

The following meetings of the SWGs were organised in 2020:

<b>Plenary Session</b>		
<b>Date</b>	<b>Number of participants</b>	<b>Discussed topics</b>
25.06.2020	35-40	Overview IPA III and Strategic Response for W 1 Rule of law, fundamental rights and democracy - Thematic priority 1. Judiciary/Thematic priority 2. Fight against corruption/ Thematic priority 5. Fundamental Rights and presentation of the Action Fiche/s for IPA III Action Programmes for 2021 and 2022
30.10.2020	35-40	Presentation of the Strategic responses for IPA III WINDOW 1 - RULE OF LAW, FUNDAMENTAL RIGHTS AND DEMOCRACY Thematic priority 1: Judiciary Thematic priority 2: Fight against corruption Thematic priority 5: Fundamental rights
<b>Thematic Sessions</b>		
<b>Date</b>	<b>Number of participants</b>	<b>Discussed topics</b>
05.10.2020	35-40	Strategic Response for Window 1: Rule of law, fundamental rights and democracy- Thematic priorities 1 Judiciary, 2 Fight against Corruption, 5 Fundamental Rights and 6 Democracy
09.11.2020	30	



## SECTOR "JUSTICE"

### Minutes of the 5<sup>th</sup> Sector Working Group Meeting

**Venue:** Virtual meeting

**Date:** 25 June 2020, Thursday

#### Opening session

The opening session was moderated by **Mrs. Evgenija Serafimovska Kirkovski, Head of Department for coordination of EU funds and other foreign assistance, Secretariat for European Affairs, NIPAC office.** She welcomed the participants attending the meeting representing judicial authorities, donor community and civil society organizations, which aim of meeting is to strengthen the cooperation of the judiciary institutions through a holistic approach and establish a framework for evaluating the success of the sectoral reforms in the judicial area.

**Mrs. Renata Deskoska, Minister of Justice,** welcomed the participants attending the meeting representing judicial authorities, donor community and civil society organizations, which aims to discuss the IPA III programming and to present and agree on the Strategic Responses and Action Fiches related to the further support of the rule of law, fight against corruption and fundamental rights.

She emphasised the commitment of the sectorial approach regarding the on-going dialog with all relevant stakeholders in this sector which is essential for the implementation of the reform process in judiciary, and together with the donor community and the civil society organizations, focusing on the country's preparations for accession to the EU, in accordance with the specific needs and criteria to be met by the Justice sector.

She expressed her gratitude to the EU Delegation, and strong support in these important processes resulting from mutual efforts to maintain cooperation and to foster and ensure full independence of judiciary, efficiency and to bring back the trust in the institutions by protecting the rights and freedoms of the citizens and access to justice.

Further she noted that in the recent period, the Republic of North Macedonia, worked intensively to made significant steps, by implementing many priorities of Strategy for Reform of the Judicial Sector for 2017-2022 and the recommendations of European Commission related to the functioning of the judiciary (Chapter 23: Judiciary and fundamental rights), which was confirmed and recognized in the latest report of the Commission.

She emphasised that the proposed Strategic Responses and Actions are outcome of an intensive cooperation between the different institutions, relevant stakeholders in the Justice sector, as well as the cooperation of the European Union Delegation to North Macedonia and SEA.

**Mrs. Renata Deskoska, the Minister of Justice** noted that the further support for the judicial system within IPA III have to be focus on improving the ICT infrastructure in the judiciary, improving training capacities of the Academy for judges and prosecutors for increased efficiency and quality of justice, as well strengthening the efficiency of the Constitutional Court as protector of the constitutionality and legality and in protecting fundamental rights.

**The Minister of Justice** further noted that we are committed to strengthen the capacities of the institutions within the anti-corruption framework in order to prevent corruption and raise public intolerance against corruption, fully in line with the recommendations of international institutions and with the obligations assumed by international conventions in this field.

Hence she invited the participants to share their opinions, proposals and to agree on the priorities defined in the strategic responses.

**Mr. Nikola Bertolini, Head of Cooperation in Delegation of the European Union,** welcomed the participants attending the online meeting expressing his satisfaction for the great interest for the event, and thanked to the minister on the wide information of the on-going activities.

