

FINAL DRAFT VERSION

1. Basic information

- 1.1 CRIS Number:** 2010/022-264
- 1.2 Title:** Further support to independent, accountable, professional and efficient judiciary and promotion of probation service and alternative sanctioning
- 1.3 ELARG Statistical code:** 01.23
- 1.4 Location:** Skopje, with nationwide project activities

Implementing arrangements:

1.5 Implementing Agency:

The Central Financing and Contracting Department (CFCD) will be the contracting authority and will be responsible for all administrative and procedural aspects of the tendering process, contracting matters and financial management including payment of project activities. The Head of CFCD will act as the Programme Authorising Officer (PAO) of the project.

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1.6 Beneficiary (including details of SPO):

- Ministry of Justice;
- Judicial Council;
- Council of Public Prosecutors;
- Directorate for execution of sanctions;
- Academy for training of judges and prosecutors.

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Financing:

1.7 Overall cost (VAT excluded)¹: EUR 3 525 000

1.8 EU contribution: EUR 3 007 500

1.9 Final date for contracting:

Two years from the date of the conclusion of the Financing Agreement.

1.10 Final date for execution of contracts:

Two years from the final date for contracting.

1.11 Final date for disbursements:

One year from the final date for execution of contracts.

2. Overall Objective and Project Purpose

2.1 Overall Objective:

The project overall objective is to strengthen the independence, accountability, transparency, professionalism and efficiency of the judiciary and to improve the system for execution of alternative measures through establishment of probation service.

2.2 Project purpose:

The project purpose is to strengthen the capacity of the Judicial Council and of the Council of Public Prosecutors for an efficient performance of their tasks related to selection and appraisal of judges and prosecutors, human resources planning, court management and transparency of the judiciary. In addition, the project will support the Directorate of Execution of Sanctions in the enforcement of alternative measures through the establishment of a probation service in line with EU and international human rights standards.

2.3 Link with AP/NPAA / EP/ SAA

The project is in line with the **Accession Partnership**, which stresses out a series of priorities to be addressed in the judicial reform. The Partnership stresses the importance to:

- establish a sustained track-record on implementation of judiciary reforms;
- strengthen the independence and overall capacity of the judicial system;
- implement the reform of the prosecution and finalise the appointment of the Judicial Council;
- establish a sustained track record on implementation of anti-corruption legislation;
- further develop initial and continuous training in the Academy for the Training of Judges and Prosecutors;
- implement fully the recommendations made by the Group of States against Corruption (GRECO);
- further strengthen cooperation among institutions;

¹ The total cost of the project should be net of VAT and/or other taxes. Should this not be the case, the amount of VAT and the reasons why it should be considered eligible should be clearly indicated.

- provide sufficient resources to bring prison conditions up to a higher standard;
- implement measures to repair a national strategy and action plan for building up the capacity necessary to implement and enforce the *acquis* with particular focus on the need to provide specialised training for law enforcement bodies, judges, prosecutors and customs officials.

The **National Program for Adoption of Acquis** foresees activities for further improvement of the efficiency and effectiveness in the work of judiciary through legal harmonisation, training and IT infrastructure. In addition, the NPAA provides measures for strengthening the independence of the judiciary through increasing capacities of the courts, public prosecutor's offices, Judicial Council, Council of Public Prosecutors and of the Academy for the Training of Judges and Prosecutors. Also, the NPAA provides for the completion of the legal framework for full implementation of the law on execution of sanctions and for the improvement of the conditions in the penitentiary institutions.

The project will also contribute towards the implementation of the **Stabilisation and Association Agreement** commitment for increased cooperation in justice and home affairs, notably as regards the provisions of Article 68 on reform of the judiciary; Article 74 on the cooperation in the field of justice with focus on the independence of the judiciary, the improvement of its effectiveness and the training of the legal professions; Article 78 on the cooperation in fighting and preventing criminal and illegal activities organised or otherwise, including organised crime and corruption and Article 105 on financial assistance to the harmonisation of legislation and cooperation policies of SAA, including justice and home affairs.

2.4 Link with MIPD

In the field of judiciary, EU assistance will help complete the implementation of the Strategy and Action Plan on Judicial Reform. Specific elements of the Judicial Reform Strategy that need further attention include the independence and efficiency of the court system, the Public Prosecutor's Office, the Administrative Court and the basic courts that have specialised departments for cases of organised crime and corruption, the implementation of the juvenile justice system, and the Academy for Training of Judges and Prosecutors.

2.5 Link with National Development Plan

N/A

2.6 Link with national/ sectoral investment plans

- Strategy of the Reform of the Criminal Legislation, 2007 and Action Plan;
- Strategy of the Reform of the Judicial System with Action Plan, 2004;
- Annual Working Programme of the Government;
- Working Programme of the Ministry of Justice, 2009;
- Strategic Plan of the Ministry of Justice 2009-2011;
- Strategic document of the Directorate for execution of sanctions;
- Strategy for IT judiciary 2008.

3. Description of project

3.1 Background and justification:

Organisation, role and functioning of the Judicial Council and of the Council of Public Prosecutors

According to the law on courts enacted in 2007 in the framework of the Strategy for the Reform of the Judiciary, the judicial power is exercised by 27 basic courts (established for one or more municipalities), the Administrative Court (with jurisdiction on the entire territory of the country), 4 appellate courts and the Supreme Court (having jurisdiction on the entire territory of the country). The Basic Court Skopje 1 as a criminal law court has a section specialised on organised crime and corruption cases with jurisdiction on the entire territory of the country.

Public prosecution is organised according the Public Prosecution Act the on three levels as follows: the General Public Prosecutor's Office (headed by the General Public Prosecutor and 10 deputies); the high public prosecutor's offices and the basic public prosecutor's offices. The General Prosecutor's Office is attached to the Supreme Court and has competence in proceedings of extraordinary legal remedies. There are three departments in the General Public Prosecutor's Office: Criminal, Civil and International Co-operation. There are 4 high public prosecutor's offices in Skopje, Bitola, Stip and Gostivar which are attached to the compatible Courts of Appeal and 22 basic public prosecutor's offices which are attached to the basic courts.

With the Strategy on the Reform of the Judiciary new laws have been adopted setting up new structures aimed at increasing the independence and efficiency of the judiciary. Thus, the Judicial Council (law enacted in 2006) and the Council of Public Prosecutors (law enacted in 2007) were established as autonomous judicial bodies ensuring and guaranteeing the independence of the judicial branch.

Judicial Council

The Judicial Council was established in November 2006. Currently the Council is fully functional and has all its 15 members elected and operational. The Council is competent to decide on the status of judges, on their appointment, appraisal and dismissal, and on disciplinary liability and lifting of judges' immunity. During 2007 all bylaws laid down in the law on Judicial Council and the law on courts, including the Rulebook on criteria for the appraisal of the performance of judges were adopted.

The vacant judge positions in the system are being filled in consideration of the graduates of the Academy for the Training of Judges and Prosecutors. Until September 2009 the first generation of graduates from the Academy for the Training of Judges and Public Prosecutors has been elected. Moreover, based on the defined analysis, in 2010 ten vacant judicial posts in the basic courts will be filled from among the ranks of the second generation graduates from the Academy for the Training of Judges and Prosecutors. Based on the defined analysis and employment plan for the candidates of the third generation, ten more judicial posts will be filled in 2011.

The annual appraisal of the work of the judges (including the evaluation of the court presidents' fulfilment of tasks) was completed on 6 July 2009. According to the Council's Report, of the total number of evaluated judges, 43.6% were evaluated as very good, 26.5% as good, 10% as satisfactory and 7.9% as unsatisfactory). Since its establishment, the Judicial Council dismissed 12 judges for abuse of office. With a view to increasing the transparency of the work of the Judicial Council, an electronic voting system was introduced in the Council.. Starting September 2009, the public (including media and NGOs) is able to attend the sessions of the Judicial Council. As a rule, the sessions of the Council are public. By means of exception certain sessions where confidential data is being discussed are not open to the public.

Since May 2009 the Judicial Council has the status of observer to the European Judicial Councils Network.

The courts' budget is being managed by the **Courts Budget Council**. Since January 2009 the Courts Budget Council functions within the Judicial Council (previously it was part of the Supreme Court structure). The Courts Budget Council has 9 members, including the president (i.e the president of the Judicial Council) and performs the following tasks: sets the criteria and methodology for the drafting of the court budget; determines the budget allocations to all courts; ensures the duly execution of the courts' budget; approves the funds for new employments in courts; appoints the internal auditor; enacts the internal acts; prepares the annual report for execution of the courts' budget; amends the allocation of funds, etc.

A new law on court administration entered into force in January 2009. The law regulates the rights, obligations and the status of the court administration as well as the issues related to the special status and the salaries of the judicial services. A **Council on Court Administration** within the Supreme Court was established in January 2009 to ensure implementation of the law. The Council consists of nine members (of whom five members from among the court administrators). The court administrator of the Supreme Court is a permanent member of the Council. The court administrators of the Administrative Court, the appeal courts and basic courts will rotate every two years. Also, 4 members of the Council who are court presidents will be elected on rotational system for a two-year mandate.

