

PROJECT FICHE 1.5: Democracy and Fundamental Rights

1. Basic information

- 1.1 CRIS Number:** 2008/20-311
1.2 Title: Democracy and Fundamental Rights
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)

1) The Parliament (Assembly): 11 Oktomvri bb, 1000 Skopje
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3) Ombudsman Office in Skopje and its regional offices

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4) Ministry of Labour and Social Policy

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1.8 Overall costs (VAT excluded)¹: EUR 3.275.000.

1.9 EU contribution: EUR 2.400.000.

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 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.

1.12 Final date for disbursements

One year from the final date for execution of contracts

2. Overall Objective and Project Purpose

2.1 Overall Objective

The objective of the project is to enhance the institutional capacity of the beneficiaries in order to further improve the transparency and accountability of the Government vis-à-vis the citizens.

2.2 Project purpose

The project purpose is to provide technical and material assistance to prioritised institutions, including the Parliament, the Directorate for Personal Data Protection, the Ombudsman and the Unit for the implementation of the Roma Strategy, that have a key role in ensuring appropriate levels of transparency and accountability and protecting the fundamental rights of the citizens.

2.3 Link with AP/NPAA/EP/SAA

The programme will contribute towards the implementation of the SAA Article 2 on the respect for the democratic principles and human rights, and Article 68 on the adoption of the data protection law.

For all project areas, the Assembly, Personal Data protection, Ombudsman and Roma, the Accession Partnership outlines a series of priorities to be addressed in the near future. As regards the Assembly, the AP stresses the importance of enhancing the capacity of parliament, notably by increasing its resources. Regarding the personal data protection the AP calls for implementation of the national law on personal data protection. The AP on Ombudsman underlines the need for setting up effective mechanisms to identify, pursue and penalise all forms of discrimination by state and non-state bodies against individuals or groups. With regards to Roma, the AP highlights the necessity for promoting access to education, justice and social welfare for members of minority groups. Furthermore, the AP points at the importance of ensuring administrative capacity to implement social inclusion and social protection policies and developing long term social inclusion policies and enhance access to the labour market of vulnerable groups.

The National Plan for Adoption of Acquis with regard to proposed project components intends to strengthen the parliament for maintaining the consensus on the strategic goal of EU accession and preserving the reform pace, launch regular supervision over the protection of personal data, harmonization of the legislation in the area of protection of personal data with the acquis; building the administrative capacity for implementation of basic principles on protection of right to privacy and ensure the full independence of the institution responsible for protection of right to privacy, increase public awareness of the Ombudsman as a potential mechanism for processing complaints related to corruption in the public administration (having in consideration the small number of complaints in the field of corruption) and increase the cooperation between the state bodies and the Ombudsman, and implementation of the Strategy for the Roma and of the National Action Plan from “Decade of Roma Inclusion”.

2.4 Link with MIPD

The Multi-Annual Indicative Planning Document (MIPD) indicates that EU assistance will continue to help to advance *public administration reform* by supporting the implementation of a comprehensive Public Administration Reform strategy. An important element throughout the support provided to Public Administration Reform is to increase transparency and to

improve civil society inclusion and participation. Support to "good governance" may also include capacity building of democratic state institution, such as the Parliament.

As regards *human rights and the protection of minorities*, special attention shall be given to the implementation of the Roma Strategy and where appropriate, support access to education, justice and social welfare for member of all communities.

2.5 Link with National Development Plan

The NDP underlines following priorities in the project areas: a) Increasing social inclusion and integration of different levels of society; b) Improvement of service delivery, and improvement of the quality of services; c) Extension of the basic principles of professionalism, efficiency, political neutrality and service oriented civil service, presently stipulated with the Law on Civil Servants, to target the employees in the other segments of the public sector; and d) strengthen the capacity of human resources in the public administration.

