Sub-Activity 5.4.4. Development of prison external monitoring mechanisms* ***Activity 5.2****Development of regulatory framework and capacities in the probation system, with special emphasis on linkages between analysis, research, risk management and intelligence for individualised probation process* *Sub-Activity 5.4.1 Further development of probation reform policies, their implementation and review mechanism* *Sub-Activity 5.4.2 Individualisation of approach to probationers and development of risk management capacities* ***Activity 5.3*** *Enhancing partnerships between the prison, probation services and othr stakeholders to promote rehabilitation and social inclusion, including providing education, work and other purposeful activities* *Sub-Activity 5.3.1 Development of network involving of courts, the Ministry of the Interior, the Ministry of Labour and Social Policy and DES, PF, CF, and the central penitentiary and probation services for purposes of rehabilitation and social inclusion of convicts, including the supply of education, work and other purposeful activities* *Sub-Activity 5.3.2 Development of CSO involvement in provision of work, education, health and other services in the probation and penitentiary systems* ***Activity 5.4*** *Development of ICT regulatory framework and IIS in the penitentiary and probation systems* *Sub-Activity 5.4.1 Improving ICT hardware and software infrastructure, with special emphasis on internal and external pooling, surveying and measuring user satisfaction, time and project management, and more efficient use of resources* *Sub-Activity 5.4.2 Improving communication channels and interoperability of ICT systems of the penitentiary and probation bodies internally and training* ***Activity 5.5*** *Reconstruction of prisons premises for inmates* *Sub-activity 5.5.1. Improved conditions for accommodation inmates in*

	prison Bitola *Sub-activity 5.5.2. Development of facilities and capacity building for work, sports and leisure of inmates in Penitentiary institution Stip,Struga,Prison Prilep, Prison Tetovo, Prison Bitola, Prison Strumica, Prison Gevgelija and Juvenile prison Ohrid.*
Implementation arrangements	*MOJ (Department of Execution of Sanctions), PPO, courts, AJPP, CSOs* *3-4 years - Project approach*
Performance indicators *(outputs and outcomes)*	*Activity 5.1* *5.1.1 Penitentiary strategy (and relevant chapter of the Justice Sector Reform Strategy), including chapters on PR/communication and CSO/partner networking implemented and reviewed regularly; external review of implementation carried out* *5.1.2 Prison service quality policy defined, linked to performance management system and all career management decisions; improved human resource management within the entire penitentiary system through regular update of job descriptions for all staff employed; introduction of performance management system tied to the staff motivation schemes, targets and indicators interoperable with other justice and law enforcement agencies* *5.1.3 Improved interaction between probation and penitentiary services in individual sentence planning, personal risk assessment of all prisoners and probationers; feedback flow of information from penitentiary to probation system; continuity of individual sentence planning and personal risk assessment; development and application of the behaviour-based risk assessment methodologies and related software within the system targeting improved categorisation of prison population in accordance with risks instead of sentences* *5.1.4 Greater use of analytical, risk management and intelligence tools in the area of penitentiary through further development of the appropriate structure/dedicated units, SOPs (including their regular update), analytical products and services targeting identification of risks and gaps for the effective operation of the penitentiary and probation systems* *5.1.5 Strengthened management obligations to prevent and deal with inter-prisoner violence, anti-corruption, including monitoring of illicit prisoner behaviour, obligatory reporting of confirmed and suspected cases of inter-prisoner intimidation/violence and thorough investigation of all incidents and internal complaint procedures penitentiary, PPO, law enforcement services and judges trained and methodologies (practice guides) in place on the requirements of Article 3 ECHR and the European Convention for the Prevention of Torture on the standards for effective investigation of ill-treatment* *Activity 5.2* *5.2.1 Probation strategy (and relevant chapter of the Justice Sector Reform Strategy) including chapters on PR/communication and CSO/partner networking implemented and reviewed regularly; external review of implementation carried out* *5.2.2 Introduction of modern fully-fledged probation concepts, reconciling the*