Council of Public Prosecutors

The Council of Public Prosecutors was established in August 2008. The Council has 11 members and is fully operational. Since its establishment the Council adopted the necessary secondary legislation: e.g.. rules on the Council's procedures, rulebook on the organisation and systematisation of the work and tasks, rulebook on the procedure for establishing responsibility of the public prosecutors, rulebook on the methodology for supervision of public prosecutors' work; rulebook on the appraisal of public prosecutors, etc. The Council adopted a Form for evaluation of the work of the public prosecutors in order to implement the Rulebook on supervision over the work of the public prosecutors.

The Council adopted an analysis on the needs of public prosecutor's office and a plan of activities for transferring the investigation procedure to the public prosecutors, including the budgetary implications. The Council guarantees the autonomy of the public prosecutors in the performance of their functions and is competent to decide on the status of public prosecutors, i.e. selection and dismissal, termination or suspension of office, disciplinary procedures and appraisal. According to the plan for election of public prosecutors from the ranks of the

graduates of the Academy for the Training of Judges and Prosecutors, the Council appointed 8 candidates from the first generation and will appoint 12 candidates from the second generation by the end of 2010 and 7 candidates from the third generation by the end of 2011.

As regards the supervision of the work of public prosecutors, the higher public prosecutor's office supervises the work of the lower public prosecutor's offices. The appraisal is carried out every two years by the higher public prosecutor for each public prosecutor individually.

In line with the Strategy for reform of the criminal legislation (2007), a new law on criminal procedure is being drafted. The criminal procedure will be aligned with the *acquis*, and will improve the efficiency of the criminal justice system, especially with respect to the prosecution of heavy forms of crime. It will foresee an institutional strengthening of the public prosecutor and of the police. With respect to institutional changes, the criminal investigation will be transferred to the competence of the public prosecutor, which means that the public prosecutors will have leading role in the phase of the pre-trial procedure. The establishment of the judiciary police managed by the public prosecutors and of the special investigating teams/centers in the jurisdiction of certain Public Prosecutor's Offices are also envisaged.

Having in mind the role of the Councils for securing the independence of the judiciary as a pre-requisite for the functioning of a democratic society, it is of outmost importance to support these relatively new structures and to further ensure the results of the implementation of the reforms of the judiciary. In this respect, this project will focus on strengthening the capacities of the Judicial Council and the Council of Public Prosecutors in the efficient realisation of their competences regulated by law in order to secure the independence, accountability, responsibility and stability in the functioning of the judicial system.

The project will support the priorities noted in the **EC 2009 Progress Report** for the country. Namely, it notes the progress made on implementation of the 2004 strategy for judicial reform, which is a key priority of the Accession Partnership. A track record on implementation of the legislation on the court system and procedures was gradually established. The appointments of new judges and public prosecutors were made in line with the new procedures that provide for independent appointments by the two Councils. However, continued efforts are needed to ensure independence and impartiality of the judiciary, in particular through the implementation of the provisions regarding appointments and promotions.

Penitentiary system - execution of sanctions and alternative measures in line with EU and international legal standards.

The Directorate for Execution of Sanctions is authorised to perform the supervision over the execution of the alternative measures. The Social Work Centres are the leading bodies in the execution of the alternative measures for the adults as well as for the juveniles. At the moment, staff has been employed and trained solely for the execution of alternative measures for juveniles.

The alternative measures of punishment which are imposed by the court for the offenders who have committed lighter criminal offences for the first time were introduced in 2004 with the changes in the Criminal Code. In this way, the probation and the court notice as already existing measures were complemented and introduced in the system of alternative measures,

which included community work, conditional sentence with protective supervision, house arrest and conditional cessation of the criminal procedure. The alternative measures are also stipulated in the new law on juvenile justice that entered into force on June 2009.

According to the current regulations, the bodies competent to perform the supervision of the execution of alternative measures are the Directorate for Execution of Sanctions, the Social Work Centres and the judge for execution of sanctions.

By introducing the **probation**, only the execution of the alternative measures for juveniles will remain in the competence of the Social Work Centres. A special probation service will be authorised for the adult offenders, which will be formed on a department level within the Directorate for Execution of Sanctions (Probation Department) with Branch Units – departments based in the municipalities of the regions of the appellate courts in the country- Skopje Bitola, Shtip and Gostivar. The probation services will have executive and controlling functions.

Another measure for improving the policy for enforcement of sanctions is the **work engagement**. There are economy units that function in the framework of the eight penitentiary institutions. In the economy units, the most common activity is farming and craftwork. The produced products are usually utilised for the needs of the institutions, and the surplus products are sold. However, the current situation is such that the capacities in the units are not completely utilised and only a small number of the convicted persons are engaged in the work of these units.

Hence, in the Penitentiary-Correctional Institution Idrizovo, which has two units, in 2008 out of the total number of convicted persons in the institution (approximately 1,500) only 75 were engaged in the work of the units. The proposed project should contribute to improving the treatment of the convicted persons in the process of re-socialisation by engaging them in working activities.

The chronic increasing number of convicts in the prisons demanded for establishment of safe and secure alternative measurements. The house arrest as one of the alternative measurements will help to decrease the number of the prison population. It is a relatively new alternative measure but with a remarkable efficiency and it is present within the legislation in a few European countries (UK, Italy, Spain, Turkey, and Netherlands). The house arrest presents certain advantages as compared to imprisonment: reduces prison overcrowding rate; the convict is not abstracted from his family, work, surroundings, thus avoiding the stigmatisation. The introducing of bracelets and IT equipment for monitoring house arrest will provide constant and accurate movement observation of the convicts. Electronic monitoring is a tenacious, flexible and efficient control method of the convicts who should be imprisoned. Statistics has shown that with the programme implementation for house arrest, only a few number of convicts has returned to prisons. In this respect the alternative measures enforced with electronic monitoring may bring a certain degree of public confidence in the properly and consistent implementation of the sanctions outside the penitentiaries.

The present project aims at supporting the efforts of the Directorate for Execution of Sanctions to introduce the probation service and improve the enforcement of the alternative measures which will lead to the increasing enforcement of these measures by the courts thus reaching the effects of the punishment without the application of standards criminal sanctions. By improving the possibilities for work engagement the treatment of the convicts will be

improved and this will result in better re-integration of the convicted persons and decreasing the recidivism rate.

The 2009 **EC Progress Report** notes that some progress was made with the **prison system**. The government adopted an action plan for construction, refurbishment and maintenance of prisons for 2009. The refurbishment works for the section for chronically ill and disabled detainees within Idrizovo prison were finalised and a new remand wing in the Skopje prison was completed. However, additional efforts are needed to address the dire state of some prisons, notably Idrizovo, where inhuman and degrading conditions persist. Overcrowding remains a major problem. The healthcare system in prisons is inadequate. No effective mechanisms are in place to prevent and combat corruption among prison staff. Prison staff is not systematically trained. The treatment of vulnerable prisoners is not satisfactory. The juveniles continue to mix with adult prisoners.

3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact

The project will seek to strengthen the independence, accountability and efficiency of the Judicial Council and the Council of Public Prosecutors for conducting the procedures for election, nomination, appraisal and dismissal of judges and prosecutors, promoting the budget frame of the judiciary, developing an effective system to guarantee accountability of the judiciary; performing relevant assessments on courts and PPOs' efficiency, including an management-related matters. Moreover, the project will support the two Councils develop a sustainable human resources planning system; an effective policy to fight corruption within the judiciary, as well as the capacity to operate more closely with the EU standards and best practices. In addition, the project will also contribute to the improvement of the capacities for efficient enforcement of the law, the legal sanctions including the enforcement of the alternative sanctions in line with human rights standards and in line with the international and European standards.

3.3 Results and measurable indicators:

Results and measurable indicators for Component 1: Support to the Judicial Council and Council of Public Prosecutors to strengthen the independence, accountability, professionalism and efficiency of the judiciary

Results:

- Assessment report of the legal framework regulating the functioning and accountability of the Councils prepared;
- Assessment report of the legal framework regulating the work of the supporting/administrative staff of the Councils prepared and recommendations for further improvement of the organisational structure within the Councils delivered;
- Assessment report of the legal framework regulating the work of the Council for Court Administration and the clerks in public prosecutor's offices prepared and recommendations for further improvement delivered;
- Training needs assessment for court administration and the PPO clerks, training curricula and program prepared and training delivered;
- System for strategic planning of the Councils developed and results on improved methodology for strategic planning delivered;
- Rulebook for appraising the performance of judges and the system for monitoring and evaluation of the judges developed and enhanced;

- System for monitoring and evaluating the work of the public prosecutors developed and harmonised with the existing system for monitoring and evaluation of the judges;
- Methodology and strategic plan for determining the number of candidates for admission in the Academy for the Training of Judges and Public Prosecutors in accordance with the needs in the basic courts and basic public prosecutions prepared and implemented;
- System for promotion to higher instances of courts and public prosecutors offices developed and introduced ;
- By-laws, Code of Ethics, tools for ensuring integrity and impartiality for the Councils members as well as for judges and public prosecutors delivered and implemented by the Councils;
- Mechanisms for detection and sanctioning of corruption cases within courts and public prosecutor's offices established and developed;
- Training needs assessment, training curricula and programme prepared for strengthening the capacities of the members and supporting staff of the Judicial Council and the Council of Public Prosecutors for implementation of the relevant legal framework including the rules on appraisal of judges and public prosecutors, and in particular on policy planning and development, budget, court management and human resources planning;
- Organisation of trainings for the Councils' members and their supporting/administrative staff;
- Study visits for developing comparative analyses and exchange of knowledge and experience with peers in EU Member States;
- System for collection and processing of data for monitoring performance of the courts, prosecutor's offices and judiciary in general developed and implemented and reports prepared;
- Financial needs assessed, budget planning, management and disbursement to the courts developed and specified;
- Financial needs, budget planning, management and disbursement to the public prosecutors offices developed and specified;
- Instruments/methodology for increasing transparency and communication with public (preparation of strategy, bylaws, communication program etc) developed;
- Trust in the judiciary system by the citizens' increased, legal culture disseminated by increasing the transparency of the work of the Councils.