2.6 Link with national/ sectoral investment plans

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

- Report on the work of the Assembly, 2008
- Strategy of Reforms of Public Administration, 1999
- Annual Report of Ombudsman, 2007
- National Strategy and an Action Plan of the Decade of Roma Inclusion, 2005
- Pre-Accession Economic Programme (2008-2010), 2007

3. Description of project

3.1 Background and justification

Under the constitution, the Government is to provide a solid level of transparency and accountability to the citizens. Although in the last years significant efforts have been deployed to allow an appropriate level of understanding by the citizens of governmental operations, the situation can be further improved.

The regular survey² that includes an assessment of citizen's perception of the government and its administration indicated rather good improvements towards the end of 2006 and the beginning of 2007. However, the overall figures still indicate high levels of uncertainty with the performance of the democratic institutions.

Explanatory factors for this perception include insufficient quality of service delivery, insufficient involvement of citizens in decision making, insufficient transparency and accountability. However, the survey is based on perceptions, and perceptions are notoriously hard to influence once they have settled in popular consciousness. The Government has undertaken significant efforts to improve the situation, but these are not yet reflected in the perception of the citizens.

Despite the improvements, the Government does not wish to be complacent and continues to place a high priority on the key elements of the perception by the citizens. Four areas emerge as pivotal in the perception of the citizens on the performance of the government:

- The legislative process, who decides when and why?;
- The recourse vis-à-vis decisions or treatment by governmental bodies;

² UNDP Early Warning Report, latest report June 2007, source: UNDP website.

- The uncertainty who has access to which kind of personal information;
- The efforts of the government to support specific vulnerable groups in society.

The project therefore will contribute to further improve the quality of work and the communication with the general public in the following fields:

- The parliament with a focus on the legislative process
- The ombudsman
- The personal data protection department
- The implementation of the Roma Strategy.

The present project is closely related to the Civil Society project presented in a separate fiche.

Specific background concerning the Assembly

The political developments in the country enjoy lively and significant attention, both in and outside the media. Appreciation by the general public, however, of the parliamentary work seems to be lacking behind the large interest in the overall developments. For a sound democracy, solid functioning of the parliament in a transparent and accountable manner is essential to motivate trust in the institutions.

Under the Constitution, the Parliament plays a key role in the legislative process, responsible for considering all draft legislation. Standing working bodies (Committees) of the Assembly consider proposals for adoption of laws other acts, follow the implementation of parliamentary acts, as well as study and consider other issues within their sphere of competence. There are 20 permanent Committees and 2 parliamentary bodies (see Annex for a complete list), each playing a different role in the legislation process, considering laws in its field of competence.

The complexity of parliamentary work has increased significantly in the past decade, where parliamentarians and the Assembly staff need to absorb, understand and be able to transpose European legislation into national legislation. A key role in the quality of work delivered by the Committees is performed by the permanent staff in the different departments of the Assembly who provide technical expertise to the individual committees. The three key departments are the (working bodies department) department to support the Committees, the Legislation Department and the Research and Analysis Department, while the Library of the Assembly is of course essential as depository of information, together with the Documentation Department and the IT Department. The Research and Analysis Department provides comparative analysis and expertise to MPs and to parliamentary staff in the committees on draft-laws that enter into parliament. The Legislation Department is in charge of preparation of draft-laws when the initiator is an MP or a group of MPs, for preparation of amendments to draft-laws in parliamentary procedure, as well as for preparation of the texts of the laws, acts, decisions, declarations, resolutions and other acts adopted by the Assembly that will be published in the Official Gazette. The existing capacity of the Library together with the Technical Unit of the Assembly, are in charge of further enrichment of the library fund, preparation of technical documentation related to everyday activities of the MP's, as well as storage of audio/video files, maintenance of the audio/video equipment and the software of the electronic voting system.

Both the Members of Parliament and the technical staff of the Assembly are struggling to keep up with the volume and complexity of work. Improvements are needed to speed up internal work-processes and access to relevant information should become both more

extensive and significantly faster, while targeted training to PM and Assembly staff members equally will lead to further improvements in the functioning of the Assembly.