	community safety considerations with the aims of rehabilitation and social inclusion; liberalised criminal policies by use of non-custodial sanctions and other alternatives to detention, use of mediation in criminal matters (especially with regard to juvenile delinquency), reinforced use of probation and early release through parole; elaboration of clear and transparent criteria for release on parole; special programme for preparation for release *5.2.3 Engagement of probation officers at pre-sentence stage through preparation of social inquiry reports for all probationers (baseline: proportion of relevant cases at material time)* *5.2.4 Individual sentence plans developed in … % of cases (baseline: proportion of relevant cases at material time)* *5.2.5 Engagement of probation officers at pre-sentence stage through preparation of social inquiry reports for all probationers (baseline: proportion of relevant cases at material time)* *Activity 5.3* *5.3.1 Enhanced partnerships between the prison and probation services and CSOs to promote rehabilitation and social inclusion, development and implementation of rehabilitation and social integration policies by education, work and other purposeful activities; facilitated public procurement facilities (grant) procedures for probation services to contract CSOs, introducing various incentives to involve CSOs more actively in the rehabilitation, re-socialisation and reintegration work, especially in the regions* *5.3.2 Improved external oversight mechanisms according the National Development Strategy for penitentiary system; increased role of the Ombudsman in the external oversight and coordination, staff trained and methodologies in place at the State Commission for Oversight of Execution of Sanctions* *Activity 5.4* *5.4.1 ICT hardware infrastructure developed with special emphasis on internal and external pooling, surveying and measuring user satisfaction, time and project management, and more efficient use of resources; old workstations replaced with new standardised ones within regular product lifecycle (4 years); old servers replaced with new ones based on cloud computing concept (virtualization, inclusion of private, hybrid or public cloud scenarios according to the needs); active and passive network equipment upgraded and reconstructed)* *5.4.2 Core and auxiliary software solutions upgraded based on cloud computing concept, big data analytics and SEO, including dedicated penitentiary and probation software solutions, centralised and local registers, nomenclatures, websites (replaced with new centrally managed and hosted, and locally edited websites), intranet suites (communicating internally and externally); dedicated application for management of penitentiary system; uniform system for electronic keeping of the files, overall convict record-keeping, networking of all penitentiary facilities, offices within the probation service and their networking at a central level with the Directorate for the Execution of Sanctions; risk assessment modules for prisoners and probationers procured; all system users trained; practice guides and video trained materials released* *5.4.3. MOUs and other regulatory framework for interoperability of the ICT*

	systems of the penitentiary and probation services with the systems of justice and other sector stakeholders adopted based on EU Interoperability Framework Standards, including operational standards, integration of national PDP rules (where applicable), definition of mechanism for resolution of jurisdictional disputes; master plan for implementation adopted; prioritised list of institutions selected for phase approach; scope and degree of automated data exchange measured according to master plan; MOUs and other regulatory framework reviewed *Activity 5.5.* *5.5.1. Completed renovation of residential premises of convicted/detained inmates in the Bitola Prison in accordance with international standards, including improved accommodation of convicts/detainees, working involvement, facilities for organisation and development of sports, recreational, leisure events* *5.5.2. Improved facilities for work, sports and leisure for inmates in penitentiary institutions in Stip, Struga, Prilep, Tetovo, Bitola, Strumica, Ggevgelija and Juvenile Prison Ohrid; instructors trained for efficient implementation of the work programmes of inmates*
Performance indicators *(impact)*	*1. User satisfaction surveys (conducted as part of the prison and probation management system, or by external observers) attest increase trust of the society in the criminal justice generally, and penitentiary and probation services in particular (baseline: 2014)* *2. Individual sentence plans developed in … % of cases (baseline: proportion of relevant cases at material time)* *3. Work provided to at least … % of all prisoners (baseline: proportion at material time)* *4. At least … % of young offenders and women prisoners/probationers engaged in VET or other education and rehabilitation programmes (baseline: proportion at material time)* *5. At least … % of all prisoners/probationers engaged in VET or other education and rehabilitation programmes (baseline: proportion at material time)* *6. The former Yugoslav Republic of Macedonia's standing in various relevant international rule-of-law indices (by Freedom House,) improves (baseline: 2014)* *7. The former Yugoslav Republic of Macedonia's progress in the penitentiary and probation noted in EU Progress Reports (baseline: 2014)* *8. Reduced number of cases at ECHR establishing breaches of Articles 3 or 8 of the Convention with regard to the detention conditions (baseline: 2014)* *9. Positive acknowledgement of progress in the penitentiary and probation systems noted in interim and final reports of donor activities, and reports by other informed observers, including CSOs, international organisations (baseline: 2014)*

Note: a more complex/wider Action may be broken down into sub-actions, depending on how the "transfer" into an Action Programme is planned (i.e. flexibility provision).