Measurable indicators:

- Assessment report of the legal framework regulating the functioning and accountability of the Councils approved by the two Councils;
- Assessment report of the legal framework regulating the work of the supporting/administrative staff of the Councils approved and number of recommendations for further improvement of the organisational structure adopted and implemented by the Councils;
- Assessment report of the legal framework regulating the work of the Council for Court Administration and the clerks in public prosecution offices adopted and recommendations for further improvement implemented;
- Training needs assessment and program prepared for strengthening the capacities of the Council of Court Administration and the PPO clerks adopted and number of trainings delivered;
- Methodology for strategic planning adopted by the Councils and implemented;

- Adoption by the Councils of the improved system for appraisal and monitoring of the performance of judges and prosecutors based on the Rulebook for appraisal of the performance of judges; number of monitoring activities and number of appraisals conducted;
- Methodology and strategic plan for determining the number of candidates for admission in the Academy for the Training of Judges and Public Prosecutors in accordance with the needs in the basic courts and basic Public Prosecutor's Office adopted and implemented by the Councils;
- System for promotion in the higher instances of courts and public prosecutors offices adopted and implemented by the Councils and number of promotions based on the new system;
- By-laws, manuals, tools/methodology to protect and preserve the integrity and impartiality of the Councils' members adopted by the Councils, Code of Ethics for the Councils' members as well as for judges and public prosecutors adopted;
- Number of detected and sanctioned corruption cases within courts and public prosecution offices;
- Training needs assessment, training curricula and programme prepared for strengthening the capacities of the members of the Judicial Council and the Council of Public Prosecutors as well as their supporting/administrative staff for practical implementation of the relevant legal framework including the rules on evaluation of the work of the judges and prosecutors, and in particular on policy planning and development, budget, court management and human resources planning;
- Number of training sessions organised and number of members and supporting staff of the Judicial Council and the Council of Public Prosecutors trained for implementation of the relevant legal framework including the rules on evaluation of the work of the judges and prosecutors, and in particular on policy planning and development, budget and human resources planning;
- Number of study visits organised for strengthening the cooperation with peers in EU countries and exchange of experience on organisation and functioning of the judiciary in other EU countries;
- Data on the efficiency and performance of the courts and public prosecutors offices and judiciary in general based on the new system for collection and data processing's for monitoring the work of the courts and prosecutors offices including indicators for the performance in place;
- Methodology for assessment of financial needs, budget planning and disbursement for the courts adopted by the Judiciary Council and reports endorsed;
- Methodology for assessment of financial needs, budget planning and disbursement for the public prosecutors offices adopted by the Council of Public Prosecutors and reports endorsed;
- Instruments/methodology for increasing transparency and communication with public (preparation of strategy, bylaws, communication program etc) implemented by the Councils;
- Public survey on the level of trust in the judiciary conducted.

Results and measurable indicators for Component 2: Support to the probation service and efficient execution of alternative measures

Results:

- Legal framework for probation service developed and adopted;
- Probation service established and fully operational with qualified personal employed;

- Enforcement of alternative measures such as house arrest developed and enhanced;
- Treatment of the convicts in the process of re-socialisation (work engagement as a part of the treatment) further enforced and enhanced;
- Technical specifications for house arrest equipment - transmitters carried by the offender and IT equipment prepared;
- Equipment for house arrest installed and fully functioning;
- Community work introduced and further developed;
- Public awareness of the characteristics and the meaning of the alternative measures increased.

Measurable indicators:

- Law on probation service as well as related bylaws adopted;
- Training assessments carried out, training curricula for probation service developed and number of trainings delivered;
- Approx. 10 % decrease in the number of convicts in the prisons one year after the implementation of the alternative measures;
- Approx. 20% increase in the number of the work engaged prisoners by 2013;
- Technical specifications for house arrest equipment transmitters carried by the offender and IT equipment adopted;
- Provision of equipment for execution of house arrest, in at least 4 probation services;
- Introduction of the community work in the institutions provided by the law and number of trainings for the staff delivered;
- Approx. 20% increase by the end of 2013 in public awareness of the characteristics and the purpose of alternative measures.

3.4 Activities:

Component 1: Support the Judicial Council and Council of Public Prosecutors to strengthen the independence, accountability, professionalism and efficiency of the judiciary

- Analysis of the legislative framework regulating the functioning and accountability of the Councils;
- Analysis of the legislative framework regulating the functioning of the supporting/administrative staff of the Councils, review the description of their work duties and prepare recommendations for further improvement of the organisational structure within the Councils;
- Preparation of assessment report of the legal framework regulating the work of the Council for Court Administration and the PPO clerks and recommendations for further improvement developed;
- Conducting training assessment, preparation of training curricula and delivery of training for the staff at the Council of Court Administration and the PPO's clerks;
- Analysis of the strategic planning of the Councils and prepare proposals for improving the methodology for strategic planning;
- Analysis of the Rulebook for appraisal of the performance of judges and prepare recommendations for further development of the system for monitoring and evaluation of the judges;
- Develop efficient system of the Council of Public Prosecutors for monitoring and evaluation of public prosecutors harmonised in line with the system for monitoring and evaluation of the judges;

- Improve human resources management, analyse and prepare methodology and criteria for a strategic plan to establish the number of candidates for admission in the Academy for the Training of Judges and Public Prosecutors in accordance with the needs of the basic courts and basic public prosecutions;
- Develop a system for promotion of judges and public prosecutors in the higher instances of courts and public prosecutors on the basis of positive evaluation and results of the work of judges and public prosecutors;
- Assess and develop tools/methodology to protect and preserve the integrity and impartiality of the Councils members, develop Code of Ethics for the Councils members as well as for judges and public prosecutors and develop tools for monitoring the implementation thereof;
- Develop mechanisms for detection and sanction of corruption cases within courts and public prosecution offices;
- Conducting training needs assessment, preparation of training curricula and programme and delivery of training for the members and supporting/administrative staff of the Judicial Council and the Council of Public Prosecutors for implementation of the relevant legal framework including the rules on evaluation of the work of the judges and prosecutors, and in particular on policy planning and development, budget and human resources planning;
- Organisation of study visits to develop a comparative analysis and exchange of knowledge and experience with similar institutions in EU Member States;
- Develop a reliable and comprehensive system for collection and data processing for monitoring the performance of the courts, prosecutors' offices and judiciary in general, including performance indicators; including recommendations for establishing monitoring methods as well as application of the developed indicators for measuring the efficiency and processing of data;
- Assess the current budget, improve the methods for assessment of the financial needs and allocation of the funds to the courts;
- Assess the current budget, improve the methods for assessment of the financial needs and allocation of the funds to the public prosecutors offices;
- Develop instruments/methodology for increasing transparency and communication with public and ensuring implementation (preparation of strategies; bylaws, communication program etc);
- Conduct survey on the public opinion on the judiciary in the country.

Component 2: Support to the probation service and efficient execution of alternative measures

- Preparation of the law on probation and of secondary legislation;
- Setting up of the Probation Service authorised to enforce and supervise the execution of alternative measures and ensure specialised training for the probation officers for all the tasks included in their job description (provision of assistance and support to the person to whom an alternative measure was imposed, provision of assistance to the convicted persons after the serving of the sentence imprisonment);
- Assistance for a plan/strategic document for implementation of the execution of the alternative measures such as house arrest as well as sanctioning of the improper behaviour of the person to whom an alternative measure was imposed;
- Analysis of the needs and the economic possibilities for the training of the convicts in order to engage them in the production of certain products (i.e. working engagement as a part of the treatment) and satisfy certain needs of the prison institutions;

- Preparation of technical specifications for house arrest equipment - transmitters carried by the offender and IT equipment;
- Provision and installation of a bracelets - transmitters carried by the offender and IT equipment for the enforcement of the house arrest and training of the staff;
- Training of the staff in the civil services, public enterprises, and humanitarian organisations (where according to the law, the community work is performed) in order to accept the offender during the execution of the penalty;
- Training of the professional public (journalists) in terms of proper information and promotion on media campaign activities for improving the perception of the alternative measures.

Management and contracting arrangements:

One project steering committee will be established to oversee the implementation process of the project activities. The contract to support the project will contain next to a team leader additional expertise to assist in key tasks, in line with the components and all different activities. Some of these experts will address the crosscutting issues.