Specific background concerning the Directorate for Personal Data Protection

In the last few years an appropriate legal and organisational structure to ensure appropriate handling of data protection issues has been established. The Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data was signed and ratified, new laws and by-laws were adopted, other relevant laws were amended in line with the Convention and the relevant European Directives and Decisions (95/46/EC, 2001/479/EC and 2004/915/EC) on the protection of individuals with regard to the processing of the personal data and on the free movement of such data. In 2007, a draft version of amendments of the Personal data Protection Law was delivered to the Parliament by the Government and the procedure for ratification of the Additional protocol of the Council of Europe Convention 108/81 from 2002 has started. In December 2007 the transition period was successfully completed in which the controllers fully adjusted their operation to the Personal Data Protection Law.

In June 2005, the Directorate for Personal Data Protection (DPDP) was established as an independent state body to supervise the lawfulness of the undertaken activities in personal data processing and data protection. As of 2006, the DPDP delivers regular annual reports to the Parliament.

With a staff establishment of a director, deputy director and 15 employees, the DPDP presently implements its Strategic Plan 2006-2010. One of the strategic attributes of the DPDP is its strong international cooperation, being a member of international networks of institutions dealing with personal data protection in areas of police (INTERPOL, Shengen), judiciary and human rights.

With the overall institutional development of the DPDP on track, on the one hand a consolidation of the achievements should be made, while on the other hand the outreach of the DPDP to the general public should be enhanced. In this vein the priorities are the finalization of the harmonization of the national regulations with the EU legislation, further strengthening of the operational capacity of the controllers in personal data protection, creating a high level of awareness of the general public for the personal data protection as a human right as well as updating the IT infrastructure and the WEB page. The recently completed CARDS project supported the development of legal instruments, rulebooks, operational procedures as well as internal organizational improvement proposals. The present project will follow-up and reinforce the achievements of the CARDS project with a strong focus on implementing capacities and outreach to the general public.

Specific background concerning the Ombudsman

The Office of the Ombudsman was established in line with article 77 of the Constitution, passed in 1991. However, the Law on the Public Attorney (Ombudsman) was not passed until 13 February 1997. The Constitutional mandate of the Ombudsman is to protect "... the constitutional and legal rights of citizens when violated by bodies of state administration and by other public bodies and organisations". On 3 July 1997, the Parliamentary Assembly elected the first Ombudsman with an eight-year term of office.

In December 2004, Parliament elected the Ombudsman based on the Badinter Principle, as required by the Ohrid Framework Agreement, leading to the appointment of the first ethnic Albanian holding the post of Ombudsman.

Active since 1991, the Ombudsman office has expanded over the years with now over 40 staff members in Skopje and over 30 staff members in the five regional offices. Despite the positive developments, challenges remain. Although the Ombudsman is increasingly recognised, the functions of the Ombudsman remain insufficiently well understood by the population. Often the Ombudsman receives requests for assistance that is not within its mandate, and often the Ombudsman is not approached in cases where it could assist. Secondly, the staff members of the Ombudsman need exposure to international experiences. For the past few years, internal training has improved the quality of the staff, but the lack of access to international experience is hampering a further development of competence. Thirdly, the capacities of the regional offices need to be strengthened and cooperation with decentralised government bodies needs to be improved.

Specific background concerning the Roma Strategy

The Constitution recognizes Roma as a constitutive category of citizens and is based on principles of equality, freedom of expression, ethnic belonging, speech etc. In January 2005, the Government adopted the National Strategy for Roma. At the same time, National Action Plans on the Decade of Roma were adopted and annexed to the Roma Strategy. All Roma related issues are coordinated by the Ministry of Labour and Social Policy, which nominated the National Coordinator of Roma policies, ex-officio. The same ministry supports the National Coordination Body, constituted of members of different line ministries and Roma political and NGO activists. This body has consultative status within the Government and periodically reports on the status of implementation of Roma strategy in different sectors. The Ministry is in the process to establish a special unit for the implementation of the Roma Strategy, which is expected by July 2008.