Action 6

Action title	***Coordination of justice sector reforms and EU law implementation***
Specific objective	*Increase institutional capacities of the Ministry of Justice and other justice sector stakeholders in coordination and monitoring of justice sector reforms, strengthen EU law implementation mechanism, approximation of national legislation with EU*
Action results	*Improved coordination mechanism for designing and implementing justice sector reforms, strengthened capacities of all justice sector stakeholders in strategic planning, operational EU law implementation mechanism*
Activities	***Activity 6.1*** *Improvement in strategic planning, analysis and research, monitoring and evaluation systems of the justice sector actors to develop, implement and review sector reform policies* *Sub-Activity 6.1.1 Strengthening of capacities of the Council for Judicial reform (CJR) in monitoring of implementation and review of the Justice Sector Reform Strategy and Action Plan (JSRSAP)* *Sub-Activity 6.1.2 Setting up of strategic planning, analytical and research units within MOJ to develop policy and legislative initiatives* *Sub-Activity 6.1.3 Setting up of strategic planning, analytical and research units within other justice sector stakeholders to provide feedback to MOJ in the justice-sector related policy and legislative initiatives* *Sub-Activity 6.1.4 Development of regulatory framework and capacities in gap analysis, impact assessmentwithin justice sector* ***Activity 6.2*** *Development of dedicated EU law implementation mechanism* *Sub-Activity 6.2.1 Setting up of dedicated EU law implementation unit within MOJ* *Sub-Activity 6.2.2Development of regulatory framework and capacities in EU law implementation among MOJ and other stakeholders* ***Activity 6.3*** *Development of ICT regulatory framework and IIS* *Sub-Activity 6.3..1 Improving ICT hardware and software infrastructure of MOJ, with special emphasis on internal and external pooling, surveying and measuring user satisfaction, time and project management, and more efficient use of resources* *Sub-Activity 6.3.2 Improvement of communication channels and interoperability of ICT systems of MOJ and other justice sector stakeholders internally and externally, including interoperability with the systems of executive institutions, local administration and non-State actors*
Implementation arrangements	*MOJ, GOM, Parliament, other justice sector stakeholders (JC, courts, PCC, PPO, AJPP, MOI, MOF, Bar, Bailiffs, Notaries, ADR and misdemeanour bodies, CSOs, HEIs)* *3-4 years - Project approach*
Performance indicators *(outputs and outcomes)*	*Activity 5.1* *6.1.1 Monitoring of implementation of specific actions under (the future) Justice Sector Reform Strategy and Action Plan (JSRSAP); periodic review of JSRSAP on the basis of its implementation reports, specifying individual stakeholder and sector-wide responsibilities, milestones and performance indicators, and a*