The team leader will be responsible for the overall management, representation (co-ordination with the EU and other international bodies) as well as reporting. The co-ordination of activity development in the different components of the activity is significantly important. The team leader is responsible for an appropriate management of resources. During the inception phase of the project, a detailed deployment plan will be developed under the coordination of a steering committee in which each co-operating national institution will be represented to ensure appropriate inclusion.

The expected contracting arrangements are:

One Service contract will be concluded for implementation of Component 1 and Component 2. The contract has a budget of EUR 2 425 000 out of which EUR 2 182 500 IPA contribution and EUR 242 500 national co-financing. The contract has an expected duration of 12 – 24 months.

One Supply contract will be developed for the provision of equipment for the Component 2 and the enforcement of the house arrest. The supply contract has a budget of EUR 1 100 000, out of which EUR 825 000 IPA contribution and EUR 275 000 national co-financing. The contract has an expected duration of 9 months for delivery and training in equipment use, and subsequent 12 months warranty period, hence an overall duration of 21 months. The supply contract is to start max 12 months after the beginning of the service contract.

3.5 Conditionality and sequencing:

The project includes the following conditionalities:

- Endorsement by all key stakeholders of the Terms of Reference, specifications for the individual contracts to be engaged;
- Appointment of counterpart personnel by the beneficiaries before the launch of the tender process;
- Ensuring continuity of staff appointed as counterpart personal from the beneficiaries;
- Allocation of working space and facilities by the beneficiaries for technical assistance before the launch of the tender process;

- Participation by the beneficiaries in the tender process as per EU regulations;
- Organisation, selection and appointment of members of working groups, steering and coordination committees, seminars by the beneficiaries as per work plan of the project;
- Appointing the relevant staff by the beneficiaries to participate in training activities as per work plan;
- Sufficient managerial and technical human resources allocated to the relevant departments.

In the event the conditionalities are not met, suspension or cancellation of projects will be considered.

3.6 Linked activities

CARDS 2006 project “*Further Implementation of the Judiciary Reform Strategy and the Action Plan*” supported the renovation/refurbishment activities of three existing prisons Idrizovo, Prilerp and Stip. The specific objective was to improve the conditions in the detention cells by upgrading prison facilities in line with Recommendation R (87) 3 of the Council of Europe on the European prison rules.

CARDS 2006 Regional project “*Enhancing Regional Police and Judicial Cooperation*” provides support to existing structures and enables the JHA infrastructure to monitor its own activities and performance by developing monitoring instruments for the JHA institutions of the Western Balkan region and by support to the Western Balkans prosecutors' network.

Within **IPA 2007**, project support is provided to *more efficient, effective and modern operation and functioning of the Administrative Court*. In particular, the project provides direct advisory support to the *Administrative Court* to effectively implement the reformed legal framework. Through the provision of advisory support, technical assistance and training, the organisational and operational reform of the administrative procedure will be established and further strengthened. In particular, the support will target 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.

The IPA 2007 project for *assessment of the implementation of the strategy for the reform of the judicial system* aims at assisting the Ministry of Justice 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 is 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 the reform reached so far and the particular areas in which further steps are needed. The project started in November 2009 and will end by April 2010.

IPA 2008 will support *further strengthening of the judiciary*. The project will contribute to further development of the capacities of the Academy for the Training of Judges and Public Prosecutors. It will 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 may be 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 will

contribute 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 2009 “*Support in the implementation of the reform of the Criminal justice system*” promotes 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 aims to enhance the protection of human rights in the criminal procedures in accordance with the European standards.

IPA 2009 “*Capacity building of the law enforcement agencies for appropriate treatment of detained and sentenced persons*” will further support the strengthening of the 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-treatment in line with European standards.

World Bank “*Legal and Judicial Implementation and Institutional Support*” is contributing 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, in May 2009 a programme for support of the component for the Judicial Council was adopted.

USAID Judicial Reform Implementation Project (JRIP) in cooperation with the Ministry of Justice and the Supreme Court works on standardised software solution that will provide standardised and unified monitoring of the case flow in all phases of the court processes in the courts. Starting January 2009, a new Automated Court Case Management System (ACCMS) was introduced in the courts. The new system is expected to enable complete automation of the flow of court cases, which will in turn simplify the court process and will reduce its duration. Further efforts deployed by the project to improve court administration are 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 Judicial Council also cooperates with USAID within the Project for Judicial Reform Implementation. Signing a Memorandum of cooperation with the project is ongoing and henceforth implementation of activities is expected particularly in the area of building a strategy for improving operational management of professional service of the Judicial Council; building methodology for enhancing transparency and improving the reputation of the judiciary; strengthening the cooperation on domestic and international level; developing Ethical Code and principles of objective and impartial performance of the Council; comparative analysis and monitoring of the regulation on the international scene relevant for the organisation of the judiciary and the Judicial Council.

The OSCE/Rule of Law Department The main program activities are 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.

MATRA project of the Government of the Netherlands for “*Strengthening the national penitentiary system in accordance with international and European standards*”. This project is being implemented from November 2009 and it is planned to be completed in September 2010. The project objective is to promote cooperation between staff and treatment personnel security and assist in introducing risk assessments in prisons.

The **MATRA project** for the *Sector for re-socialisation* will provide 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 Spillover Monitor Mission to Skopje** and foreign Commonwealth Office of the **United Kingdom of Great Britain and Northern Ireland** are implementing a two-year project titled “*Piloting prison reform in accordance with the required EU standards*”. The project objective is to improve the system of rehabilitation and re-socialisation of inmates who support imprisonment in the country. The implementation of the envisaged project activities are planned to contribute 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 aims to improve inter-institutional coordination of prisons and centres for social work and establish a new system for drug and alcohol addicts’ treatment in CRC Idrizovo. The project implementation began on 1 September 2009, and its planned to be concluded on 31 March 2011.

3.7 Lessons learned

Although the previous positive experience with similar projects, either EU-funded or financed by other donors, was positive, a number of cross-cutting challenges as documented in monitoring and evaluations reports remain and need to be avoided:

- Absorption capacity is often over-estimated. Partners are often unable or unwilling to provide the necessary human resources. The availability and permanence of adequate human resources is an issue that should be addressed up-front before implementation of some project’s components;
- Delayed inception: Additional problems can appear when projects have a long take-off. Often preliminary analysis are not conducted in order to check whether circumstances have changed since design phase, which, in turn, could call for an adjustment of ToR prior to embarking into the implementation phase;
- When projects are at the confluence of a diversity of sectors, early internal coordination between the sectors has to be ensured. At the same time, better linkages between projects belonging to the same sector should also be ensured (at both design and implementation levels). External coordination with other international donors has to be also ensured.

Specific aspects:

- Although the Judicial Council and the Council of Public Prosecutors have not received TA through an EU-funded project before, the lessons learned from the other short-term assistance projects (e.g. TAIEX) or from the support offered through other donor's projects may bring added value for a successful implementation of the activities of this project. Both institutions should be highly involved in the drafting of the ToR to ensure full understanding and commitment for the project's implementation. Particular attention should be given to the involvement of the Council of Public Prosecutors which is newer than the Judicial Council and has benefited from less assistance so far.
- The capacity of the Judicial Council and notably of the Council of Public Prosecutors (which has only one technical staff currently to support the activity of the Council's members) needs to be further enhanced before the commencement of the project.
- Pro-activeness of the decision-making members of the two Councils, as well as of the supporting staff is essential for a successful implementation of the project, as the activities target the development of new working methodologies and aim at ensuring accountability of the two Councils.
- As regards the probation system component, particular focus needs to be put on the coordination and absorption capacity of the prison administration at both central and local level, as well as on the cooperation between the central prison administration (i.e. Directorate for Execution of Sanctions) and the other stakeholders involved, notably the Centres for Social Work which are in charge of applying alternative sanctions. The previous projects which supported so far the prison administration system have encountered some difficulties in terms of sustainability of some results related mostly to strategic planning methodologies. Since at the commencement of this project another IPA 2009 project supporting the overall strategic planning of prison administration would be implemented, the current project needs to integrate the probation services strategy in the general already set up framework.

4. Indicative Budget (amounts in EUR)

			SOURCES OF FUNDING										
			TOTAL EXP.RE	TOTAL PUBLIC EXP.RE	IPA CONTRIBUTION	COMMUNITY CONTRIBUTION	NATIONAL PUBLIC CONTRIBUTION						
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(e)	EUR (b)=(c)+(d)	EUR (c)	% (2)	Total EUR (d)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/Local EUR (y)	IFIs EUR (z)	EUR (e)	% (3)
Service	X		2 425 000	2 425 000	2 182 500	90	242 500	10	242 500				
Supply		X	1 100 000	1 100 000	825 000	75	275 000	25	275 000				
TOTAL IB			2 425 000	2 425 000	2 182 500	90	242 500	10	242 500				
TOTAL INV			1 100 000	1 100 000	825 000	75	275 000	10	275 000				
TOTAL PROJECT			3 525 000	3 525 000	3 007 500	85	517 500	15	517 500				

NOTE: DO NOT MIX IB AND INV IN THE SAME ACTIVITY ROW. USE SEPARATE ROW

Amounts net of VAT

(1) In the Activity row use "X" to identify whether IB or INV

(2) Expressed in % of the **Public** Expenditure (column (b))

(3) Expressed in % of the **Total** Expenditure (column (a))

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Service Contract	Q2 2011	Q 1 2012	Q 1 2014
Supply Contract	Q3 2012	Q 1 2013	Q 4 2014

6. Cross cutting issues

The crosscutting issues will be addressed throughout the project. Up to 10% of the budget of the service contract for tender support supervision and training may be allocated to assist the different beneficiaries to comply with European standards and best practices, implement relevant existing Government strategies and develop internal measures to ensure each crosscutting issue is appropriately mainstreamed.

