## ANNEX I –IPA III Action Fiche

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|  | Indicative title of the Action | **EU for Efficient Judiciary and Enhanced Prevention of Corruption** |
| CRITERIA FOR RELEVANCE ASSESSMENT | Key thematic priority | **WINDOW 1-RULE OF LAW, FUNDAMENTAL RIGHTS AND DEMOCRACY**  ***Thematic Priority 1: JUDICIARY***  ***Thematic Priority 2: FIGHT AGAINST CORRUPTION*** |
| Links with specific policy instruments of the enlargement process | This Action aims at improving the efficiency of the judicial system and the capacity of the Country to fight corruption through:   1. **Modernisation of the ICT operational management and infrastructure** in the Judiciary, the public prosecution offices and the Constitutional Court, as well as upgrade the IT system for collecting and processing statistical data for prevention and repression of corruption and money laundering (AKstats), and for the State Commission for Prevention of Corruption (SCPC), in line with their respective competences.   The Strategy for Information Communication Technology of Justice Sector calls for centralisation and integration of the judicial information systems, through the development of a new Integrated Court Case Management System (ICCMS) for the Judicial Council and all the courts, and an upgrade of the case management system in the public prosecution offices facilitating case flow management, exchange of data, accurate reporting and statistics, while ensuring security of data, in line with EU best practices.  This component also entails an Integrated Information Management System for the Constitutional court and a modern website allowing for public access to the Court decision database. The elaboration of tailor made softwares for the control over property status and conflict of interest, the assets and property declarations of the elected and appointed officials, and to increase the interconnection of the SCPC with the required institutions are also planned, as well as an upgrade of the AKstat system allowing the exchange of information and data among the various institutions, accurate reporting, and management of statistical data and improved inter-institutional cooperation for prevention and repression of corruption and money laundering.   1. **Strengthening the capacity and efficiency of the Constitutional Court** to protect the constitutionality, legality and the fundamental rights. This component will provide support to the Constitutional Court in controlling the constitutionality and legality of adopted normative acts and in protecting fundamental rights (towards the introduction of the “full” individual constitutional complaint). The action will strengthen the knowledge of judges and employees of the Constitutional Court, will improve the organisational structure and working methods, and will increase its transparency and efficiency. 2. **Preparation phase for the modernisation of the premises of the Academy for Judges and Public Prosecutors** (phase I). This component will prepare the necessary technical documentation for the modernisation of the premises and the equipment of the Academy to allow adequate training premises for judges, public prosecutors, judicial and prosecutorial services, and other legal professionals. The Academy for Judges and Public Prosecutors is playing a key role in the process of modernisation of the judiciary towards EU standards and in improving the independence, impartiality and professionalism of the Judiciary. 3. **Increasing the intolerance of the private sector and citizens towards corruption and bribing**. This will increase the knowledge and awareness of the citizens on the legal obligations of institutions and civil servants and on how to fight the phenomenon of corruption, through available legal and civic means. The civil society organisations will be the main beneficiary of this component.   The Action is designed to contribute to the achievement of the specific objective of the **judiciary and fight against corruption** within **Window 1: Rule of Law, Fundamental Rights and Democracy**, which aims   1. To improve the independence, accountability, efficiency and quality of the judicial systems and to improve the professionalization of judges and of the justice system as a whole, including the skills and capacities of officers concerned in the administration of justice. 2. To establish, and strengthen when existing, track record of investigations, prosecution and conviction of high-level corruption cases.   The proposed Action will contribute to the implementation of the EU recommendations under **Chapter 23: Judiciary and fundamental rights (COM (2019)260**) where it is stated, concerning the judiciary, that North Macedonia has some level of preparation in the judicial system and that there was good progress in addressing the “Urgent Reform Priorities” and recommendations from the Venice Commission and Senior Experts’ Group on systemic Rule of Law issues. Furthermore, the EC recommends to the country continue implementing the judicial reform strategy, prioritising the development of a human resources strategy and improving the automated court case management information system (ACCMIS) to ensure it is fully functional and reliable. On the fight against corruption, the country has some level of preparation and good progress has been made, through further consolidating its track record on investigating, prosecuting and trying high level corruption cases and by making changes to legislation. The SCPC has been vested with additional competences and powers to strengthen its capacity in fighting corruption, conflict of interests, lack of integrity (monitoring the financing of political parties and election campaigns).In this context, the country should continue to complete and apply its IT systems and, ensure their continuous upgrading and maintenance with a special focus in its interconnection and interoperability with the relevant institutions involved in the fight against corruption.  