Further he noted that the main pillar for support is the justice strategies and explained that for the programming of 2021 and 2022 it is needed to ensure the relevance and maturity of the projects. This means that for all type of projects and all institutions that are beneficiaries of similar actions under IPA or under other donor financing which



not yet started or just started there will be no follow up actions to be financed in 2021 and 2022. The maturity also implies to the capacity of beneficiaries to absorb the projects. Also, he emphasised that from 2023 we can have projects that are continuation of the programming but not before. Further, he noted that the maturity means that the tender documents for the contracts to be financed under IPA III for 2021 and 2022 should be ready in the beginning in the next year and emphasised that one of the criteria is to cut time between programming and implementing.

**Mrs. Evgenija Serafimovska Kirkovski**, explained that the IPA III is the new instrument that will cover period of 2021- 2027 with 5 Windows and 17 thematic priorities under the frame of IPA III. She invite the representatives from the judicial authorities, donor community and civil society organizations to express their opinions, plans and needs that will be covered under these thematic priorities of IPA III.

**Overview IPA III and Strategic Response for W I Rule of law, fundamental rights and democracy - Thematic priority 1. Judiciary/Thematic priority 2. Fight against corruption/ Thematic priority 5. Fundamental Rights**

**Ms. Frosina Tasevska, Head of EU Department and IPA Coordinator from the Ministry of justice** presented the preparatory activities for programming of IPA III and gave an overview of the Strategic responses explaining that the Window 1 was divided into three thematic priorities: Judiciary, Fight against corruption and fundamental rights. She noted that the proposed Strategic Responses and the Action Fiches are product of joint and an intensive cooperation between the relevant stakeholders in the Justice sector like the Judicial council, Academy for judges and prosecutors, Supreme court, Public prosecution, State commission for prevention of corruption, Directorate for execution of sanctions, Ombudsman, the Constitutional court and other relevant bodies. Also, it was noted that this process of programming was done in continues collaboration with the counterparts from the the European Union Delegation and the National IPA Coordinator of the Secretariat for European Affairs.

Further, she informed that the programming phase for IPA III is divided into two main parts: Strategic response and Action fiche. The Strategic Response is a document covering a period of 7 years (2021-2027) programming, outlining how North Macedonia policies and sectoral strategies are in line with the recommendations and requirements of the specific policy instruments of the enlargement process and how they will contribute to the objectives of IPA III Programming Framework which in in line with the Strategy for Reform of the Judicial Sector for 2017-2022 as the main instrument to reform the judicial system. Also, the strategic response reflects the needs, recommendations and conclusions of the European Commission, the European Parliament, the Council of Europe, the Venice Commission and the Senior Experts' Group on systemic Rule of Law.

Further, it was explained that the Action Fiche is a list of draft projects concretely presenting how IPA funding opportunities are planned to be used and how the national authorities have capacity to absorb the assistance. The action proposals for the programming years 2021 and 2022 are focusing on the Thematic Priorities JUDICIARY and FIGHT AGAINST CORRUPTION, based on **the RELEVANCE** and **MATURITY** of the Actions and on the on-going projects and support. Other Actions proposals will be developed for the following programming years at a later stage.

The key thematic priorities of the Strategic response for judiciary that will require EU financial assistance are:

- To strengthen the independence, impartiality and transparency of the judicial system
- To improve the quality, effectiveness and efficiency of the judicial system and the judicial services to the citizens.

The Action fiche for judiciary determine as a mature project aims to improve the quality, effectiveness, and efficiency of the judicial system of the Republic of North Macedonia and will particular focuses on the following priorities:

- 1) The first objective will be reached through the modernisation of the ICT operational management and ICT infrastructure in the Judiciary and an upgrade to the case management system in the public prosecution offices
- 2) The second will be achieved by modernisation of the premises Academy for Judges and Public Prosecutors
- 3) The third objective will Strengthening the capacity and efficiency of the Constitutional Court

Indicatively it is planned the budget to be around 8-9 million euro and implementation modality to be through procurement of services and supplies.



The second Strategic response covers the fight against corruption which is dealt as a part of the sector Rule of law, but although it has been recognised as a cross-cutting priority for all sectors. In line with the strategic priorities, in the Strategic response for fight against corruption, EU financial assistance is required to achieve the following objectives:

- To prevent corruption and raise public intolerance to corruption and
- To strengthen the institutional system dealing with repression of corruption.