	specific timeframe for their achievement, adjusted and rolled forward to take account of performance experience, in sufficient time (by mid-calendar year) for any changes to be reflected in annual state budget allocations (approved at the end of each year) *6.1.2 Secretariat of the Council for Judicial Reform (CJR) in place at MOJ, providing operational support to and allowing CJR (and its WGs) to act as justice sector reform coordination mechanism at the policy-setting level* *6.1.3 Strategic planning, research and analysis units (SPRAU) operational at MOJ and other justice sector stakeholders, consolidating the role of each stakeholder in institutional policy development, reform and legislative initiative processes; binding obligations of each justice sector institution to submit annual reports evaluating their performance and setting targets for improvement for next year to SPRAUs, the respective governance bodies and the coordination mechanism of the justice sector reform (CJR); linkages between the SPRAU inputs with annual activity report of each stakeholder* *6.1.4 A sector reform performance monitoring system is established together with mechanisms for the collection of data to measure performance and examine the impact of reforms in achieving broad socio-economic and specific justice sector objective* *6.1.5 JSRSAP is fully assessed over the medium term and this expenditure is fully reflected in the Government's medium term expenditure framework (MTEF), annual budget submissions, and institutional programme budgets; institutional budgets are modified and rolled forward annually as part of the State budget preparation process in the light of performance and experience; justice sector expenditure plans (SEPs) prepared and updated annually* *6.1.6 Awareness campaign on the achievements of JSRSAP and EU efforts to support its implementation* *6.1.7 Impact assessment and gap analysis methodologies used regularly in all policy development and regulatory initiatives; practice guides on various regulatory provisions and legal issues developed and published regularly, in coordination with CSOs and HEIs* *Activity 6.2* *6.2.1 Operational EU law implementation unit at MOJ (on the basis of EU Department, strategic panning, research and analysis capacities at MOJ)* *6.2.2 Regulatory framework and methodologies in place, incorporating the following principles in EU law implementation: principle-based transposition, non-regulatory approach, balance between primary and secondary legislation and practice guides, 'copy-out', avoidance of 'gold-plating' and 'double-banking', centralisation, coordination, consultation, oversight and period review.* *Activity 6.3* *6.3.1 Full electronic case management at administrative courts, Second Instance Commission, other misdemeanour bodies operational and interoperable in exchanging data.*

	6.3.2 Automated electronic system for monitoring and reporting on the JSRSAP implementation. *6.3.3ICT hardware infrastructure developed with special emphasis on internal and external pooling, surveying and measuring user satisfaction, time and project management, and more efficient use of resources; old workstations replaced with new standardised ones within regular product lifecycle (4 years); old servers replaced with new ones based on cloud computing concept (virtualization, inclusion of private, hybrid or public cloud scenarios according to the needs); active and passive network equipment upgraded and reconstructed)* *6.3.4 Core and auxiliary software solutions upgraded based on cloud computing concept, big data analytics and SEO, including dedicated MOJ, administrative courts, misdemeanour bodies' and notaries software solutions, centralised and local registers, nomenclatures, websites (replaced with new centrally managed and hosted, and locally edited websites), intranet suites (communicating internally and externally); all system users trained; practice guides and video trained materials released* *6.3.5 MOUs and other regulatory framework for interoperability of the ICT systems of MOJ with the systems of justice and other sector stakeholders adopted based on EU Interoperability Framework Standards, including operational standards, integration of national PDP rules (where applicable), definition of mechanism for resolution of jurisdictional disputes; master plan for implementation adopted; prioritised list of institutions selected for phase approach; scope and degree of automated data exchange measured according to master plan; MOUs and other regulatory framework reviewed*
Performance indicators *(impact)*	*1. User satisfaction surveys (conducted as part of the judiciary or misdemeanour bodies performance management system, or by external observers) attest increase trust of the society in administrative justice in general, and independence and competence of the administrative courts and misdemeanour bodies in particular (baseline: 2014)* *2. Trial monitoring surveys conducted by external observers attest improvement of affairs in fairness of administrative and civil proceedings in the same selected court or appellate region (baseline: 2014)* *7. The former Yugoslav Republic of Macedonia's progress in EU law approximation noted in EU Progress Reports (baseline: 2014)*

5.3. Assumptions, preconditions and risks

Assumptions:

- Continued support from EU is ensured by sector-approach and Project-approach modalities, extending support to all branches of power (judiciary, executive, Parliament) and non-state actors;
- Commitment of the beneficiary country to the EU integration and relevant reform processes;
- Close dialogue between GOM and EU on common values and specific policies in the justice sector reform to work out a clear, foreseeable, ambitious, realistic and measurable sector Programme;
- Formal or informal veto right of any stakeholder is avoided on either 'what' is to be achieved or 'how' in the justice sector reform, preserving the current leadership of MOJ and the executive-led coordination mechanism in the justice sector reform process;

- Strong political will and commitment among the stakeholders to this Programme;
- Good cooperation between institutions, in particular in relation to the dissemination of information and data;
- Commitment of the beneficiaries involved in the projects under this Programme;
- There is strong political will and commitment among the stake holders for this Programme;
- Experts recruited will be of sufficient quality;
- Effective monitoring of implementation;
- Timely availability of adequate resources;
- Staff available for training and other project activities.

