

Project fiche 1.3: Further strengthening of the judiciary

1. Basic information

- 1.1 CRIS Number:** 2008/20-311
1.2 Title: Further strengthening of the judiciary
1.3 ELARG Statistical code: 1.23
1.4 Location: Skopje

Implementing arrangements

1.5 Contracting Authority (EC)

European Commission, EC Delegation, on behalf of the beneficiary

1.6 Implementing Agency

European Commission, EC Delegation, on behalf of the beneficiary

1.7 Beneficiary (including details of project manager):

The chairperson of the steering committee for the project supporting the Academy for Judges and Prosecutors as well as the Steering Committee for the Juvenile Justice Project will be appointed by the Ministry of Justice, in order to ensure appropriate coordination within the context of Judicial Reform:

Contacts:

Senior Programming Officer

Mrs. Frosina Tasevska, Head of Unit for integration and negotiation, Ministry of Justice

Email: ftasevska@mjustice.gov.mk, Tel: +389 2 3106 552, Fax: +389 2 3226 975

The Direct Beneficiaries are:

- 1) The Public Prosecutor Office
- 2) The Academy for Judges and Prosecutors

Through the grant to UNICEF, beneficiaries will include the Academy for Judges and prosecutors, the judiciary staff involved in juvenile justice on central and local level, social workers and others involved in juvenile justice.

1.8 Overall costs (VAT excluded)¹: EUR 1.800.000

1.9 EU contribution: EUR 1.600.000

1.10 Final date for contracting

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

1.11 Final date for execution of contracts

Two years from the final date for contracting

1.12 Final date for disbursements

¹ The total costs 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.

One year from the final date for execution of contracts

2. Overall Objective and Project Purpose

2.1 Overall Objective

The overall objective of the project is to further strengthen the independent and efficient judicial system.

2.2 Project purpose

The project purpose is to support the implementation of an investigative database in the field of organized crime and corruption, to further strengthen the institutional capacity of the Academy for Training of Judges and Public Prosecutors, and to strengthen capacities for the implementation of the Reform on the juvenile justice.

2.3 Link with AP/NPAA/EP/SAA

The programme will contribute towards the implementation of the **Stabilisation and Association Agreement** commitment on increased cooperation in justice and home affairs, its Article 68 on reform of the judiciary, Article 74 on the reinforcement of machinery of justice and on cooperation in the field of justice with focus on the independence of the judiciary, the improvement of its effectiveness and training of the legal professions and Article 105 on financial assistance to the harmonisation of legislation and cooperation policies in the field of justice.

For judiciary reforms, the **Accession Partnership** outlines a series of priorities to be addressed. The **Partnership** stresses the importance of establishing a sustained track record on implementation of judiciary reforms and strengthening the independence and overall capacity of the judicial system. It calls for furthering initial and continuous training in the academy for judges and prosecutors and completing the setting-up of the new court structures and allocating appropriate resources to ensure that they are fully operational and enhance their efficiency. Furthermore, the **Partnership** points at the importance of ensuring proper and full execution of court rulings and implementing fully the rules applying to ethics, internal control, professional and human rights standards in the judiciary and the prison administration, including by regular training.

The **National Plan for Adoption of Acquis** with regard to judiciary reforms intends to further pursue efficiency and effectiveness in the work of judiciary through legal harmonisation, training and IT infrastructure, strengthen the independence of the judiciary through increasing capacities of the Public Prosecutor's Office and of the Academy for Training of Judges and Prosecutors, and implement the juvenile justice system,

2.3 Link with MIPD

The **Multi-Annual Indicative Planning Document (MIPD)** indicates that continuous efforts towards full independence, efficiency and accountability of the judiciary remain necessary. It highlights the judiciary reforms as essential to improving the economic development in the country. It states that particular attention should be paid to completion of the implementation of the Strategy and Action Plan on Judicial Reform, and to further develop it, as well as to support further reform efforts and to improve the overall functioning of the judiciary. As specific elements of the Judicial Reform Strategy, it underlines the independence and efficiency of the court system, the Public Prosecutors' office, the implementation of the juvenile justice system, and the Training Academy for judges and prosecutors.

2.4 Link with National Development Plan

The **National Development Plan** underlines the need for judiciary reform in order to enhance the competitiveness of the country's economy. It highlights that the country is facing numerous challenges that derive from, among others, a weak judicial sector. It calls for establishment of an efficient judiciary system through legal development, competence based judiciary career, improvement of the court administration and its efficiency, enhancing the enforcement of the court decisions, strengthening the professionalism of the judiciary through a special training institution for judges and prosecutors (Judges and Public Prosecutors Academy), providing independence of the judiciary and overcoming judicial bottlenecks and long duration of court processes.

2.6 Link with national/ sectoral investment plans

The project directly links to the following key strategies and action plans in the sector (see for a more extensive list annex 3):

- Strategy of the Reform of the Judicial System, 2004
- Action Plan of the Strategy for Reform of the Judicial System, 2004
- Working Programme of the Ministry of Justice, 2008
- Action plan for the implementation of the juvenile justice law, 2008
- Strategic Plan of the Ministry of Justice 2006-2008, 2006
- Strategy for ICT in Judiciary 2007-2010, 2007
- Penitentiary Legislation Reform Strategy, 2007
- Programme for Preliminary Teaching for Enrolment on the Academy
- Analysis for Implementation of the Laws in the Field of Judiciary

3. Description of project

3.1 Background and justification

Significant progress has been achieved in strengthening the independence, enhancing the efficiency as well as specialization of the judiciary aimed at assuring free and efficient access to justice and establishment of the rule of law principle as the basis of a stable and modern judicial system. In December 2007 legislative framework deriving from the Strategy for reform of the judiciary was largely finalised. Accordingly, the legislative framework was set up allowing for the process of reform to move into the phase of implementation and enforcement of the legislation. Emphasis was given to the implementation of the Law on Courts (amended in March 2008) which brought significant changes in the judicial organizational set up by the establishment of the Administrative court, the new Appellate court in Gostivar, and after the amendments one specialized unit for organized crime and corruption in Basic Courts Skopje 1, as well as the specialized departments within the 11 basic courts with extended competencies, etc.. The parliamentary procedure for adoption of the Law on court service is underway, following up on the implementation of the Law on courts. This Law will regulate 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 court services.

In order to further guide the development in this sector, number of key priorities have been identified that will need support in the forthcoming period. These priorities are:

- Establishment/implementation of an Investigative database in the field of organized crime and corruption;
- Further strengthening the institutional capacities of the Academy for training of judges and prosecutors, and

- Implementation of juvenile justice reforms.

Investigative database in the field of organized crime and corruption

In July 2007, a new Strategy for Information and Communication Technology (ICT) was adopted by the Government. This Strategy envisage IT technologies, modern case management system, as well as the electronic legal database to be introduced in all courts, public prosecutor offices and other relevant institutions in the justice sector.

These efforts go in line with the initiative of the Slovenian Presidency to favour E-Justice. In order to be consistent in the fight against organized crime and corruption and have efficient access to reliable legal data, there is great need of facts, figures and information. Only when the information is collected, processed, integrated and made accessible throughout the national justice information system, impeccable functioning of the justice system can be secured.

Building upon the draft plan prepared through the Twinning project “Fight Against Organised Crime and Corruption Unit Public Prosecutor’s Offices” and aligned with the recent initiative to coordinate the different investigative databases in the country, a proper consultation process should be established in reaching consensus on this specific issue, in order to conduct investigations and streamline the management, organization and conservation of the collected evidence or other investigative material.