The second proposed Action fiche will improve the fight against corruption through increasing the capacities of the relevant institutions in the sector. In particular, the Action aims at:

- 1) Improving the capacities to fight high-level corruption by strengthening the cooperation and coordination with the business community, private sector and NGOs.
- 2) Improving the IT operational efficiency and effectiveness of the State Commission for Prevention of Corruption (SCPC) and other relevant institutions
- 3) Management of statistical data for prevention and repression of corruption and money laundering based on upgrade AKstat IT system.

The third Strategic response related to the protection of fundamental rights is also considered as a cross-cutting issue and under IPA 2021 and 2022 programmes is not planned to have Action Fiche. The priorities of fundamental right will be further considered during programming year 2023- 2024.

#### Discussion Presentation of the Action Fiche/s for IPA III Action Programmes for 2021 and 2022

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**Mrs. Evgenija Serafimovska Kirkovski**, opened the floor for discussion on the Strategic responses and the Action fiches for 2021 and 2022 for potential beneficiaries to additional provide details on their proposals. She explained that the SR are coming from the Government priorities and are in line with EU priorities and also noted that our strategies are relevant for IPA III.

During the discussion the final beneficiaries explained their priorities and needs for IPA III. Action Programmes for 2021 and 2022 were further presented in details by the representatives from the Academy for judges and public prosecutors, Constitutional court, State Commission for Prevention of Corruption, Ministry of Justice and Ministry of interior where follow a lengthy discussion between the representations of EU delegation and these beneficiaries.

**Mrs. Natasha Gaber Damjanovska, Director of the Academy for judges and prosecutors**, presented the needs of providing adequate premises for the Academy due to the fact that the space facilities in which the Academy is now located are inadequate and insufficient for the realization of its goals and tasks, due to which the Academy continuously strives to solve this problem within the cooperation with judicial institutions, Judicial council and the Ministry of Justice and stressed that this need has existed for more than 10 years. He also stressed the urgency of the need to build a new building that would have adequate space and capacity for smooth implementation and conducting initial training for future judges and public prosecutors and continuous training for already elected judges and public prosecutors. Additionally, there is a lack of rooms for exercises in the courtroom, for work in smaller groups, enough space for a library that would be provided in the new building in the future.

**Mr. Aleksandar Lazov, General Secretar of the Constitutional court** presented the needs of the Court, which have an important role in the country in securing the constitutionality and legality. The proposals in the Action fiche were based on the TAIEX expert report form 2018 and internal analysis and are aimed to improve the transparent work, internal organisation, rules of procedure of the court.

**Mr. Nicola Bertolini**, after the presentation of the beneficiaries proposals, informed that the most of the elements of the Action Fiche for judiciary are feasible, but asked for further information regarding the location of the Academy, pointed out the importance to have certain and agreed location and permits, and to know that the building that will be design could be materialize. This will be strong conditionality before the feasibility study started to be prepared and there is a need of strong commitment by the Academy. For the Constitutional Court he noted that it is important to avoid overlapping with activities included in IPA 2020 Grant project.

**Mrs. Natasha Gaber Damjanovska, Director of the Academy for judges and prosecutors**, additionally explained the procedure and steps so far taken for securing the location for a new premises for the Academy, informing about



the good cooperation with the local government of the Karpos municipality. Also, she informed that this building will be only for the Academy.

**Mr. Nicola Bertolini** noted that there are important steps for the Academy to go ahead in order the project to be mature. A lot of documents, decisions and commitments have to be done. The Action document have to be prepared in October 2020 and Terms of reference for the Feasibility study and design have to be ready February 2021. Also, he informed that under IPA III cannot be committed funds for construction of the building, this have to be covered by state budget.

**Mrs. Evgenija Serafimovska Kirkovski**, informed that this is part of the SPP in the Social sector, and to consider the possibility to put funds to build the Academy.

**Mrs. Frosina Tasevska**, presented that the modernisation of the ICT operational management and ICT infrastructure in the Judiciary, will be reached through the provision of a new case management system for the judiciary and an upgrade to the case management system in the public prosecution offices. This will facilitate the case flow management exchange of data, accurate reporting and statistics, while ensuring security of data. The idea is to cover not only the ACCMIS but the modernisation of the whole IT system in order to have speedier access for all employees of the courts to all necessary information required for daily operations.