Preconditions:

- Justice Sector Reform Strategy and Action Plan (JSRSAP) in place by 2015, including notably medium-term financial projections;
- Short-term, medium-term and long-term steps defined in JSRSAP for operational coordination of IT service provision to the justice sector;
- Functional sector reform coordination mechanism in place at the policy-setting (more operational CJR, WGs created) and operational (MOJ, sector stakeholder) levels;
- Development and adoption of the ICT policy and regulatory framework and coordination mechanism (ICT Coordination Council under GOM.
- Endorsement by all key stakeholders of the Terms of Reference, specifications for the individual contracts to be engaged;
- Appointment of counterpart personnel by the beneficiary before the launch of the tender process and guaranteeing the continuity of the appointed and trained staff;
- Allocation of working space and facilities by the beneficiary for technical assistance before the launch of the tender process;
- Participation by the beneficiary in the tender process as per EU regulations;
- Timely organisation, selection and appointment of members of working groups, steering and coordination committees, seminars by the beneficiary;
- Appointment and availability of the relevant staff of the beneficiaries to participate in project implementing activities (especially training activities) as per the work plan;
- The beneficiary ensures appropriate and timely handling of all legal and regulatory arrangements necessary to enable implementation of the supplies;
- Maintenance of the equipment supplied in the course and after the project ends.

Risks

- (Current) lack of a single policy document, the Sector Programme consisting of a number of wider and narrower policy papers, which is not yet mitigated by the demonstrated leadership of MOJ in the sector able to channel and streamline the policy choices, if needed;
- Lack of common policy priorities within the complex justice sector, which is not yet mitigated by a functional sector reform coordination mechanism at both the policy-setting and operational levels;
- Increased crime-rates jeopardising GOM's will to apply more tolerant approach in the criminal justice sector;

- Delayed inception: additional problems can appear when projects are characterised by a long take-off; often preliminary analysis are not conducted in order to check whether circumstances have changed since the design phase, which, in turn, could call for an adjustment of the project fiche prior to embarking into the implementation phase;
- Better linkages between projects belonging to the same sector should be ensured (at both design and implementation levels); external coordination with other international donors has to be also ensured;
- Communication between project management, contractor and beneficiaries: is sometimes unsatisfactory and results in partners not having a clear understanding of the

objectives/content of the project/activity as well as the nature/level of the commitment expected from them;
- Absorption capacity is often over-estimated; partners are often unable or unwilling to provide the necessary human and material resources; the availability and permanence of adequate resources is an issue that should be addressed up-front before implementation of some project's components;
- Insufficient commitment from the relevant institutions in the beneficiary country to complete/follow up the reforms launched in the framework of EU assistance.

The aforementioned risks will be mitigated with appropriate measures and actions, such as: (a) active development of JSRSAP and the sector reform coordination mechanism; (b) establishing good communication channels between all involved stakeholders in the implementation of the Programme; (b) risk assessment of the contracts will be made prior to the start of implementation; (c) corrective measures will be applied during individual projects implementation; (d) regular meetings and consultations with relevant stakeholders will be organised; and (e) regular monitoring will be conducted.

6. COMPLEMENTARITY WITH OTHER FINANCIAL ASSISTANCE

IPA 2007project provided support for *More efficient, effective and modern operation and functioning of the Administrative Court*. Through the provision of advisory support, technical assistance and training, the organisational and operational reform of the administrative procedure was established and further strengthened. In particular, the support targeted human resources and institutional empowerment with focus on the decision-making authority, court procedures, operational efficiency and effectiveness, as well as transparency in the process of decision-making and operations.

IPA 2007 project for *Assessment of the implementation of the strategy for the reform of the judicial system*assisted MOJ in thoroughly preparing a strategic document to continue the reform of the judiciary and secure the sustainability of the reform efforts. The specific objective of project was to carry out an assessment of the state of play of implementation of the 2004 Strategy for the Reform of the Judicial System, thus identifying the concrete results of the reform reached so far, and the particular areas in which further steps were needed.