Regarding the Commission Communication **"A credible enlargement perspective for and enhanced EU engagement with the Western Balkans" (COM (2018)65),** this Action supports its strategic purpose related to the rule of law and the necessity to eliminate the state capture perception The Action is also in line with the objective of the Communication which considers that the independence, quality and efficiency of judicial system must be ensured. The independence of the judiciary and of individual judges is essential to ensure fairness and to hold the executive and legislative branches of government to account. This is the precondition for any democratic society based on the rule of law and for its economic development. As concern corruption, this Action supports as well its strategic purpose related to root out corruption and support the existence of strong and independent institutions to prevent and tackle corruption. As well, the action will contribute to the establishment of a concrete and sustained track record in tackling corruption.  Furthermore, this Action will contribute towards the implementation of the **Stabilisation and Association Agreement (SAA)** regarding the statements stipulated in article 74 and 78 concerning the reinforcement of institutions and rule of law and the prevention and the combat of crime and other illegal activities, including corruption and illegal economic activities. In accordance with the SAA, the cooperation in the field of justice will focus in particular on the independence of the judiciary, the improvement of its effectiveness and training of the legal professions. Additionally, the action is also in line with some recommendations of the Conclusions of the **14th meeting of the Subcommittee on Justice and Home Affairs** of the **Stabilisation and Association Agreement (SAA),** held in November 2019, related with the Judicial reforms and Anti-Corruption Policy:   * Finalise inspections of the use of ACCMIS in all courts and communicate the results to the public. * Adopt the draft law on court case management. * Provide full support to the SCPC in performing its tasks and ensure that SCPC has set up its priorities, and has all necessary resources –human, financial, material- to implement its mandate; * Ensure that all institutions respond, in accordance with the law and within legal deadlines, to the SCPC requests and implements its recommendations; * Investigate and ensure systematic and credible follow up to all allegations of nepotism. |
| Links with national, regional and global strategies | The proposed Action is in line with national, regional and global strategies in the field of judiciary and fight against corruption and will support the implementation of the following strategies:  The Action will support the implementation of the **Strategy for Reform of the Judicial Sector 2017-2022,** which was prepared through a participatory process and with involvement of all relevant stakeholders, including the civil society organisations and international donors. The Strategy reflects the needs of the country and the recommendations and conclusions of the key partners including the European Commission, the European Parliament, the Council of Europe, the Venice Commission and the Senior Experts’ Group on systemic Rule of Law issues. The Strategy establishes a set relevant objectives as follows:-Independence and impartially / Guarantee independence and impartiality in the work of the judiciary and the public prosecutor’s office; -Quality / Provide safeguards for greater uniformity of jurisprudence case law and clarity and predictability of court judgements for greater legal certainty of citizens; -Liability / Guarantee a proper balance between liability and independence of judges and prosecutors and all stakeholders in the judicial system; -Efficiency / Improve judicial efficiency in line with the indicators defined in EU Justice Scoreboard, CEPEJ and other international standards; -Transparency / Ensure more and better transparency through the access to timely and reliable information on decisions and performance of the judiciary system, accessible to the public in general; -Access to justice / Improve the effective, efficient and sustainable access to justice mechanism, formal or informal, in line with the European and human rights standards.  The **National Strategy for Prevention of Corruption and Conflict of Interest and Action Plan for 2020-2024**(still to be adopted), which was prepared in a participatory approach, adopted by the SCPC at the beginning of 2020 and that should be approved by the new Parliament after the 2020 general elections. The Strategy establishes a set relevant objectives as follows: -increasing the level of political responsibility; -conscious management of political influence in the public sector and prevention of political influence in the work of independent bodies and in the procedures regulated by law; -strengthening the integrity and accountability in the public sector; -implementing the competencies in the public sector in a legal, transparent, ethical, economical, responsible and effective manner; -ensuring the integrity and transparency of employment and human resources policies in the public sector, based on a system of values and quality criteria; -strengthening the supervisory and control mechanisms; -digitization in all sectors of public services; -reduction of corruption in public procurement and in the process of granting grants, subsidies and other state aid; -strengthening the capacities and commitment of the law enforcement bodies, the prosecution and the judiciary in detecting and sanctioning corruption, as well as strengthening the resistance to corruption in their ranks; -supporting transparency and integrity in the private sector; -raising public awareness and conducting anti-corruption education and; -involve civil society and the media in the fight against corruption in society and build personal and professional integrity, including within them.  **Public Administration Reform Strategy 2018-2022,** which priority areas are: policymaking and coordination; -public service and human resources management; -responsibility, accountability and transparency; and –public services and ICT support to administration. The Strategy establishes certain number of specific objectives related with the Action: -enhance integrity and ethics at political and professional level; -enhance transparency of institutions and communication improvement between institutions, citizens and the business community.  With the Action, North Macedonia will contribute to achieving the recommendations of the **Venice Commission of the Council of Europe** on draft legislation or legislation already in force in the judiciary sector, as well as of the Group of State against Corruption **(GRECO)** of the Council of Europe related to the implementation of the legal framework against corruption.  With the Action, North Macedonia, as a member of the **United Nations Convention against Corruption** will contribute to achieving the objectives of the convention related to prevention, investigation and prosecution of corruption established in accordance with the convention.  The Action is contributing to the objectives of **United Nation’s 2030 Agenda for Sustainable Development**; more specifically, the action contributes to thematic priority **16. Peace, Justice and Strong Institutions.** Within its strategic framework through the specific objectives and measures related to access to justice, constitutional justice, good governance, corruption, freedom of expression, etc. |
| Coherence with the Sector Approach | The Action falls under two Sectors**: Justice and Fundamental Rights** and **Home Affairs,** although some aspects correspond to the Public Administration Reform sub-sector. It benefits of **well-established strategic framework** based on the Justice Reform Strategy 2017-2022 and the National Strategy for Prevention of Corruption and Conflict of Interest 2020-2024 (to be adopted). Both Strategies were developed in participatory approach, with involvement of the relevant stakeholders, including donors and civil society organisations, and are based on solid data and analysis. **An adequate monitoring mechanism** was set with the establishment of the Council for Monitoring the Implementation of the Judicial Reform in 2018.The first report was adopted in January 2019. Concerning the National Strategy for Prevention of Corruption and Conflict of Interest, once the Strategy will be approved by Parliament, a single monitoring mechanism will be established at intra-institutional level. To support the monitoring process, as of 2020, the country put in place **Performance Assessment Framework (PAF)**, streamlining the policy objectives, the indicators and the targets. The Action will contribute to meeting different impact and outcome indicators of the established PAF.  The **sector policy dialogue** is channelled through the established Sector Working Groups on Justice and Fundamental Rights and Home Affairs (SWG JUST, HA), which are chaired by the Minister of Justice and the Minister of Interior, respectively. The SWGs comprise members of all relevant institutions -judiciary institutions, MISA, MoF, agencies and bodies, PPO, SCPC, etc.-, donors, international partners and civil society organisations. The SWGs operates intensively, in two different formats: decision-making (at least twice per year) and technical (at least once per month). The SWGs embed the IPA programming but their mandate goes far beyond the use of the EU funds. The SWGs play the role of the country sector dialogue platform channelling the discussions on the national sector priorities and their implementation in an inclusive and participatory manner.  As regard the judiciary sector, the **institutional set-up** is supportive to the ongoing and planned sector reforms and the responsibilities allocated to the relevant national authorities are well defined in the legislative framework. However, the national administrative capacity needs to be reinforced to ensure the full implementation of the adopted strategies and legislations. This action will address this need as well. On the anti-corruption field, the Action will contribute to improving the capacity of the administration to fight against corruption, which still remains insufficient.  The sector **policy budgeting** needs improvement. North Macedonia does not yet benefit from a robust medium-term expenditure framework to anchor the costs for the major reforms and ensure their credibility. The on-going PFM reform programme is expected to address this issue through the adoption of the new organic budget law, which will allow programme-based budgeting and more stable mid-term expenditure framework. However, this process will require a serious upgrade of the sector capacity to budget sector reforms and finance structural priorities. At present, the budget allocated to the judiciary sector represents 0,77% of the state budget for 2020, which shows a slight decrease compared to 2018 and 2019, when the budget allocations reached 0,78% and 0,89 % respectively. On anti-corruption, the national budget allocation can only be followed at the level of the budget of the SCPC, which increased from 450,000 Euro in 2018 to 920,000 Euro in 2020, and the budget of the Public Prosecutor, which switched from 12,650,000 Euro in 2018 to 10,730,000 in 2020. |
| Regional dimension | Not applicable |
| Indicative budget | | Total: EUR 10 million  EU funding: EUR 8,5 million  National co-financing: EUR 1,5 million (including EUR 100,000 provided by the grant beneficiaries) |