Throughout the project cycle, in particular when developing project ToR, state actors specifically addressing (one of) the cross cutting issues shall be consulted.

The mainstreaming of the cross cutting issues is regarded on two different levels: (a) Ensuring that the internal policies, structure or operating procedures of the beneficiary agency will conform to and promote the relevant principles outlined per section below and (b) ensuring that the products, outputs produced by the beneficiaries (e.g. laws, regulations, policies, and strategies) will conform to and promote the relevant principles outlined per section below.

6.1 Equal opportunity and non-discrimination

The project implementation will ensure the observance of the principles of equal opportunities and non-discrimination. Equal gender opportunities will be fully respected in the composition of the Steering Committee and where necessary. In addition to this, the internal policies, structure or operating procedures of the beneficiaries, as well as products and outputs produced by the beneficiaries (e.g. laws, regulations, policies, and strategies) will conform to the relevant principles of equal opportunities and non-discrimination.

6.2 Environmental considerations

The European Community has a longstanding commitment to address environmental concerns in its assistance programmes (as part as a wider commitment to sustainable development). Key references include art. 6 of the Treaty and the Cardiff process which foresees the systematic consideration of environmental aspects into EC development cooperation and in other policies (hence very important for the *acquis*). The support will include a specific component to assist the beneficiary to improve its internal performance vis-à-vis environmental aspects.

6.3 Support to minorities and vulnerable groups

Where the main reference in the country in relation to minority groups is the Ohrid Framework Agreement, in an EU context, reference is made to the “Race directive” of 2000 (2000/43/EC of 29 June), which has an important impact on employment (incl. vocational training, working conditions, social protection etc.) and is also a crucial aspect of the *acquis*.

The beneficiary will be assisted to identify areas where it could improve its internal performance vis-à-vis minorities or other vulnerable groups.

6.4 Civil Society Development and Dialogue

The project will support the efficiency of the judiciary but at the same time the observance of human rights within the criminal procedure. The civil society will be involved in the assessment of the efficiency of the judiciary and development of the system for measuring the efficiency of the improved legal framework.

6.5 Good governance, with particular attention to fight against corruption

The project will support the improving the accountability, transparency and impartiality of the judges and prosecutors, the management of the human resources and the judicial budget hence contribute to the strengthening of the principle of good governance within the judicial sector, including fight against corruption within the judiciary.

ANNEX I - Log frame in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche: Further support to independent, accountable, transparent, professional and efficient judicial system and promotion of probation service and alternative sanctioning	Programme name and number: National Programme for the former Yugoslav Republic of Macedonia under the IPA Transition Assistance and Institution Building Component for 2010 CRIS number :		
	Contracting period expires two years from the date of the conclusion of the Financing Agreement	Execution period expires two years from the final date for contracting	Disbursement period expires one year from the final date for execution of contracts.
	Total budget: EUR 3 525 000		IPA budget: EUR 3 007 500

Overall objective	Objectively verifiable indicators	Sources of Verification	
The project overall objective is to strengthen the independence, accountability, transparency, impartiality, professionalism and efficiency of the judiciary and to improve the system for execution of alternative measures through establishment of probation service.	<ul style="list-style-type: none"> - Strengthened capacities of the Judicial Council, the Council of Public Prosecutors; - Development of the penitentiary system and setting up of the probation service. 	<ul style="list-style-type: none"> - Court records, reports and statistics; - Monitoring reports; - EC Peer review reports. 	
Project purpose The project purpose is to strengthen the capacity of the Judicial Council and the Council of Public Prosecutors for an efficient performance of their tasks related to selection and appraisal of judges and prosecutors, human resources planning, court management and transparency in judiciary. In addition, the project will support the Directorate of Execution of Sanctions in the enforcement of alternative measures through the establishment of a probation service in line with EU and international human rights standards.	Objectively verifiable indicators <ul style="list-style-type: none"> - Increased percentage of quality performance for the judges, public prosecutors, courts PPOs; - Judiciary budget sufficiently corresponding to the specific needs of the judicial institutions; - Increased trust among the users of judicial services. 	Sources of Verification <ul style="list-style-type: none"> - Statistics; - Monthly monitoring progress report from SPO to CFCD; - Reports by the Ministry of Justice and the Public Prosecutor; - EC Peer reviews; - Reports of the Judicial Council; - Reports of the Council of Public prosecutors; - Assessments by the Directorate for execution of sanctions; 	Assumptions <ul style="list-style-type: none"> - Government commitment to judiciary reform; - Successful continuation of the reform in the judiciary; - Willingness and active interest of the participants; - Willingness of relevant beneficiaries to participate in training.

		<ul style="list-style-type: none"> - Regular reports of European Commission; - Independent assessments including civil society reports. 	
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p>Component 1: Support to the Judicial Council and Council of Public prosecutors to strengthen the independence, accountability, professionalism and efficiency of the judiciary</p> <ul style="list-style-type: none"> - Assessment report of the legal framework regulating the functioning and accountability of the Councils prepared; - Assessment report of the legal framework regulating the work of the supporting/administrative staff of the Councils prepared and recommendations for further improvement of the organisational structure within the Councils delivered; - Assessment report of the legal framework regulating the work of the Council for Court Administration and the clerks in public prosecutor's offices prepared and recommendations for further improvement delivered; - Training needs assessment for court administration and the PPO clerks, training curricula and program prepared and training delivered; - System for strategic planning of the Councils developed and results on improved methodology for strategic planning delivered; - Rulebook for appraising the performance of judges and the system for monitoring and evaluation of the judges developed and enhanced; - System for monitoring and evaluating the 	<p>Component 1: Support to the Judicial Council and Council of Public prosecutors to strengthen the independence, accountability, professionalism and efficiency of the judiciary</p> <ul style="list-style-type: none"> - Assessment report of the legal framework regulating the functioning and accountability of the Councils approved by the two Councils; - Assessment report of the legal framework regulating the work of the supporting/administrative staff of the Councils approved and number of recommendations for further improvement of the organisational structure adopted and implemented by the Councils; - Assessment report of the legal framework regulating the work of the Council for Court Administration and the clerks in public prosecution offices adopted and recommendations for further improvement implemented; - Training needs assessment and program prepared for strengthening the capacities of the Council of Court Administration and the PPO clerks adopted and number of trainings delivered; - Methodology for strategic planning adopted by the Councils and implemented; - Adoption by the Councils of the improved system for appraisal and monitoring of the performance of judges and prosecutors based on the Rulebook for appraisal of the performance of judges; number of monitoring activities and number of appraisals conducted; 	<ul style="list-style-type: none"> Reports on the implementation of Strategy in order to reform the judiciary; Reports from the EC Delegation; Legal documentation; Court budget reporting; Training evaluation reports reviews; Reports from the Judicial Council and the Council of Public Prosecutors; List of participants in Reports from the monitoring of the trainings; training certificates; Agendas and reports of meetings; final conclusions and other relevant documentation; Reports from the Directorate for execution of sanctions. 	<ul style="list-style-type: none"> o Government commitment to judiciary reform; o Successful continuation of the reform in the judiciary; o Willingness and active interest of the participants; o Willingness of relevant beneficiaries to participate in training.