The investigative database in the field of organized crime and corruption is going to be part of the National Intelligence/Integrated database and would allow for exchange of data among relevant law enforcement agencies. This database will be connecting the Basic Public Prosecutors Office for prosecution of perpetrators of the area of organized crime and corruption with the PPO’s and the Investigative Judges, contributing to the overall relevance of the NID. A judicial database is particularly important for the country, given that the country does not have an operational network of IT links between public institutions regarding organized crime, corruption and sensitive information exchange. This database will address this shortcoming. The system (investigative “tactical” and “strategic” database) will establish a versatile electronic archive of the information emerging from criminal proceedings. The structure of the system would be of a modular type and should be operational on national and local level. This will allow for better performance of the tasks entrusted to the relevant law enforcement agencies.

The 2007 Report of the European Commission on the progress achieved by the former Yugoslav Republic of Macedonia in the EU accession process underlined the shortcomings in this area:

*“The sector for criminal analysis ... does not yet act as the national cooperation centre, because no liaison officers have been assigned from the customs service **and no common database has been established. An integrated intelligence system for inter-agency use in combating organised crime is not yet in place. Significant shortcomings remain in the sharing of intelligence and mutual access to databases at inter-agency level...**”.*

Acting upon the Conclusion of the Government (session of 26.11.2007), the Minister of Internal Affairs set up a working group formed of representatives from the Ministry of Internal Affairs, Public Prosecution Office, Ministry of Finance – Public Revenues Department, Customs Administration, Money Laundering and Financing of Terrorism

Prevention Directorate and the Directorate for security of classified information. The working group was tasked to prepare the action plan for setting up the integrated inter-institutional criminal intelligence system.

At present, in accordance with the Conclusion of the Government, there are liaison officers within the institutions participating in the national cooperation center. Its functions will be performed by the Criminal Analysis Sector within the Organized Crime Department in the Ministry of Internal Affairs. In the forthcoming period, the national center will collect, analyze and exchange criminal information among the institutions via the liaison officers.

The establishment of the NID was also recommended by the Peer Review experts on (i) the fight against corruption and fraud, (ii) the fight against organized crime, and (iii) police, who participated in the EU assessment missions in March 2008.

During 7th - 11th April 2008 Workshop, held under the auspices of the UK Anticorruption Umbrella Project, the members of the working group and the IT experts from all law enforcing agencies and from other relevant institutions discussed the data bases issues. All representatives of the agencies involved in the fight against organized crime and corruption indicated the need and the readiness to exchange intelligence data and information, as well as the need to set up the NID. At the same time, with the support of the Italian experts provided under the UK Anticorruption Umbrella Project, the participants prepared a first draft of the Project Initiation Document and the Action Plan for setting up the NID.

Finally, in the document “Measures and activities for realization of the priorities for EU accession” including the country’s commitments in some specific areas, under the Fifth Benchmark (achieve concrete results for implementation of the legislation in the area of anti-corruption), the Ministry of Interior, in cooperation with the competent institutions, is under the duty of presenting an action plan with concrete steps in the view of connecting the data bases among all law enforcement agencies and other relevant bodies.

Academy for training of judges and prosecutors

The Academy for Training of Judges and Public Prosecutors was established in accordance with the reform Law on Academy for training of judges and public prosecutors, which became operational in November 2006. Previous assistance was provided to establish the Academy and a system for judicial training to obtain an efficient and independent judiciary. Further strengthening of the Academy is needed in order to increase sustainability and strengthen its role as a leading training judiciary institution in the country and the region.

Improving the capacity of the training institution in the area of judiciary through the development of networks and the e-learning capabilities, which represents a saving of resources and a crucial tool to increase the quality and the number of trainees with the same number of trainers, is a prerogative for the EU as well.

Although the Academy is well endowed to provide training in the capital, it has transpired that both from a cost point of view (travel, lodging) and sheer availability (time away from the job post), more flexible solutions would increase the coverage and impact of the training provided by the Academy.

To this end, the Academy will be supported to establish an e-learning system and develop mechanisms to allow decentralised training. The decentralised training and the e-learning will increase the capacity of the Academy to respond to its legal obligation of delivering regular continuous training, decreasing significantly the costs and opening more possibilities to the Magistrates. The advantage of e-learning comes to the same goal and responds to the same need. The e-learning will ensure the possibility of covering the entire country whenever it is not possible in presence, decreasing obviously the costs.

Consequently, the Academy will need the necessary facilities in place in order to operate properly. Thus, the Academy will be supported to further develop its EU Library and the web site, the database research facility, the development of a database on national, relevant European and international jurisprudence, as well as their internal electronic filing system, in order to provide information relevant to the magistrates and other officials, as well as to be transparent in providing information on the activities of the Academy to the general public.

Juvenile Justice Reforms

The reform of the juvenile justice sector is an integral part of the ongoing national reform of the judicial system. It complements ongoing reforms by supporting the development of a comprehensive normative framework and institutional set up to administer juvenile justice in line with international and European standards and norms. In the past few years, the country made progress in creating a more restorative justice oriented system. The most recent achievement was the adoption of the new Law on Juvenile Justice (July 2007). In line with international standards and the Convention of the Rights of the Child, the Code includes principles of protection of juveniles and their rights; promotes reintegration in the society and principles of restorative justice to ensure that the juveniles are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence. The Law will come into force on September 1st, 2008. The implementation of the juvenile justice law is the beginning of the most significant restructuring of juvenile justice system in the country in decades.

A UNICEF regional study shows that the country is the second country in the region (after Bulgaria) with highest offending rate, or 1,856 offences committed by or with the participation of a juvenile. The same study reveals that the response to juvenile offending remains largely repressive, with emphasis on punishment and custodial sentencing rather than prevention and rehabilitation. In practice, effective rehabilitation programmes are rare due to the lack of adequately trained social workers, psychologists and special teachers. Increased investment in this sector is crucial to ensure that the planned reforms based on the new Law will be implemented in a timely and effective manner.

According to the currently applicable legal framework, juvenile cases are handled by Specialized Juvenile Departments, which are part of the Court structure. Despite the existence of these departments, the level of specialization of the system remains largely insufficient. Institutional mechanisms to deliver pre-service and in-service training on juvenile justice for judges and prosecutors are not in place yet. The specialization of law enforcement officers to deal with juvenile cases is another key international requirement. The country is unfortunately lagging behind also in this area. Currently, juvenile cases are dealt with by the general police crime department. To address these major shortfalls in the system, the juvenile justice law foresees mandatory training for all professionals dealing with children in conflict with the law. It must be highlighted that judges and prosecutors working with minors do not have the proper specialised training, and in parallel training appears as a necessity for other

professionals involved in minors' cases, as part of the law enforcement agencies and the Centres for Social Welfare dealing with juvenile offenders. Support should also be provided to increase capacity in implementing the new Law and existing alternatives to criminal prosecution (introduction of alternative measures and sanctions, creation of community based service programmes and mediation centres), introduction of standards, protocols and guidance for effective implementation of the Law on Juvenile Justice.

Target groups of this capacity building exercise will include the judiciary, police, probation officers, social workers, students and municipal officials. Different activities will aim at improving the treatment of children during legal and police procedures; improving psycho-social care and protection of children in detention to exposure to the latest methodologies provided to staff dealing with children in prisons; to improve social care and protection of children through assisting social workers and employees within 10 existing Centres for Social Welfare, as well as to assist the municipalities through comprehensive training of local stakeholders on alternative care and protection programmes on local level.

The Juvenile Justice component of the programme will be implemented by UNICEF. However, under the grant arrangement with UNICEF a cooperation arrangement will be established with the Academy for Judges and Prosecutors, in the sense that all training for judiciary personnel will be organised in cooperation with the Academy.