| Implementation Modality | | The Action will be implemented under **Direct Management** through**:**   * **Procurement**, which entails around five+ service and supply contracts * **Grant,** 1 call for proposals |
| Budget Support Readiness | | Not applicable |

**LOGICAL FRAMEWORK MATRIX**

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| **OVERALL OBJECTIVE(S) / (IMPACT(S))** | **OBJECTIVELY VERIFIABLE INDICATORS**  Quantitative and/or qualitative variables providing a simple and reliable mean to measure the achievement of the corresponding expected result (i.e. outputs, outcomes, impacts). Indicators should have a clear measurement unit and be formulated in a neutral way. | **BASELINES**  **(INCL. VALUE & REFERENCE YEAR[[1]](#footnote-1))** | **MILESTONES**  **[OPTIONAL]**  **(INCL. VALUE & REFERENCE YEAR )** | **TARGETS**  **(INCL. VALUE & REFERENCE YEAR)** | **SOURCES & MEANS OF VERIFICATION** |  |
| **OVERALL OBJECTIVE:**  To strengthen Rule of Law | Readiness of North Macedonia as regards compliance with European standards on the functioning of the judiciary (chapter 23) (independence and impartiality, accountability, professionalism and competence, quality and efficiency of the justice system) | Some level of preparation (2018) |  | Fully prepared (2027) | EC annual reports |
| Corruption perceptions Index | 35 (2019) |  |  | Transparency International |
| Rule of Law Index-Corruption | 0.44 (2020) |  |  | World Justice Project |
| **SPECIFIC OBJECTIVE(S) / OUTCOME(S)** | **OBJECTIVELY VERIFIABLE INDICATORS (\*)** | **BASELINES** | **MILESTONES** | **TARGETS** | **SOURCES OF VERIFICATION** | **ASSUMPTIONS** |
| To improve the efficiency of the justice system and the efficiency of prevention and the fight against corruption | Trust in courts and judiciary | Totally distrust: 18%  Tend not to trust: 33%  Tend to trust: 37%  Totally trust: 5%  (2019) |  | Totally distrust: XXX%  Tend not to trust: XXX%  Tend to trust: XXX%  Totally trust: XX%  (2024) | Balkan Public Barometer of Regional Cooperation Council | Government of North Macedonia is committed and ready to implement reform needed to achieve the required standards in justice and home affairs area. |
| Disposition time (average of 1st, second and highest instance for Civil and commercial litigious cases, Administrative, and Criminal Justice) | 213 days (2016) |  | 150(2027) | Judicial Council Statistical Report |
| Number of cases initiated based on the verification of assets declaration and conflict of interests by SCPC | 0 (2018) |  | 10 (2020) | Annual Report of SCPC |
| **OUTPUTS** | **OBJECTIVELY VERIFIABLE INDICATORS (\*)** | **BASELINES** | **MILESTONES** | **TARGETS** | **SOURCES OF VERIFICATION** | **ASSUMPTIONS** |
| **Output 1**  Operational ICT management and infrastructure in the Judiciary and Anticorruption sector modernised | Number of Courts connected to the new Integrated Court Case Management System | 0 (2020) |  | All the Courts (2024) | Project report | There is a strong support for the sector reforms as well as public interest in the progress of reforms  The country allocated timely the necessary human, operational and budgetary resources  Effective cooperation and coordination between all relevant institutions  Key state institutions take responsibility for timely implementation of all necessary legal, procedural and organizational changes necessary for implementation of the new ICT systems. Ownership and object of the potential construction site defined and cleared |
| Number of Judges and professional staff of the Constitutional Court using the new Software | 0 (2020) |  | 30 (2024) | Project Report |
| Number of institutions and authorities exchanging relevant information with the SCPC | 10(2019) |  | 22 (2024) | SCPC Report |
| Number of Prosecutor Offices connected with the improved software | 0 (2020) |  | All the Public Prosecutor Offices (2024) | Project report |
| Number of Institutions connected to the new AKStat | 0 (2020) |  | 47 (2024) | Project report |
| Number of Judges and Prosecutors trained to use the new software | 0 (2020) |  | 1000 (2024) | Judicial Council report plus Public Prosecutor Council report  Project report |
| Number of court and Public Prosecution Office professional staff trained to use the new software | 0 (2020) |  | 500 (2024) | Judicial Council report plus Public Prosecutor Council report  Project report |
|  | Number of logs/people using the court website | 0 (2020) |  | > 300 (2020) | Constitutional Court website  Project report |
| **Output 2**  Strengthened capacities of the Constitutional Court to control the constitutionality and legality of adopted normative acts and in protecting fundamental rights | Rules of procedure of the Constitutional court amended after internal organisation improved | 0 (2020) |  | 1 (2024) | Project reports |
| Number of judges and professional staff trained | 0 (2020) |  | >30 (2024) | Project reports |
| **Output 3**  Prepared technical documentation to improve the training premises for judges, prosecutors and legal professionals in the Academy for Judges and Public Prosecutors | Full tender dossier for the construction of the Academy ready | 0 (2020) |  | 1 (2023) | Project reports |
| **Output 4**  Raised public intolerance to corruption | Number of trained people from private sector (sex disaggregated) on how to detect, prevent and fight corruption | 0 (2020) |  | 150 (2024) | Projects report |
| Number of people covered by public awareness activities for corruption prevention | 0 (2020) |  | 10,000 (2024) | Projects report |
| **BROAD ARRANGEMENTS FOR IMPLEMENTATION (IF AVAILABLE)** | Direct management | | | | | |

1. The baseline value may be "0" (i.e. no reference values are available as the Action represents a novelty for the beneficiary) but cannot be left empty or include references such as "N/A" or "will be determined later". [↑](#footnote-ref-1)