<p>work of the public prosecutors developed and harmonised with the existing system for monitoring and evaluation of the judges;</p> <ul style="list-style-type: none"> - Methodology and strategic plan for determining the number of candidates for admission in the Academy for the Training of Judges and Public Prosecutors in accordance with the needs in the basic courts and basic public prosecutions prepared and implemented; - System for promotion to higher instances of courts and public prosecutors offices developed and introduced ; - By-laws, Code of Ethics, tools for ensuring integrity and impartiality for the Councils members as well as for judges and public prosecutors delivered and implemented by the Councils; - Mechanisms for detection and sanctioning of corruption cases within courts and public prosecutor's offices established and developed; - Training needs assessment, training curricula and programme prepared for strengthening the capacities of the members and supporting staff of the Judicial Council and the Council of Public Prosecutors for implementation of the relevant legal framework including the rules on appraisal of judges and public prosecutors, and in particular on policy planning and development, budget, court management and human resources planning; - Organisation of trainings for the Councils' members and their supporting/administrative staff; - Study visits for developing comparative 	<ul style="list-style-type: none"> - Methodology and strategic plan for determining the number of candidates for admission in the Academy for the Training of Judges and Public Prosecutors in accordance with the needs in the basic courts and basic public prosecutor's office adopted and implemented by the Councils; - System for promotion in the higher instances of courts and public prosecutors offices adopted and implemented by the Councils and number of promotions based on the new system; - By-laws, manuals, tools/methodology to protect and preserve the integrity and impartiality of the Councils' members adopted by the Councils, Code of Ethics for the Councils' members as well as for judges and public prosecutors adopted; - Number of detected and sanctioned corruption cases within courts and public prosecution offices; - Training needs assessment, training curricula and programme prepared for strengthening the capacities of the members of the Judicial Council and the Council of Public Prosecutors as well as their supporting/administrative staff for practical implementation of the relevant legal framework including the rules on evaluation of the work of the judges and prosecutors, and in particular on policy planning and development, budget, court management and human resources planning; - Number of training sessions organised and number of members and supporting staff of the Judicial Council and the Council of Public Prosecutors trained for implementation of the relevant legal framework including the rules on evaluation of the work of the judges and prosecutors, and in particular on policy planning and development, budget and human 		
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<p>analyses and exchange of knowledge and experience with peers in EU Member States;</p> <ul style="list-style-type: none"> - System for collection and processing of data for monitoring performance of the courts, prosecutor's offices and judiciary in general developed and implemented and reports prepared; - Financial needs assessed, budget planning, management and disbursement to the courts developed and specified; - Financial needs, budget planning, management and disbursement to the public prosecutors offices developed and specified; - Instruments/methodology for increasing transparency and communication with public (preparation of strategy, bylaws, communication program etc) developed; - Trust in the judiciary system by the citizens' increased, legal culture disseminated by increasing the transparency of the work of the Councils. <p>- Component 2: Support to the Probation service and efficient execution of alternative measures in line with EU and international human rights standards</p> <ul style="list-style-type: none"> - Legal framework for probation service developed and adopted; - Probation service established and fully 	<p>resources planning;</p> <ul style="list-style-type: none"> - Number of study visits organised for strengthening the cooperation with peers in EU countries and exchange of experience on organisation and functioning of the judiciary in other EU countries; - Data on the efficiency and performance of the courts and public prosecutors offices and judiciary in general based on the new system for collection and data processing's for monitoring the work of the courts and prosecutors offices including indicators for the performance in place; - Methodology for assessment of financial needs, budget planning and disbursement for the courts adopted by the Judiciary Council and reports endorsed; - Methodology for assessment of financial needs, budget planning and disbursement for the public prosecutors offices adopted by the Council of Public Prosecutors and reports endorsed; - Instruments/methodology for increasing transparency and communication with public (preparation of strategy, bylaws, communication program etc) implemented by the Councils; - Public survey on the level of trust in the judiciary conducted. <p>Component 2: Support to the Probation service and efficient execution of alternative measures in line with EU and international human rights standards</p> <ul style="list-style-type: none"> - Law on probation service as well as related bylaws adopted; - Training assessments carried out, training 		
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<p>operational with qualified personal employed;</p> <ul style="list-style-type: none"> - Enforcement of alternative measures such as house arrest developed and enhanced; - Treatment of the convicts in the process of re-socialisation (work engagement as a part of the treatment) further enforced and enhanced; - Technical specifications for house arrest equipment - transmitters carried by the offender and IT equipment prepared; - Equipment for house arrest installed and fully functioning; - Community work introduced and further developed; - Public awareness of the characteristics and the meaning of the alternative measures increased. 	<p>curricula for probation service developed and number of trainings delivered;</p> <ul style="list-style-type: none"> - Approx. 10 % decrease in the number of convicts in the prisons one year after the implementation of the alternative measures; - Approx. 20% increase in the number of the work engaged prisoners by 2013; - Technical specifications for house arrest equipment transmitters carried by the offender and IT equipment adopted; - Provision of equipment for execution of house arrest, in at least 4 probation services; - Introduction of the community work in the institutions provided by the law and number of trainings for the staff delivered; - Approx. 20% increase by the end of 2013 in public awareness of the characteristics and the purpose of alternative measures. 		
Activities	Means	Costs	Assumptions
<p>Component 1: Support the Judicial Council and Council of Public prosecutors to strengthen the independence, accountability, impartiality, transparency and efficiency of the judiciary</p> <ul style="list-style-type: none"> - Analysis of the legislative framework regulating the functioning and accountability of the Councils; - Analysis of the legislative framework regulating the functioning of the supporting/administrative staff of the Councils, review the description of their work duties and prepare recommendations for further improvement of the organisational structure within the Councils; - Preparation of assessment report of the legal framework regulating the work of the Council for Court Administration and the PPO clerks and recommendations for further improvement developed; 	<p>One service contract following an international restricted tender procedure;</p> <p>One supply contract following an International open tender procedure.</p>	<p>EUR 2 425 000 (EUR 2 182 500 is IPA contribution, EUR 242 500 is national co-financing);</p> <p>EUR 1 100 000 (the amount of EUR 825 000 is IPA contribution and the amount of EUR 275 000 is national co-financing).</p>	<ul style="list-style-type: none"> - Considerable commitment of the participants; - Beneficiaries commitment to prepare the necessary preparations; - Ministry of Justice, Judicial Council of RoM, Council of Public Prosecutors of RoM, Courts; - Directorate for execution of sanctions Centres for Social affairs, Academy for training of judges and prosecutors commitment to share tasks and responsibilities.

<ul style="list-style-type: none"> - Conducting training assessment, preparation of training curricula and delivery of training for the staff at the Council of Court Administration and the PPO's clerks; - Analysis of the strategic planning of the Councils and prepare proposals for improving the methodology for strategic planning; - Analysis of the Rulebook for appraisal of the performance of judges and prepare recommendations for further development of the system for monitoring and evaluation of the judges; - Develop efficient system of the Council of Public Prosecutors for monitoring and evaluation of public prosecutors harmonised in line with the system for monitoring and evaluation of the judges; - Improve human resources management, analyse and prepare methodology and criteria for a strategic plan to establish the number of candidates for admission in the Academy for the Training of Judges and Public Prosecutors in accordance with the needs of the basic courts and basic public prosecutions; - Develop a system for promotion of judges and public prosecutors in the higher instances of courts and public prosecutors on the basis of positive evaluation and results of the work of judges and public prosecutors; - Assess and develop tools/methodology to protect and preserve the integrity and impartiality of the Councils members, develop Code of Ethics for the Councils members as well as for judges and public prosecutors and develop tools for monitoring the implementation thereof; - Develop mechanisms for detection and sanction of corruption cases within courts and public prosecution offices; 			
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<ul style="list-style-type: none"> - Conducting training needs assessment, preparation of training curricula and programme and delivery of training for the members and supporting/administrative staff of the Judicial Council and the Council of Public Prosecutors for implementation of the relevant legal framework including the rules on evaluation of the work of the judges and prosecutors, and in particular on policy planning and development, budget and human resources planning; - Organisation of study visits to develop a comparative analysis and exchange of knowledge and experience with similar institutions in EU Member States; - Develop a reliable and comprehensive system for collection and data processing for monitoring the performance of the courts, prosecutors' offices and judiciary in general, including performance indicators; including recommendations for establishing monitoring methods as well as application of the developed indicators for measuring the efficiency and processing of data; - Assess the current budget, improve the methods for assessment of the financial needs and allocation of the funds to the courts; - Assess the current budget, improve the methods for assessment of the financial needs and allocation of the funds to the public prosecutors offices; - Develop instruments/methodology for increasing transparency and communication with public and ensuring implementation (preparation of strategies; bylaws, communication program etc); - Conduct survey on the public opinion on the judiciary in the country. 			
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<p>Component 2: Support to the Probation service and efficient execution of alternative measures in line with EU and international human rights standards</p> <ul style="list-style-type: none"> - Preparation of the law on probation and of secondary legislation; - Setting up of the Probation Service authorised to enforce and supervise the execution of alternative measures and ensure specialised training for the probation officers for all the tasks included in their job description (provision of assistance and support to the person to whom an alternative measure was imposed, provision of assistance to the convicted persons after the serving of the sentence imprisonment); - Assistance for a plan/strategic document for implementation of the execution of the alternative measures such as house arrest as well as sanctioning of the improper behaviour of the person to whom an alternative measure was imposed; - Analysis of the needs and the economic possibilities for the training of the convicts in order to engage them in the production of certain products (i.e. working engagement as a part of the treatment) and satisfy certain needs of the prison institutions; - Preparation of technical specifications for house arrest equipment - transmitters carried by the offender and IT equipment; - Provision and installation of a bracelets - transmitters carried by the offender and IT equipment for the enforcement of the house arrest and training of the staff; - Training of the staff in the civil services, public enterprises, and humanitarian organisations (where according to the law, the community work is performed) in order to 			
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accept the offender during the execution of the penalty; - Training of the professional public (journalists) in terms of proper information and promotion on media campaign activities for improving the perception of the alternative measures			
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ANNEX II - Amounts (in EUR) contracted and distributed per Quarter over the full duration of Programme

	2012				2013				2014			
Contracted	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Service contract	2 425 000											
Supply contract					1 100 000							
Cumulated	2 425 000				3 525 000							
Disbursed												
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Service contract	727 500			727 500		727 500			242 500			
Supply contract					660 000			440 000				
Total	727 500			1 455 000	2 115 000	2 842 500		3 282.500	3 525 000			

ANNEX III – Description of Institutional Framework

Ministry of Justice

The Ministry of Justice performs functions related to: the judiciary, public prosecutor's office and public attorney's office; state administration; criminal liability and liability for misdemeanours; notary activities, the bar and other types of legal aid; inheritance, ownership, property rights and obligations; international legal aid; execution of sanctions regarding criminal acts and misdemeanours; organisation and management of penitentiary and correctional institutions; amnesty and pardon; expert testimony, court expertise; the election system, keeping records of the right to vote; criminal, misdemeanour, litigation and no contentious procedure, enforcement, and administrative procedure; administrative inspection.