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

The project will seek to strengthen the independence and efficiency of the judiciary as well as its capacity to operate more closely according to the EU standards and best practices. This will allow for better legislative implementation, increased citizens' confidence in the system and improved judicial cooperation within the region and EU. And more broadly, an efficient and professional judiciary will increase confidence amongst potential inward investors.

Well developed capacities of the Academy will have a strong impact in the quality of the training and in number of trainees that participate. The e-learning capabilities will also provide the Courts with technical opportunities to work in a network with other Courts and institutions. This contributes to the main target of bringing all European Magistrates together to fight the common modern types of criminal activities. 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 and needs in the neighbouring countries.

The project will also 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. In addition, the project will complete the reform of legislation and introduce a more effective administration to deal with juvenile offenders with a long term view of reintegrating them in the society and reducing the risk of re-offending.

3.3 Results and measurable indicators²

The project is structured into three components:

- 1) Establishment/implementation of an Investigative database in the field of organized crime and corruption integrated with the National Intelligence Database;
- 2) Further strengthening the institutional capacities of the Academy for training of judges and prosecutors; and
- 3) Implementation of juvenile justice reforms.

Component 1: Establishment/implementation of an Investigative database in the field of organized crime and corruption integrated with the National Intelligence Database

The software for the investigative database will be made available prior to the commencement of this component by a Member State. Through this component the software will be customised to reflect the National Intelligence Database needs and the staff will be trained accordingly.

The expected results are:

- The investigative database is operational on both national and local level, and is increasingly being consulted in investigations;
- The investigative database is part of the National Intelligence database and allows for exchange of data among relevant law enforcement agencies;
- Cooperation arrangements between different participating institution are agreed upon and operational;
- Selected staff in the relevant institutions is conversant with the database and can retrieve and enter information as appropriate; and
- EU legislation and regulations in the field of collecting, storing, processing, transmitting and utilising data and inter-institutional co-operation at national and international level are applied.

The measurable indicators are:

- Number of users connected to the system
- Number of times information is searched in the system
- Signed cooperation agreements between the relevant law enforcement agencies;
- Decreased time needed for information analysis and exchange.
- Number of staff trained;
- Number of trainings held;
- Elaborated training materials, manuals, etc. and their dissemination to the respective staff;
- Browsing (*searching, inserting and deleting of data*) of national data and predisposition to interoperate with international databases; and
- Rapid communication and exchange of data between the country and international organizations involved in fight against organized crime and terrorism by setting up conditions to interoperate with Europol's database and other international databases.

Component 2: Further strengthening of the institutional capacities of the Academy for training of judges and prosecutors

The expected results are:

² Please note that some of the indicators have not yet been quantified or been given a benchmark. This will be done during the development of the detailed Terms of Reference.

- Training Needs Assessment implemented, training implementation plan made and prioritised training is implemented ;
- Training curricula reviewed/assessed;
- E-learning system is operational;
- E-learning training materials are developed;
- E-learning training sessions are available and operational;
- Decentralised training activities are being organised, leading to increased participation of target groups;
- Developed database on national, relevant European and international jurisprudence;
- Gaps in availability of material in the library are identified and subsequently prioritised gaps are filled, leading to increased use of the library;
- Enhanced library collection;
- Functional database research facility, through agreements/subscription with specialised editors;
- Efficient electronic filing system; and
- Learning and research facilities (web site and EU Library) are available for training purposes and accessible to all key players.

The measurable indicators are:

- TNA developed and the implementation plan is drawn up;
- Curricula and training materials available;
- Database on national, relevant European and international jurisprudence developed and operational;
- Training facilities are operational for implementation of distance e-learning system;
- Necessary equipment purchased;
- Functional E-learning system;
- Number of relevant actors trained through e-learning
- Number of relevant actors trained through decentralised training activities;
- Number of library items purchased;
- Number of times the library is consulted; and
- Number of times the database research facility is used.

Component 3: Implementation of juvenile justice reforms

The expected results are:

- Adopted comprehensive normative framework (policy, regulations and standards) to ensure the effective implementation of the Juvenile Justice Law by the end of 2010;
- Specialized juvenile justice in-service training curricula developed and implemented (targeting law enforcement officials, judiciary, social workers, lawyers, local stakeholders – municipalities and parents) by the end of 2011;
- Secondary and tertiary prevention programmes developed and implemented targeting children-at-risk to prevent their involvement in anti-social and criminal activities, and young offenders to prevent recidivism, by the end of 2011:
- Functional Centres for Social Welfare, dealing with minors' offenders;
- A higher rate of application of alternative measures and sanctions for juveniles and a lower rate of prosecution of juvenile offenders.

The measurable indicators are:

- Protocols and standards related to referral, protection and prevention of children-at-risk and juveniles in conflict with the law have been developed;
- Number of workshops/public debates organized for public awareness raising;
- Number of training organized and people trained;
- New specialized curricula developed and used for training activities targeting professionals working in the juvenile justice system;
- Number of juveniles sentenced for criminal acts per year, compared with previous years (before the adoption of the new Law); and
- Data produced at national level is available for public dissemination.

3.4 Activities

Component 1: Establishment/implementation of an Investigative database in the field of organized crime and corruption integrated with the National Intelligence Database

- Creation of an Investigative database in the field of organized crime and corruption;
- Adaptation and installation of the software to the needs of the National Intelligence Database ;
- Testing the system (connecting the Basic Public Prosecutors Office for prosecution of perpetrators of the area of organized crime and corruption with the PPO's and the Investigative Judges in order to assess the functioning.); and
- Training of the magistrates, the prosecutors and the officials that will work with the database.

Component 2: Further strengthening the institutional capacities of the Academy for training of judges and prosecutors

- Implement a Training Needs Assessment and develop a plan to implement trainings;
- Development/Review of a training curricula and providing training materials;
- Development of a database on national, relevant European and international jurisprudence;
- Introduction of a contemporary E-learning system;
- Conducting decentralised training on local level; and
- Procurement of equipment, library items and facilities.

Component 3: Implementation of juvenile justice reforms

- Support the development of standards, protocols and guidelines for effective implementation of the juvenile justice law;
- Support the development of data collection system and conduct studies, evaluations and gap analysis on juvenile justice related issues;
- Prepare specialized training programmes and organise training activities for judges, prosecutors, law enforcement officers and professionals working in the social sector and correctional institutions, where the training directed to judiciary personnel is organised in cooperation with the Academy for training of Judges and Prosecutors;
- Support the establishment of new forms of non-custodial measures;
- Support the functioning of the 10 existing Centres for Social Welfare in relation to juvenile justice activities;
- Develop prevention and rehabilitation programmes at municipal level; and
- Support advocacy, awareness-building and communication activities on national and local level.

Management and contracting arrangements

The first component – investigative database – will be implemented through a framework contract to the Public Prosecutors' Office.

The second component – strengthening the Academy for Judges and Prosecutors - will be implemented through a service contract and supply contracts. A project steering committee will be established to oversee the implementation process of the project activities. Advisory services will be provided to the Academy for training of judges and prosecutors. 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 cross-cutting issues. The core project team – consisting of the team leader and other expertise will be placed within the Academy for training of judges and prosecutors.

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 third component – juvenile justice will be implemented through a grant arrangement with UNICEF. A project steering committee will be established to oversee the implementation process of the project activities. Within the grant arrangements, a cooperation agreement with the Academy for Judges and Prosecutors will be included to organise the training activities directed at judicial personnel through the Academy for Judges and Prosecutors.