**Mrs. Biljana Ivanovska, President on the State Commission for prevention of corruption**, explained that for exchange of reliable and consistent data between institutions that will lead to efficient fight against corruption, there is a need to have a custom softwer solution for electronic submission of asset declarations. The project idea is to digitalize process of submission of asset declarations and conflict of interests, to facilitate the process of checking the data received for reporting of changes in the property status. As part of this solution should be the Register of selected and appointed persons. Further on in order to effectively check the property status, it is necessary to exchange data electronically with institutions that have registers and databases in accordance with the Law on Prevention of Corruption and Conflict of Interest. The final result of this project would be established online submission platform for assets declaration and conflict of interests, functional web application for information collection, appropriate databases and case management system, and the required interoperability between 22 governmental institutions for data verification.

**Mrs. Donka Prodanova, Programme Manager, Cooperation section from the Delegation of the EU**, raised some technical issues, regarding how many registers/organisation the system will reach, the analytical research, how many are connected to interoperability, and also was interested about the interface of the ACCMIS, AkStat and all IT solutions.

**Mrs. Kristina Zapatoska, representative from the Ministry of Interior**, presented their proposal for improving the capacities to fight high-level corruption by strengthening the cooperation and coordination with the business community, private sector and NGOs. This objective will be achieved by establishing a strategic and operative framework between the Ministry of Interior and the trade chambers and NGOs, including by performing public awareness actions on the negative effects of corruption in the society. The project should include activities which will strengthen the criminal intelligence capacities as well as investigations for dealing with high corruption. Besides the investigative methods and techniques, activities for corruption prevention and creating integrity of the investigators should be taken into an account. Also, the cooperation with the NGO sector and the ways to improve the corruption combat through the NGOs needs to be taken into an account. The activities within this project will be continuity and enclosing the process of IPA 2020.

Take into consideration that this project will be follow up IPA 2020, **Mr. Nicola Bertolini**, informed that it is not possible to have follow up of some project that still not started. So, this proposal will be discussed in 2024 programing process, and not before.

**Mrs. Elena Dimovska, representative from the Ministry of Justice**, explained the proposal related to need of upgrade the web based IT tool which is created to harmonize statistical and other data to track criminal, disciplinary and misdemeanours procedures related to cases of corruption and money laundering, but also to collect and process statistical and other data relevant for assessing the implementation of anticorruption policy. This web base IT tool Akstats will serve to facilitate the gathering, harmonising and processing data electronically and automatically generated statistical reports and narrative information for corruption and money laundering cases. AKstat is a product of the project activities implemented under IPA 2010 Twining project. This system start with implementation in April 2019 and so far, 49 institutions signed the MoU (MoJ, MoI, PPO, FP, FIU, SCPS, PRO and etc) and 170 persons are authorised from the institutions. In order to improve the functionality, due to the legislative changes the Akstat system should be upgraded to analyse the statistical reports in unified manner.



**Mr. Nicola Bertolini**, regarding the thematic priority for corruption, proposes to have a new Grant project of 1 mil euro in order to mobilise the civil sector and private sector, and noted that it is important to support grants between civil society, private sector and public sector on corruption awareness.

Regarding this new proposal to have a Grant project for corruption, **Mrs Annabelle Regal, Programme Manager for Justice and Rule of Law from the Delegation of the EU** pointed that it is important to consider which institutions will be in charge of coordination and also to check are there enough NGOs with capacity to implement this Grant.

### Conclusions

The following conclusions were agreed:

- To merge 3 components of the AF for corruption with the AF for judiciary and to have one Action fiche for judiciary and anticorruption with budget of 10 mil euro.
- Strategic responses for judiciary, corruption and fundamental rights and the new Action fiche to be finalized and submitted to SEA next week in order to be adopted by the Government.

**Minutes taken by:** Bojana Acevska, IPA Unit, MoJ,  
Emilija Jankulova, Junior associate, MoJ

**Minutes checked by:** Frosina Tasevka, Head of EU Department/IPAC, MoJ