According to the law on **courts** enacted in 2007 in the framework of the Strategy for Reform of the Judiciary, the judicial power is exercised by 27 basic courts (established for one or more municipalities), the Administrative Court (with jurisdiction on the entire territory of the country), 4 appellate courts and the Supreme Court (having jurisdiction on the entire territory of the country). The Basic Court Skopje 1 is a criminal law court which has a section specialised on organised crime and corruption cases with jurisdiction on the entire territory of the country.

The Public Prosecutor's Office is the sole and autonomous state authority which prosecutes the perpetrators of criminal and other punishable acts as determined by law. The General Public Prosecutor is appointed and dismissed by the Assembly. The mandate of the General Public Prosecutors is of six years, renewable. Public prosecution is organised according to the Public Prosecution Act on three levels as follows: the General Public Prosecutor's Office (headed by the General Public Prosecutor and 10 deputies); the high public prosecutor's offices and the basic public prosecutor's offices. The General Prosecutor's Office is attached to the Supreme Court and has competence in proceedings of extraordinary legal remedies. There are three departments in the General Public Prosecutor's Office: Criminal, Civil and International Co-operation. There are 4 high public prosecutor's offices in Skopje, Bitola, Stip and Gostivar which are attached to the compatible Courts of Appeal and 22 basic public prosecutor's offices which are attached to the basic courts.

The **Judicial Council** is an autonomous and independent judicial body. The Council ensures and guarantees the independence of the judiciary. The Council was set up in November 2006. and it consist 15 members. Of these, the President of the Supreme Court and the Minister of Justice are *ex officio* members, 8 members are elected by the judges among their peers, 3 members are elected by the Parliament and 2 are nominated by the President of the Republic and elected by the Parliament.

A **Council of Public Prosecutors** was established on 4 August 2008 and is fully operational. The Council is an independent body which guarantees the autonomy of the public prosecution service and has competences on the public prosecutor's career-related matters. The Council has 11 members.

A **Council on Court Administration** within the Supreme Court was established in January 2009 to ensure implementation of the law. The Council consists of nine members (of whom five members from among the court administrators). The court administrator of the Supreme Court is a permanent member of the Council. The court administrators of the Administrative

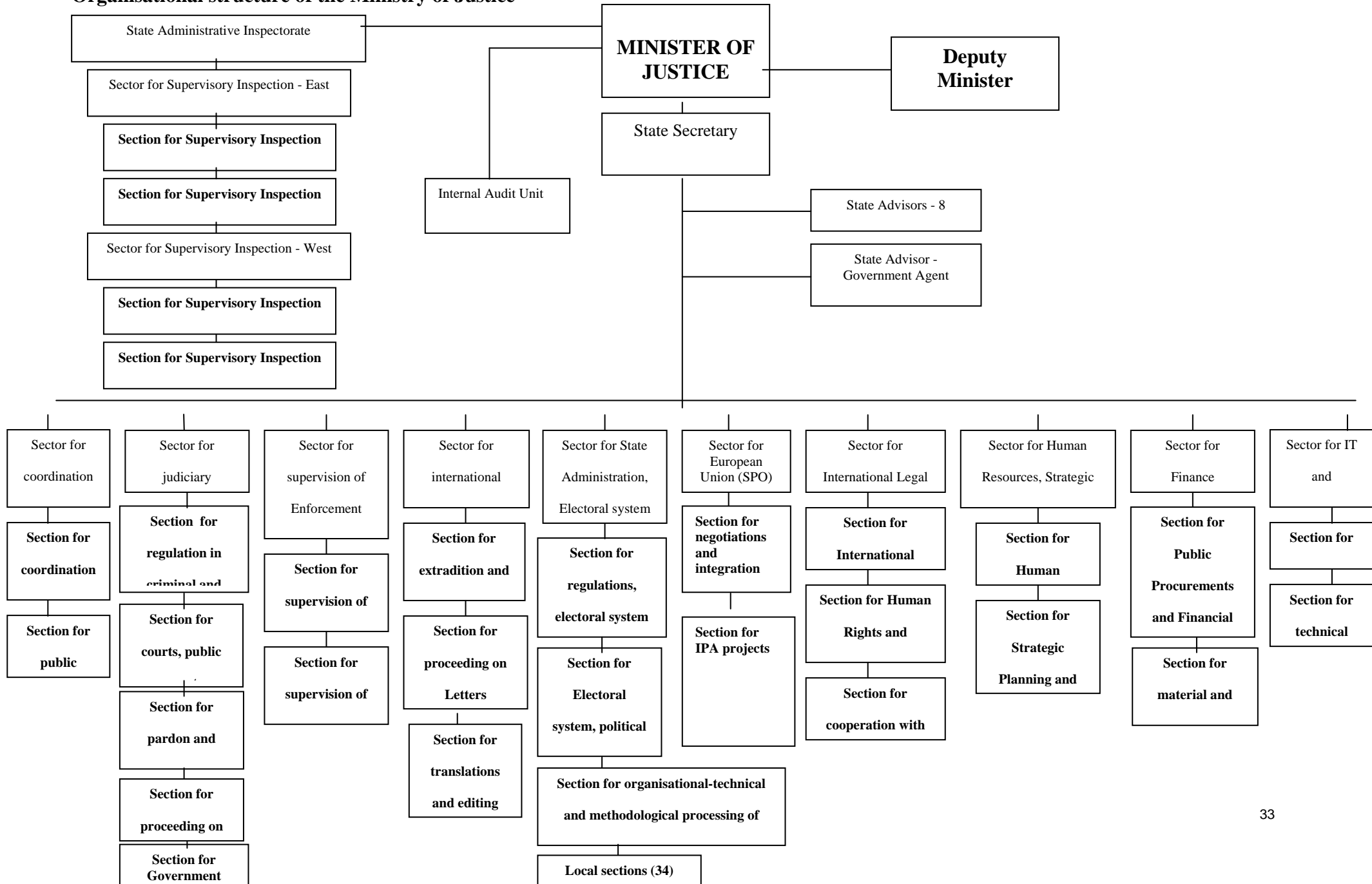
Court, the appeal courts and basic courts will rotate every two years. Also, 4 members of the Council who are court presidents will be elected on rotational system for a two-year mandate.

The courts' budget is being managed by the **Courts Budget Council**. Since January 2009 the Courts Budget Council functions within the Judicial Council (previously it was part of the Supreme Court structure). The Courts Budget Council has 9 members, including the president (i.e the president of the Judicial Council) and performs the following tasks: sets the criteria and methodology for the drafting of the court budget; determines the budget allocations to all courts; ensures the duly execution of the courts' budget; approves the funds for new employments in courts; appoints the internal auditor; enacts the internal acts; prepares the annual report for execution of the courts' budget; amends the allocation of funds, etc.