The expected contracting arrangements are:

Under IPA Funding:

1. One Framework Contract will be concluded with an eligible member state for the implementation of component 1 Establishment/implementation of an Investigative database in the field of organized crime and corruption. The contract has an expected duration of 6 – 12 months, is expected to start at 2nd Quarter of 2010. The contract has a budget of approximately EUR 0.2 Million and is fully funded by IPA Community contribution.

2. One Service Contract following an international restricted tender procedure will be developed for the implementation of Component 2 Further strengthening the institutional capacities of the Academy for training of judges and prosecutors. The service contract has an expected duration of 12 – 24 months, is expected to start during the 3rd quarter of 2010, and has a budget of approximately EUR 0.7 Million, fully funded by the IPA community contribution.

3. One Direct awarded Grant financing the project costs for 100% will be given for implementation of activities under Component 3 Implementation of juvenile justice reforms. The grant implementation period is expected to be 12 to 24 months and start in the 2nd quarter of 2010. The grant will be approximately EUR 0.7 Million, funded by the IPA Community contribution, and will be implemented by UNICEF in the country (grant with an international organisation). Additionally, UNICEF will contribute EUR 0.1 Million as co-financing. This grant falls under “Multi-donor actions” provided for: i) in the Commission's Standard Contribution Agreement with an international organisation (SCA) and ii) in the Financial and Administrative Framework Agreement (FAFA) signed between the EC and the UN on 29

April 2003, and is in line with Article 168.1 (f) from the Implementing Rules of the Financial Regulation.

Financed through the National Contribution

1. One or more Supply Contract is expected to be concluded to provide the IT and other equipment and materials for component 2. The supply contract/s will have duration of 4 to 8 months for delivery and training in equipment use, a subsequent 12 months warranty period, and hence an overall duration of 16 – 20 months, is expected to start during the 1st quarter of 2011. The total value of this supply element is expected to be EUR 0.1 Million, fully funded by the national contribution.

Conditionality and sequencing

The project includes the following conditions:

- 1) Endorsement by all key stakeholders of the Terms of Reference, specifications for the individual contracts to be engaged;
- 2) Appointment of counterpart personnel by the beneficiaries before the launch of the tender process;
- 3) Allocation of working space and facilities by the beneficiaries for technical assistance before the launch of the tender process;
- 4) Participation by the beneficiaries in the tender process as per EU regulations;
- 5) Organisation, selection and appointment of members of working groups, steering and coordination committees, seminars by the beneficiaries as per workplan of the project;
- 6) Appointing the relevant staff by the beneficiaries to participate in training activities as per work plan;
- 7) Sufficient managerial and technical human resources allocated to the relevant Departments
- 8) The software for the investigative database is available prior to the launch of the tender procedures for component 1.

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

Linked activities

The activities under component 1 will build on the activities implemented under the Twinning “Fight against Organised Crime and Corruption Unit Public Prosecutor’s Offices”, and the existing Draft Plan for development of Investigative Database.

CARDS 2001 Project-Technical assistance to support the creation of a training institute for the judiciary, supported the drafting of the Law on the Public Judicial Institute; proposed other legal instruments including the Constitutional changes and the draft-Statute of the PJI; delivered training of the administration and the management of the PJI; established a body composed of 40 educators selected and trained on methodologies for training adults and on the EU Law; prepared regular draft-programmes for the PJI and conducted testing; proposed directions for the continuous training curricula’s, trained 38 judges and prosecutors (continuous training) and 39 judges and prosecutors on the EU Law.

CARDS 2004 Project- Technical assistance for support to the creation of the training institute (phase 2) presents continuation of CARDS 2001 and it is directed towards determining the education of judges’ mechanism by enhancing the institutional framework and the legal status of the Judicial Institute i.e. the Academy. The activities of the project are organized in

three components: Component 1: Preparation of sub-laws and amendments to other laws related to training in the judiciary; Component 2: Trainings development and implementation; Component 3: Building of the institutional capacities. With CARDS 2004 all activities for the statute and other sub-laws related to the Academy are completed. Namely, the statute and other sub-laws have to anticipate training of judges and prosecutors in order to provide professional cadres, efficient and independent with role consistent to the European and International standards. This is how are being regulated: the establishment and functioning of the Programme Council, usage of the institute facilities and the financial resources, organizational structure and description of the working positions of the employees in the Institute, the criteria for selection and remuneration of the trainers, candidates reward, criteria related to the appointment of the commission responsible for carrying the enrolment exam and the commission for the final exam, the mentoring, the approved expenses made by the employees and the Managing Board members, the relations between Court Council, Public Prosecutors Council, and the Academy are consistent with the European Charter on the status of judges, etc.

The activities under component 3 will build upon the activities implemented since early 2000 with the technical and financial support of UNICEF. This includes: a series of multidisciplinary training/seminars for professionals working with juveniles (6 training were supported by OSCE); technical assistance for policy and legislative review (including the development of the Juvenile Justice Law); support to the Ministry of Labour and Social Policy and the Institute for Social Activities for the setting up of a data collection system to monitor the situation of children at-risk; technical assistance to conduct the following studies i) a comparative analysis of European juvenile justice legislations, ii) an analysis of the effectiveness of measures and sanctions applied to children in conflict with the law; and iii) an empirical analysis of the problems of children-at-risk and the existing protective factors. The findings of these studies laid the ground for the development of a separate law on juvenile justice.

Lessons learned

Despite all the achievements in the past period certain challenges remain:

- *Legal reform:* Initial time lines for the adoption of legal instruments are not always honoured, leading to delays in implementation and causing difficulties in project implementation. Agreed legal instruments are commonly subject to significant change prior to adoption.
- *Technical equipment:* So far large amount of financial recourses were spent on procurement of technical equipment for the judicial institutions. But, due to the reluctance of the personnel to use the equipment; incompatibility and unenforceability of the hardware and software as well the lack of legal commitment for the judges and court personal made serious delay in the computerization of the judicial institutions.
- *Training:* The magistrates are facing serious difficulties of availability to attend training. Moreover, the difficulty of availability is stressed when the training events take place exclusively in Skopje, since it implies travelling and sometimes a short stay in the capitol, where the Academy's main premises are located.
- *Institutional capacity and human resources:* Limited public institutional capacity to absorb external aid. Often project implementation is hampered by either insufficient staff or resources allocated to (newly established) institutions or insufficient operational funds available in the government budget to allow for appropriate implementation of the mandate of the concerned department.

4. Indicative Budget (amounts in €million)

			SOURCES OF FUNDING									
			TOTAL EXP.RE	IPA COMMUNITY CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	%(2)	Total EUR c=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/ Local EUR (y)	IFIs EUR (z)	EUR (d)	% (2)
Investigative Database												
Framework Contract	X		0.2	0.2	100			0				
Academy for Judges and Prosecutors												
Service Contract	X		0.7	0.7	100			0				-
Supply equipment		X	0.1			0.1	100	0.1				
Juvenile Justice												
Grant to UNICEF	X		0.8	0.7	87.5	0.1	12.5			0.1		
TOTAL IB			1.7	1.6		0.1				0.1		
TOTAL INV			0.1			0.1		0.1				
TOTAL PROJECT			1.8	1.6	89	0.2	11	0.1		0.1		

Amounts net of VAT

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

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

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

Contracts - IPA funds	Start Tendering of	Signature of contract	Project Completion
Contract 1: Framework Contract Investigative Database	Q4 2009	Q2 2010	Q2 2011
Contract 2: Service Contract for Academy of judges and prosecutors	Q1 2010	Q3 2010	Q3 2012
Contract 3: Direct Grant Juvenile Justice – UNICEF	Q1 2010	Q2 2010	Q2 2012
Contracts - National funds	Start of Tendering	Signature of contract	Project Completion
Contract 4: Supplies to the Academy of Judges and Prosecutors	Q4 2010	Q1 2011	Q3 2012

6. Cross cutting issues

The cross-cutting issues will be addressed throughout the project. Up to 10% of the budget of the individual contracts for capacity building – through short term expertise – 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 cross-cutting issue is appropriately mainstreamed.