IPA 2008project supported*Further strengthening of the judiciary*, contributing to further development of the capacities of AJP. It helped catalyse an efficient, modern, time-efficient, accessible, cost-effective and up-to-date training of the magistrates and their better inclusion in the mainstream and networks of the European legal training. Moreover, the implementation of e-learning system in the country was the first step to make the Academy a regional centre of e-learning for the judiciaries in the Balkans, with a high cross-border impact, given the similitude of systems in the neighbouring countries. Moreover, within the second component, the project contributed to the establishment of a *juvenile justice system* based on the principles of restorative justice, in conformity with the new Juvenile Justice Law and the relevant international and European standards, norms and good practices.

IPA 2009project on *Support in the implementation of the reform of the criminal justice system* promoted the capacities of public prosecutors, related law enforcement agents and other actors involved in the implementation of the reformed criminal legal framework so as to effectively fight against crime, with a focus on organised crime, corruption, financial crime and human trafficking. The project also aimed at enhancing the protection of human rights in the criminal procedures in accordance with European standards.

IPA 2009project on *Capacity building of the law enforcement agencies for appropriate treatment of detained and sentenced persons*" is further supporting the strengthening of national capacities for ensuring full observance of human rights by law enforcement agencies and investigative institutions, including strengthening the effectiveness of investigations of allegations of torture and of ill-treatmentin line with European standards.

World Bank project on *Legal and judicial implementation and institutional support* contributed to the improvement of efficiency of the judiciary and business climate in the country by enhancing ministerial and judicial capacity to systemically implement the Government‘s Judicial Reform Strategy and key laws and by improving the judicial infrastructure capacities. In order to strengthen the capacities of the Judicial Council and further implement the activities to support the judicial reform, a programme for support of the component for the Judicial Council was adoptedin May 2009.

USAID *Judicial reform implementation project* (JRIP)worked on standardising software solutions, monitoring of the case flow in all phases of the court processes in the courts. In January 2009a new Automated Court Case Management System (ACCMS) was introduced in the courts. The new system enabled complete automation of the flow of court cases, in turn simplifying the court process and will reducing duration. Further efforts deployed by the project to improve court administration were focused on: improving case flow management; implementing improved automation to track and manage cases; developing key case delay reduction strategies; assisting with the transition to professional court administrators; and supporting stakeholders as needed in achieving these reforms. The Project also assisted JC in developing the Code of Ethics and other aspects of governance of the judiciary.

The **OSCE**Rule of Law Department has regularly conducted activities aiming to: support the Ministry of Justice in their cooperation with ICTY and assist in increasing the professional skills of judges and prosecutors to handle severe/war crime cases; provide assistance to develop and implement legislation in line with international commitments;support and assist the implementation of the law on public prosecution and the law on Council of Public Prosecutors;provide assistance for drafting the new law on criminal procedure and amendments to Criminal Code;provide assistance to the drafting and implementation of the new law on juvenile justice;increase professional skills of attorneys; capacity building for professional organisations representing judicial stakeholders, etc.

A **MATRA** project of the Government of the Netherlands for *strengthening the nationalpenitentiary system in accordance with international and European standards*”promoted cooperation between staff and treatment personnel security and assist in introducing risk assessments in prisons. Another **MATRA** project for*Re-socialisation* provided technical assistance for implementation of different programmes for re-socialisation; training for evaluations of the convicts and treatment assignment; preparation of an individual plan for working with the convicts; treatment of vulnerable groups of convicts (addicts, women, minors, long term convicts); training of the security staff, etc.

The Directorate for Execution of Sanctions, in cooperation with the **OSCE** Spilover Monitor Mission to Skopje and the U.K. Foreign and Commonwealth Office implemented a project on *Piloting prison reform in accordance with the required EU standards*. The project’sobjective was to improve the system of rehabilitation and re-socialisation of inmates who support imprisonment in the country. The implementation of the envisaged project activities contributed to the development and adoption of a national strategy for rehabilitation and re-socialisation of prisoners, providing assistance to complete the regulatory framework arising from the law on execution of sanctions, developing and launching a sustainable training program for prison staff and employees of the Centres for Social Work in line with international standards. The project improved inter-institutional coordination of prisons and centres for social work, and established a new system for drug and alcohol addicts’ treatment in CRC Idrizovo.