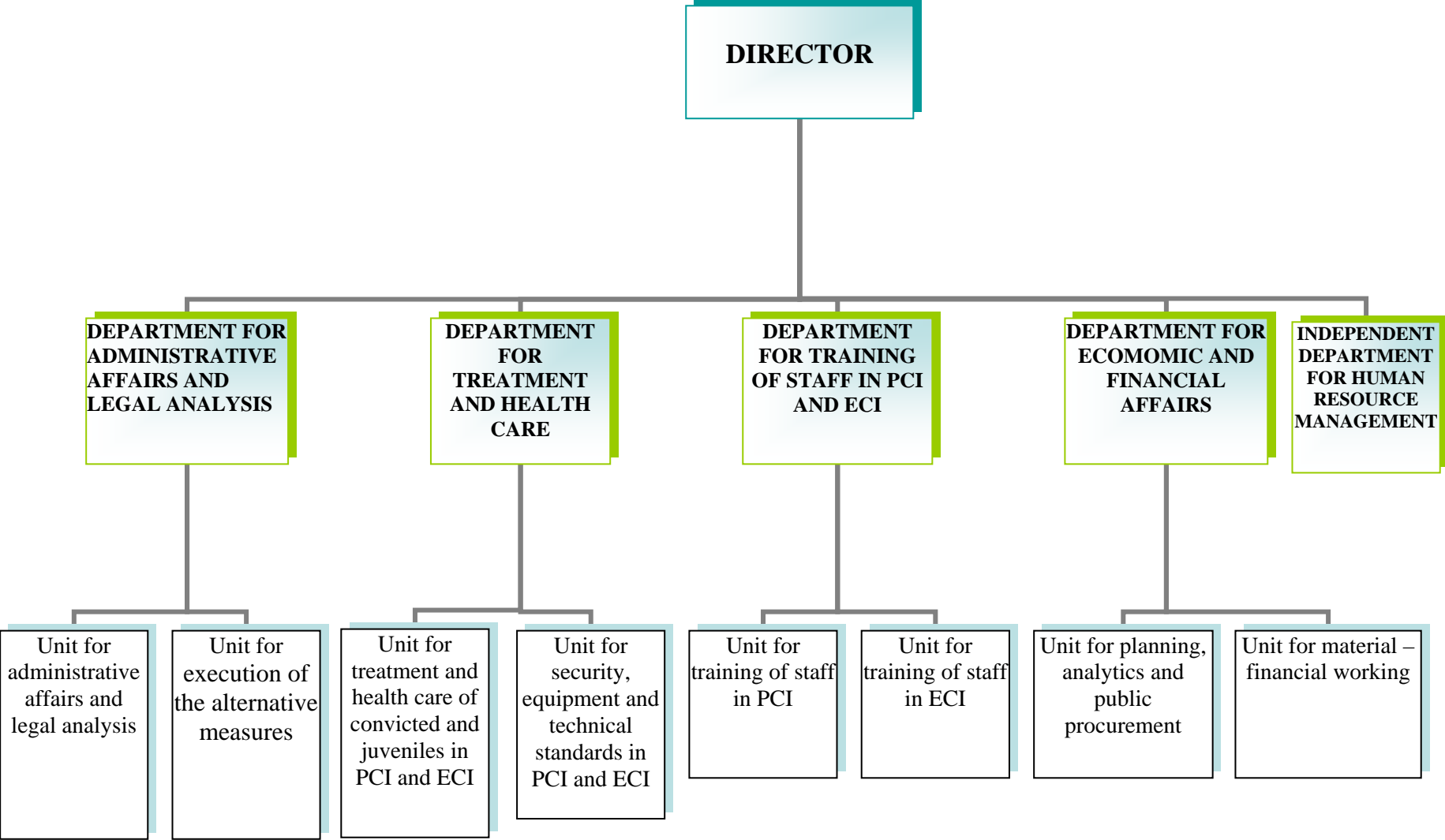
Directorate of Execution of Sanctions. The penitentiary system is a network of penal correctional facilities. The execution of sanctions is within the competences of the Directorate of Execution of Sanctions. Imprisonment penalty is executed in penal correctional facilities, while the educational measure 'sending in educational – correctional house' is executed in educational - correctional facilities. All facilities have legal personality. There are 11 penal-correctional and 2 educational–correctional facilities in the country where 726 persons are employed and 2,370 persons are serving the sentence of imprisonment, the detention measure and the educational measure 'directing to educational – correctional house' .(*Note: the data corresponds to 2008*)

The Academy for training of judges and public prosecutors started its activities in November 2006. The Academy is a public institution performing activities of public interest, and has the status of a legal entity with registered offices in Skopje. The Academy is an autonomous institution, with its own budget, premises, modern teaching equipment and its own human resources. The fundamental function of the Academy is to ensure competent, professional, independent, impartial and efficient execution of the judicial and prosecutorial function through selection, organisation and implementation of initial training for candidates to judge and prosecutor positions, and through provision of continuous professional training of sitting magistrates and other members of the judiciary.

Organisational structure of the Ministry of Justice



Organisational structure of the Directorate for Execution of Sanctions



ANNEX IV - Reference to laws, regulations and strategic documents

Reference to relevant laws and regulations:

- Law on Judicial Council (2006);
- Law on Council of Public Prosecutors (2007);
- Law on Academy for Training of Judges and Prosecutors (2006);
- Law on Criminal Procedure (1997,2005, 2008);
- Criminal Code (1996, 1999, 2002, 2003, 2004, 2005, 2006, 2008);
- Law on Public Prosecutor's Office (2007, 2008);
- Law on Public Prosecutor's Council (2007);
- Law on managing with confiscated property, property gains and deprived objects in criminal and misdemeanour procedure (2008);
- Law on Courts (2006, 2008);
- Law on execution of sanctions 2/2006 and the implementing legislation.

Reference to AP/NPAA/EP/SAA

The project is in line with the **Accession Partnership**, which stresses out a series of priorities to be addressed in the judicial reform. The Partnership stresses the importance to:

- establish a sustained track-record on implementation of judiciary reforms;
- strengthen the independence and overall capacity of the judicial system;
- implement the reform of the prosecution and finalise the appointment of the Judicial Council;
- establish a sustained track record on implementation of anti-corruption legislation;
- further develop initial and continuous training in the Academy for the Training of Judges and Prosecutors;
- implement fully the recommendations made by the Group of States against Corruption (GRECO);
- further strengthen cooperation among institutions;
- provide sufficient resources to bring prison conditions up to a higher standard;
- implement measures to repair a national strategy and action plan for building up the capacity necessary to implement and enforce the *acquis* with particular focus on the need to provide specialised training for law enforcement bodies, judges, prosecutors and customs officials.

The **National Program for Adoption of Acquis** foresees activities for further improvement of the efficiency and effectiveness in the work of judiciary through legal harmonisation, training and IT infrastructure. In addition, the NPAA provides measures for strengthening the independence of the judiciary through increasing capacities of the courts, public prosecutor's offices, Judicial Council, Council of Public Prosecutors and of the Academy for the Training of Judges and Prosecutors. Also, the NPAA provides for the completion of the legal framework for full implementation of the law on execution of sanctions and for the improvement of the conditions in the penitentiary institutions.

The project will also contribute towards the implementation of the **Stabilisation and Association Agreement** commitment for increased cooperation in justice and home affairs, notably as regards the provisions of Article 68 on reform of the judiciary; Article 74 on the cooperation in the field of justice with focus on the independence of the judiciary, the improvement of its effectiveness and the training of the legal professions; Article 78 on the

cooperation in fighting and preventing criminal and illegal activities organised or otherwise, including organised crime and corruption and Article 105 on financial assistance to the harmonisation of legislation and cooperation policies of SAA, including justice and home affairs.

Reference to MIPD

In the field of judiciary, EU assistance will help complete the implementation of the Strategy and Action Plan on Judicial Reform. Specific elements of the Judicial Reform Strategy that need further attention include the independence and efficiency of the court system, the Public Prosecutor's Office, the Administrative Court and the basic courts that have specialised departments for cases of organised crime and corruption, the implementation of the juvenile justice system, and the Academy for Training of Judges and Prosecutors.

Reference to National Development Plan

N/A

Reference to national/ sectoral investment plans

- Strategy of the Reform of the Criminal Legislation, 2007 and Action Plan;
- Strategy of the Reform of the Judicial System with Action Plan, 2004;
- Annual Working Programme of the Government;
- Working Programme of the Ministry of Justice, 2009;
- Strategic Plan of the Ministry of Justice 2009-2011;
- Action Plan of the Government for fight against corruption 2007-2011;
- National Programme for Prevention and Suppression of Corruption of the State Commission for Prevention of Corruption 2007-2011;
- Strategic document of the Directorate for execution of sanctions.

Reference to Progress Report 2009

The EC Progress report 2009 notes that progress was made on implementation of the 2004 strategy for judicial reform, which is a key priority of the Accession Partnership. A track record on implementation of the legislation on the court system and procedures was gradually established. The appointments of new judges and public prosecutors were made in line with the new procedures that provide for independent appointments by the two Councils. However, continued efforts are needed to ensure the independence and impartiality of the judiciary, in particular through the implementation of the provisions regarding appointments and promotions.

Some progress was made with the **prison system**. The government adopted an action plan for construction, refurbishment and maintenance of prisons for 2009. The refurbishment works for the section for chronically ill and disabled detainees within Idrizovo prison were finalised and a new remand wing in the Skopje prison was completed. However, additional efforts are needed to address the dire state of some prisons, notably Idrizovo, where inhuman and degrading conditions persist. Overcrowding remains a major problem. The healthcare system in prisons is inadequate. No effective mechanisms are in place to prevent and combat corruption among prison staff. Prison staff is not systematically trained. The treatment of vulnerable prisoners is not satisfactory. The juveniles continue to mix with adult prisoners.

ANNEX V - Details per EU funded contract

Management and contracting arrangements

One project steering committee will be established for the different components of the projects to oversee the implementation process of the project activities. The contract to support the project will contain next to a team leader additional expertise to assist in key tasks, in line with the components and all different activities. Some of these experts will address the crosscutting issues.

The team leader will be responsible for the overall management, representation (co-ordination with the EU and other international bodies) as well as reporting. The co-ordination of activity development in the different components of the activity is significantly important. The team leader is responsible for an appropriate management of resources. During the inception phase of the project, a detailed deployment plan will be developed under the coordination of a steering committee in which each co-operating national institution will be represented to ensure appropriate inclusion.

The expected contracting arrangements are:

One Service contract will be concluded for implementation of Component 1 and Component 2. The contract has a budget of EUR 2 425 000 out of which EUR 2 182 500 IPA contribution and EUR 242 500 national co-financing. The contract has an expected duration of 12 – 24 months.

One Supply contract will be developed for the provision of equipment for the Component 2 and the enforcement of the house arrest. The supply contract has a budget of EUR 1 100 000, out of which EUR 825 000 IPA contribution and EUR 275 000 national co-financing. The contract has an expected duration of 9 months for delivery and training in equipment use, and subsequent 12 months warranty period, hence an overall duration of 21 months. The supply contract is to start max 12 months after the beginning of the service contract