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.

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

- **Equal opportunities and non-discrimination**

The training activities will include a specific component to train ministerial staff in the implementation of the Government Gender Strategy, while reference will be made to the EC Programme of Action for the mainstreaming of gender equality in community development cooperation (2001-06). An output of this training component will be to assist the beneficiary to implement an ‘internal gender assessment’ to identify areas where it could improve its internal performance vis-à-vis gender.

- **Support to minority 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 implement an ‘internal minority and vulnerable group assessment’ to identify areas where it could improve its internal performance vis-à-vis minorities or other vulnerable groups.

- **Environmental protection**

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 also 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 implement an ‘internal environment assessment’ to identify areas where it could improve its internal performance vis-à-vis environmental aspects.

ANNEXES

- 1 - Log Frame in Standard Format
- 2 - Amounts contracted and Distributed per Quarter over the full duration of Programme
- 3 - Description of Institutional Framework
- 4 - Reference to laws, regulations and strategic documents
 - Reference list of relevant laws and regulations
 - Reference to AP/NPAA/EP/SAA
 - Reference to MIPD
 - Reference to National Development Plan
 - Reference to national/sectoral investment plans
- 5 – Details per EU funded contract (*) where applicable:
 - *For TA contracts*: account of tasks expected from the contractor
 - *For Twinning covenants*: account of tasks expected from the team leader, resident twinning advisor and short term experts
 - *For Grant schemes*: account of components of the scheme
 - *For Investment contracts*: reference list of feasibility study as well as technical specifications and cost price schedule + section to be filled in on investment criteria
 - *For works contracts*: reference list of feasibility study for the constructing works part of the contract as well as a section on investment criteria (**); account of services to be carried out for the service part of the contract

(*) non standard aspects (in case of derogation to PRAG) also to be specified

(**) section on investment criteria (applicable to all infrastructure contracts and construction works):

- Rate of return
- Co-financing
- Compliance with state aids provisions
- Ownership of assets (current and after project completion)

ANNEX 1: 1 - Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR	Programme name and number:		
Further strengthening of the judiciary sector	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 1.8 million	IPA budget: EUR 1.6million

Overall objective	Objectively verifiable indicators	Sources of Verification
The overall objective of the project is to enhance the efficiency, functioning, professionalism and specialization of the judiciary, to further strengthen the independent and efficient judicial system.		Court reports; Conducted analysis on the length of court procedures; Statistics and other data; Specialized prevention programme targeting parents; National programme for prevention of juvenile delinquency;

Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
Support the implementation of an investigative database in the field of organized crime and corruption, to further strengthen the institutional capacity of the Academy for Training of Judges and Public Prosecutors, to build up the capacities of the system for the implementation of the Reform on the juvenile justice and to insure the	1.Independence, professionalism and efficiency of judiciary increased 2. Capable and sustainable Academy for training of judges and prosecutors. 3.Treatment of children and youth improved in line with relevant EU, COE and UN international instruments	1. EC and CoE Reports Independent assessments including civil society reports 2. EC, CoE and UN reports Ombudsman Reports	Political instability-lack of consensus; Slow and long administrative procedures; Government and judiciary commitment to follow the training curricula for the judiciary and prosecutors

<p>general protection of juvenile offenders' rights.</p>			<p>They oblige to implement the Law on Juvenile Justice</p>
<p>Results</p>	<p>Objectively verifiable indicators</p>	<p>Sources of Verification</p>	<p>Assumptions</p>
<p>Component 1: Establishment/implementation of an Investigative database in the field of organized crime and corruption integrated with the National Intelligence Database The expected results are:</p> <ul style="list-style-type: none"> ○ The investigative database is operational on national and local level and is increasingly being consulted in investigations; ○ The investigative database is part of the National Intelligence database and allows for exchange of data among relevant law enforcement agencies; ○ Cooperating arrangements between different participating institutions are agreed upon and operational; ○ Selected staff in the relevant institutions is conversant with the database and can retrieve and enter information as appropriate; ○ EU legislation and regulations in the field of collecting, storing, processing, transmitting and utilising data and inter-institutional co-operation at national and international level are applied. 	<p>The measurable indicators are:</p> <ul style="list-style-type: none"> ○ Number of users connected to the system ○ Number of times information is searched in the system ○ Signed cooperation agreements between the relevant law enforcement agencies; ○ Decreased time needed for information analysis and exchange. ○ Number of staff trained; ○ Number of trainings held; ○ Elaborated training materials, manuals, etc. and their dissemination to the respective staff. ○ Browsing (searching, inserting and deleting of data) of national data and predisposition to interoperate with international databases; ○ Rapid communication and exchange of data between the country and international organizations involved in fight against organized crime and terrorism by setting up conditions to interoperate with Europol's database and other international databases. 	<ul style="list-style-type: none"> - Government Web site; - Reports; - Developed programmes; - Legal documentation; - Tests, - Analysis and information available on the web of the Ministry of Justice. 	<p>Political instability-lack of consensus; Government commitment to judiciary reform Willingness of relevant beneficiaries to participate in training Database software will be made available by a Member State prior to the start of the component.</p>

<p>Component 2: Further strengthening the institutional capacities of the Academy for training of judges and prosecutors</p> <p><u>The expected results are:</u></p> <ul style="list-style-type: none"> ○ Training Needs Assessment and Implementation plan created; ○ Training curricula reviewed/assessed; ○ E-learning system is operational; ○ E-learning training materials have been developed; ○ E-learning training sessions are available and operational; ○ Decentralised training activities are being organised, leading to increased participation of target groups; ○ Developed database on national, relevant European and international jurisprudence; ○ Gaps in availability of material in the library are identified and subsequently prioritised gaps are filled, leading to increased use of the library; ○ Enhanced library collection; ○ Functional database research facility, through agreements/ subscription with specialised editors ; ○ Efficient electronic filing system; ○ Learning and research facilities (web site and EU Library) are available for training purposes and accessible to all key players. 	<p>The measurable indicators are:</p> <ul style="list-style-type: none"> ○ TNA developed and the implementation plan is drawn up; ○ Curricula and training materials available; ○ Database on national, relevant European and international jurisprudence developed and operational; ○ Training facilities are operational for implementation of distance e-learning system; ○ Necessary equipment purchased; ○ Functional E-learning system; ○ Number of relevant actors trained through e-learning ○ Number of relevant actors trained through decentralised training activities; ○ Number of library items purchased; ○ Number of times the library is consulted; ○ Number of times the database research facility is used. 	<ul style="list-style-type: none"> - Government and Academy of Judges web site; - Reports; - Developed programmes; - Legal documentation 	<p>Political instability-lack of consensus; Government commitment to judiciary reform Willingness of relevant beneficiaries to participate in training</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>Component 3: Implementation of juvenile justice reforms</p> <p>The expected results are:</p> <ul style="list-style-type: none"> ○ Adopted comprehensive normative framework (policy, regulations and standards) to ensure the effective implementation of the Juvenile Justice Law by the end of 2010; ○ Specialized juvenile justice in-service training curricula developed and implemented (targeting law enforcement officials, judiciary, social workers, lawyers, local stakeholders – municipalities and parents) by the end of 2011; ○ Secondary and tertiary prevention programmes developed and implemented targeting children-at-risk to prevent their involvement in anti-social and criminal activities, and young offenders to prevent recidivism, by the end of 2011: ○ Functional Centres for Social Welfare, dealing with minors’ offenders; ○ A higher rate of application of alternative measures and sanctions for juveniles and a lower rate of prosecution of juvenile offenders. 	<p>The measurable indicators are:</p> <ul style="list-style-type: none"> ○ Protocols and standards related to referral, protection and prevention of children-at-risk and juveniles in conflict with the law have been developed; ○ Number of workshops/public debates organized for public awareness raising; ○ Number of training organized and people trained; ○ New specialized curricula developed and used for training activities targeting professionals working in the juvenile justice system; ○ Number of juveniles sentenced for criminal acts per year, compared with previous years (before the adoption of the new Law) ○ Data produced at national level is available for public dissemination. 	<ul style="list-style-type: none"> - Government and UNICEF web site; - Reports; - Developed programmes; - Legal documentation; - Probation Office Reports - Court statistics - Reports on training attendance - Case management statistics in correctional Institutions - Court statistics on number of children diverted from regular court procedure to municipal Community based programmes for children in conflict with law - Faculties curricula published in University website 	<p>Political instability-lack of consensus;</p> <p>Government commitment to judiciary reform</p> <p>Ministry of Justice, State Prosecutor, Probation Office, Ministry of Labour and Social Affairs and judiciary commitment to share tasks and responsibilities of juvenile justice administration</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Activities	Means	Costs	Assumptions
<p>Component 1: Establishment/implementation of an Investigative database in the field of organized crime and corruption</p>	<p>One framework contract</p>	<p>0.2 million EUR</p>	<p>Reluctance by the trainees; Slow procedures;</p>

<p>integrated with the National Intelligence Database</p> <p>Activity 1: Creation of an Investigative database in the field of organized crime and corruption;</p> <p>Activity 2: Adaptation and installation of the software to the needs of the National Intelligence Database</p> <p>Activity 3: Testing the system (connecting the Basic Public Prosecutors Office for prosecution of perpetrators of the area of organized crime and corruption with the PPO's and the Investigative Judges in order to assess the functioning.);</p> <p>Activity 4: Training of the magistrates, the prosecutors and the officials that will work with the database.</p>			
<p>Component 2: Further strengthening the institutional capacities of the Academy for training of judges and prosecutors</p> <p>Activity 1: Implement a Training Needs Assessment and develop a plan to implement trainings;</p> <p>Activity 2: Development/Review of a training curricula and providing training materials;</p> <p>Activity 3: Development of a database on national, relevant European and international jurisprudence;</p> <p>Activity 4: Introduction of a contemporary E-learning system</p> <p>Activity 5: Conducting decentralised training on local level ;</p>	<p>One service Contract One or more supply contracts</p>	<p>0.7 million EUR (TA) 0.1 Million EUR (Supplies, financed through the national contribution)</p>	<p>Supplies to be procured through national contribution to the programme will be delivered in time.</p>

<p>Activity 6: Procurement of equipment and facilities.</p>			
<p>Component 3: Implementation of juvenile justice reforms</p> <p>Activity 1: Support the development of standards, protocols and guidelines for effective implementation of the juvenile justice law;</p> <p>Activity 2: Support the development of data collection system and conduct studies, evaluations and gap analysis on juvenile justice related issues;</p> <p>Activity 3: Prepare specialized training programmes and organise training activities for judges, prosecutors, law enforcement officers and professionals working in the social sector and correctional institutions, where the training directed to the judiciary personnel is organised in cooperation with the Academy for training of Judges and Prosecutors;</p> <p>Activity 4: Support the establishment of new forms of non-custodial measures;</p> <p>Activity 5: Support the functioning of the 10 existing Centres for Social Welfare in relation to juvenile justice activities;</p> <p>Activity 6: Develop prevention and rehabilitation programmes at municipal level;</p> <p>Activity 7: Support advocacy, awareness-building and communication activities on national and local level.</p>	<p>Direct Grant to UNICEF</p>	<p>0.7. million EUR 0.1 Million EUR co-financing from UNICEF</p>	

Pre conditions

The project includes the following conditions:

- 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;
- 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 workplan 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; and
- The software for the investigative database is available prior to the launch of the tender procedures for component I.

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

ANNEX 2 - Amounts (in million EUR) contracted and Distributed per Quarter over the full duration of Programme (only IPA funds)

Contracted	2010 Q1	2010 Q2	2010 Q3	2010 Q4	2011 Q1	2011 Q2	2011 Q3	2011 Q4	2012 Q1	2012 Q2	2012 Q3	2012 Q4	2013 Q1
Contract 1, Framework Contract Database		0.2											
Contract 2, TA contract Academy			0.7										
Contract 3, Grant UNICEF		0.7											
Cumulated		0.9	1.6										
Disbursed													
Contract 1, Framework Contract Database		0.15			0.05								
Contract 2, TA contract Academy			0.15		0.2		0.2		0.1		0.05		
Contract 3, Grant UNICEF		0.5								0.2			
Cumulated		0.65	0.8		1.05		1.25		1.35	1.55	1.6		

ANNEX 3 - 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 noncontentious procedure, enforcement, and administrative procedure; administrative inspection.

ACADEMY FOR TRAINING OF JUDGES AND PUBLIC PROSECUTORS

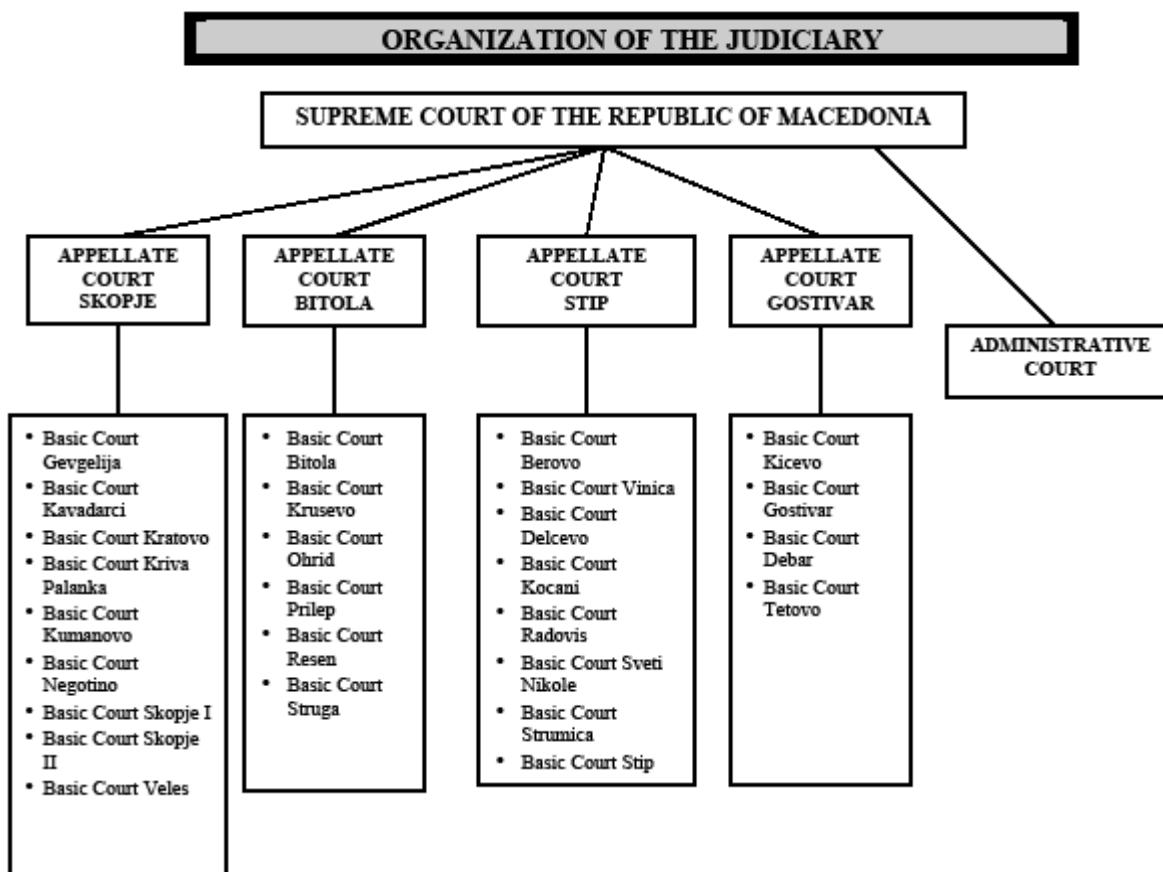
The Academy was founded with the Law on the Academy for Training of Judges and Public Prosecutors (Official Gazette, No.13/06) as of 1 February 2006 and commenced its operations on 22 November 2006. It is a public institution performing activities of public interest, and has the status of a legal entity with registered offices in Skopje. The Academy is an autonomous institution, with its own budget, premises, modern teaching equipment and 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 of future judges and prosecutors, and through provision of continuous professional training of sitting magistrates and other members of the judiciary. Currently, the Academy functions with a total of 13 staff members, out of which 8 civil servants and 5 staff members on fixed-term contracts (in addition to the Director and the Executive Director).

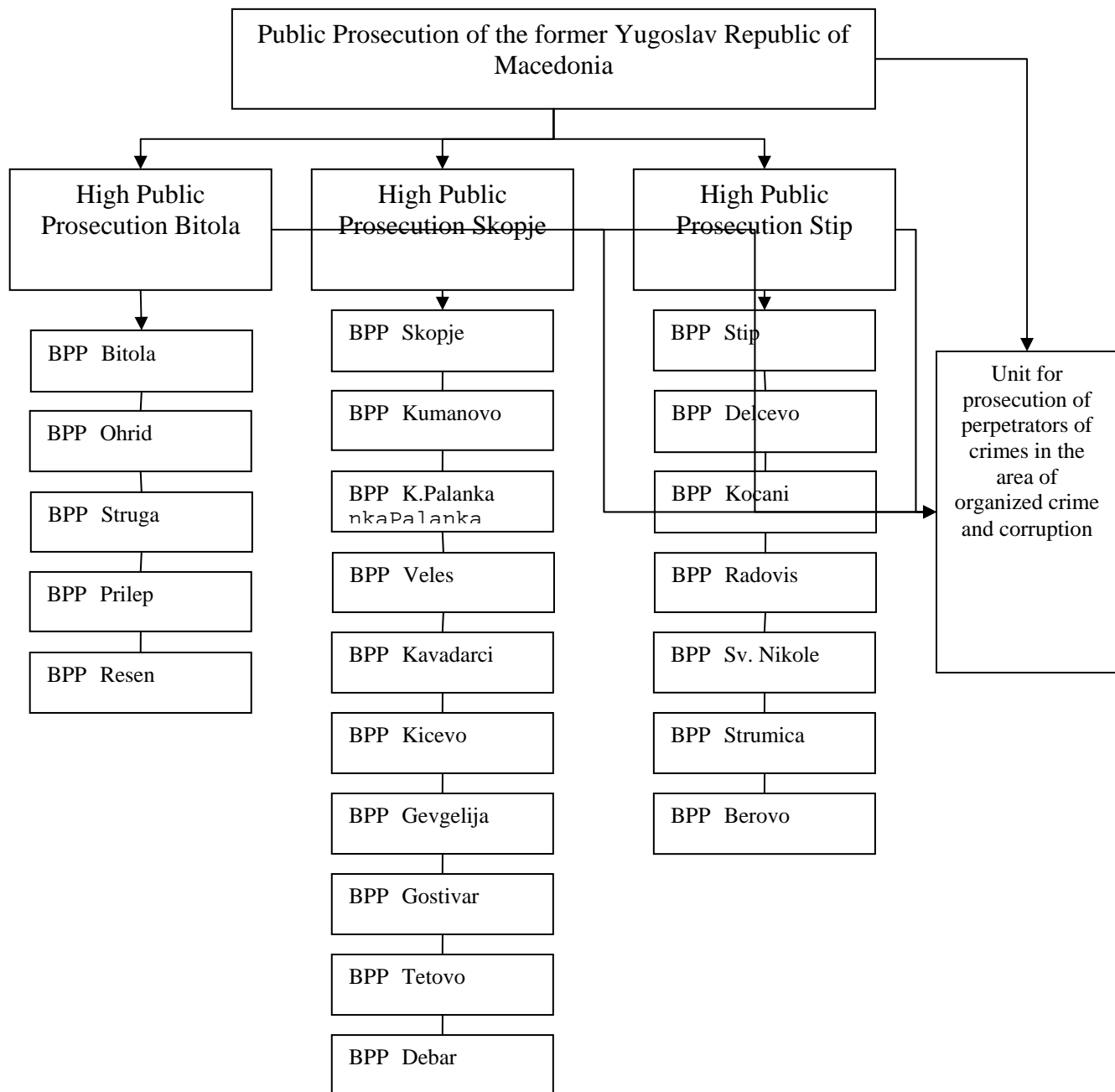
PUBLIC PROSECUTOR'S OFFICE

The Public Prosecutor's Office – is sole and autonomous state authority which prosecutes the perpetrators of criminal and other punishable acts as determined by law. According to the constitutional amendments, the function of the Public Prosecutor's Office is enforced by the Public Prosecutor of the former Yugoslav Republic of Macedonia and the public prosecutors. The Public Prosecutor of the former Yugoslav Republic of Macedonia shall be appointed and dismissed by the Parliament for a six year term of office and a right to re-appointment. The public prosecutors shall be elected by the Public Prosecutor's Council without limitation to term of office duration. Pursuant to the existing law on the areas of first-instance courts, 22 basic public prosecutor's offices have been established. For the area of second instance courts, three higher prosecutor's offices have been established. The Public Prosecutor's Office (PPO) is established for the whole territory of the country and its seat is in Skopje. Public prosecutors have their deputies without limitation of term of office duration.

PPO Unit for organized crime and corruption: In 2004, the Public Prosecutor's Office established a Unit for Prosecution of Perpetrators of Crimes in the Field of Organised Crime and Corruption. The Unit has competence to act ex officio in cases of criminal offences committed by an organised group comprised of at least 3 persons which acts in a certain period in order to acquire direct or indirect financial benefit or other type of material benefit and commits one or more criminal acts, as well as to act upon

other criminal acts that are regulated by law with sentence of imprisonment for a period of at least 4 years.





ANNEX 4 - Reference to laws, regulations and strategic documents

4.a) Reference list of relevant laws and regulations

Key laws and regulations on the sector:

- Law on Academy for Training of Judges and Prosecutors, 2006
- Rulebook on the manner of selection, the rights and responsibilities of educators and mentors
- Rulebook on the manner and procedure for administering and evaluating the qualification test
- Rulebook on the manner and procedure of administering and evaluating the entrance exam
- Rulebook on the contents and manner of administering and evaluating the final exam
- Rulebook on the commencement, course and development of the order and discipline, disciplinary liability and other rights and responsibilities of the candidates relating to the initial training in the Academy
- Rulebook on keeping and holding records and issuing certificates to the beneficiaries of the Academy services
- Law on Administrative Disputes, 2006
- Law on Administrative Fees, 2006
- Law on Administrative Inspection
- Rulebook on the methodology concerning the manner of acting of the administrative inspection
- Law on Courts, 2006
- Court Rules of Procedure
- Criminal Code
- Law on criminal procedure
- Decision on Classification of Crimes
- Law on Enforcement
- Law on Execution of Sanctions
- Law on General Administrative Procedure, 2005
- Law on Judicial Council
- Rules of Procedure of the Judicial Council
- Rulebook on the Judges Disciplinary Liability Procedure
- Rulebook on the procedure and manner of determining incompetent and unconscious performance of the judicial function
- Rulebook on taking action and determining the permanent inability to perform judicial function
- Law on Juvenile Justice, 2007
- Law on Mediation
- Law on Misdemeanours
- Rulebook on the expenses for the misdemeanour procedure
- Rulebook on keeping records and on the form of the application form for keeping records of misdemeanour cases
- Law on non-contentious procedure
- Law on Litigation Procedure
- Law on Performing the Judicial Service
- Law on Public Prosecutor's Office, 2008
- Law on Public Prosecutor's Council, 2008
- Law on Court Budget

- Law on Judges' Salary
- Law on Securing the Claims

4.b) Reference to AP/EP/NPAA/SAA

The programme will contribute towards the implementation of the **Stabilisation and Association Agreement** commitment on increased cooperation in justice and home affairs, its Article 68 on reform of the judiciary, Article 74 on the reinforcement of machinery of justice and on cooperation in the field of justice with focus on the independence of the judiciary, the improvement of its effectiveness and training of the legal professions and Article 105 on financial assistance to the harmonisation of legislation and cooperation policies in the field of justice.

For judiciary reforms, the **Accession Partnership** outlines a series of priorities to be addressed. The **Partnership** stresses the importance of establishing a sustained track record on implementation of judiciary reforms and strengthening the independence and overall capacity of the judicial system. It calls for furthering initial and continuous training in the academy for judges and prosecutors and completing the setting-up of the new court structures and allocating appropriate resources to ensure that they are fully operational and enhance their efficiency. Furthermore, the **Partnership** points at the importance of ensuring proper and full execution of court rulings and implementing fully the rules applying to ethics, internal control, professional and human rights standards in the judiciary and the prison administration, including by regular training.

The **National Plan for Adoption of Acquis** with regard to judiciary reforms intends to further pursue efficiency and effectiveness in the work of judiciary through legal harmonisation, training and IT infrastructure, strengthen the independence of the judiciary through increasing capacities of the Public Prosecutor's Office and of the Academy for Training of Judges and Prosecutors, and implement the juvenile justice system,

4c) Link with MIPD

The **Multi-Annual Indicative Planning Document** (MIPD) indicates that continuous efforts towards full independency, efficiency and accountability of the judiciary are necessary through financial assistance. It highlights the judiciary reforms as essential to improving the economic development in the country. It states that particular attention should be paid to completion of the implementation of the Strategy and Action Plan on Judicial Reform, and to further develop it, as well as to support further reform efforts and to improve the overall functioning of the judiciary. As specific elements of the Judicial Reform Strategy, it underlines the independence and efficiency of the court system, the Public Prosecutors' office, the implementation of the juvenile justice system, and the Training Academy for judges and prosecutors.

4d) Link with National Development Plan

The **National Development Plan** underlines the need for judiciary reform in order to enhance the competitiveness of the country's economy. It highlights that the country is facing numerous challenges that derive from, among others, a weak judicial sector. It calls for establishment of an efficient judiciary system through legal development, competence based judiciary career, improvement of the court administration and its efficiency, enhancing the enforcement of the court decisions, strengthening the professionalism of the judiciary through a special training institution for judges and prosecutors (Judges and Public Prosecutors Academy), providing independence of the judiciary and overcoming judicial bottlenecks and long duration of court processes.

4e) Link with national/ sectoral investment plans (where applicable)

The project directly links to the following key strategies and action plans in the sector (see for a more extensive list annex 3):

- Strategy of the Reform of the Judicial System, 2004
- Action Plan of the Strategy for Reform of the Judicial System, 2004
- Working Programme of the Ministry of Justice, 2008
- Action plan for the implementation of the juvenile justice law, 2008
- Strategic Plan of the Ministry of Justice 2006-2008, 2006
- Strategy for ICT in Judiciary 2007-2010, 2007
- Penitentiary Legislation Reform Strategy, 2007
- Programme for Preliminary Teaching for Enrolment on the Academy
- Analysis for Implementation of the Laws in the Field of Judiciary

ANNEX 5 -Details per EU funded contract

Management and contracting arrangements

The first component – investigative database – will be implemented through a framework contract to the Public Prosecutors’ Office.

The second component – strengthening the Academy for Judges and Prosecutors - will be implemented through a service contract and supply contracts. A project steering committee will be established to oversee the implementation process of the project activities. Advisory services will be provided to the Academy for training of judges and prosecutors. 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 cross-cutting issues. The core project team – consisting of the team leader and other expertise will be placed within the Academy for training of judges and prosecutors.

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 third component – juvenile justice will be implemented through a grant arrangement with UNICEF. A project steering committee will be established to oversee the implementation process of the project activities. Within the grant arrangements, a cooperation agreement with the Academy for Judges and Prosecutors will be included to organise the training activities directed at judicial personnel through the Academy for Judges and Prosecutors.

The expected contracting arrangements are:

Under IPA Funding:

1. One Framework Contract will be concluded with an eligible member state for the implementation of component 1 Establishment/implementation of an Investigative database in the field of organized crime and corruption. The contract has an expected duration of 6 – 12 months, is expected to start at 2nd Quarter of 2010. The contract has a budget of approximately EUR 0.2 Million and is fully funded by IPA Community contribution.

2. One service contract following an international restricted tender procedure will be developed for the implementation of Component 2 Further strengthening the institutional capacities of the Academy for training of judges and prosecutors. The service contract has an expected duration of 12 – 24 months, is expected to start during the 3rd quarter of 2010, and has a budget of approximately EUR 0.7 Million, fully funded by the IPA community contribution.

3. One Direct awarded Grant financing the project costs for 100% will be given for implementation of activities under Component 3 Implementation of juvenile justice reforms. The grant implementation period is expected to be 12 to 24 months and start in the 2nd quarter of 2010. The grant will be approximately EUR 0.7 Million, funded by the IPA Community contribution, and will be implemented by UNICEF in the country (grant with an international organisation). Additionally, UNICEF will contribute EUR 0.1 Million as co-financing. This grant falls under “Multi-donor actions” provided for: i) in the Commission’s Standard Contribution Agreement with an international organisation (SCA) and ii) in the Financial and Administrative Framework Agreement (FAFA) signed between the EC and the UN on 29 April 2003, and is in line with Article 168.1 (f) from the Implementing Rules of the Financial Regulation.

Financed through the National Contribution

2. One or more supply contract is expected to be concluded to provide the IT and other equipment and materials for component 2. The supply contract/s will have duration of 4 to 8 months for delivery and training in equipment use, a subsequent 12 months warranty period, and hence an overall duration of 16 – 20 months, is expected to start during the 1st quarter of 2011. The total value of this supply element is expected to be EUR 0.1 Million, fully funded by the national contribution.