The – so far limited - experiences with the implementation of the Roma Strategy indicate at a number of challenges that need attention. The coordination and exchange of information among national actors, including the key ministries and their focal points, on the Roma Strategy needs strengthening. Secondly, as the implementation of the Strategy is most feasible at local level, more adequate involvement of the local authorities and other local actors is required. Presently, eight Roma Information Centers are operational in the following municipalities: Skopje (Shuto Orizari), Tetovo, Gostivar, Bitola, Prilep, Stip, Devleta and Kumanovo, while it is expected that an additional four centres will be opened soon. In addition, five municipalities (Tetovo, Gostivar, Kumanovo, Stip and Radovis) adopted action plans for implementation of Strategy for Roma. The established – and to be established – local information centers will be central in this effort as well as the support to the implementation of the local action plans.

The project precedes the Presidency by the country of the Decade of Roma Inclusion in 2011.

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

The combined impact of the four components is targeting at further improvements in the perception by the citizens of the country's democratic institutions, through on the one hand improving performance in key areas and on the other hand by improving communication.

Higher levels of trust in and satisfaction with government services will contribute to higher levels of involvement of citizens and contribute to political stability. Improved levels of transparency and accountability will have a positive influence on the attraction of foreign

investments, while it also will stimulate national investments in the economy, by reducing the perception of uncontrolled risk.

Improved functioning of the parliament will enable parliamentarians to make better proposals, improving the quality of laws and better satisfy the needs of the voters. Professional handling of legislative processes related to approximation will improve further the accession prospects of the country. Sound quality and use of advanced IT devices will increase the transparency and entail greater involvement of the citizens in the decision-making process.

Providing personal information to institutional bodies always involves a certain level of anxiety on how this information will be used. A strong structure to protect the interests of the citizens is essential to store trust in the institutions and appropriate handling of private information.

Further improving the professional capacities of the Ombudsman offices will increase the trust of the citizens in the overall governance system in the country and strengthen their confidence in dealing with governmental institutions. Improved levels of accountability are important in the general trust of the citizens on the government.

The implementation of the National Strategy for Roma will contribute to a decrease of the gap between the Roma community and the rest of the population in the country. It is also expected to improve the governments' standing on its promises to support weak and marginalised communities in the country.

The project has indirect cross-border impact, as the country is part of the regional efforts for improvement of the situation of Roma, both in terms of National Strategies for Roma existing in a number of countries in the region and in terms of the membership into the Decade of Roma Inclusion.

3.3 Results and measurable indicators³

The project will entail four main components:

- 1) Support to the Assembly
- 2) Support to the Department for Protection of Personal Data
- 3) Support to the Ombudsman
- 4) Support to the implementation of the Roma Strategy

1) Support to the Assembly

The results to be achieved are:

- 1) Improved functioning of the technical support to the Parliamentary Committees, through:
 - a) Improved knowledge of the parliamentary staff
 - b) Improved work processes in delivering the professional support
- 2) Improved capacity of delivering analytical reports;
- 3) Improved access to relevant information for the Committee members and the parliamentary support staff, through the establishment of the EU Information Centre within the Library of the Assembly, including internet links with relevant EU Databases and information source, and improved TV and Internet access to plenary sittings through the IT equipment for the Technical Unit in the Assembly.

The measurable indicators are:

Ad result 1: Improved functioning of the technical support to the Parliamentary Committees

³ 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.

- Shorter period of ‘turnover’ of laws in the Committees;
- Lower rejection rate of amendments submitted to different EU related laws;
- Rules of Procedure by Parliament adopted and operational;
- Parliament is working according to the new Rules of Procedure

Ad result 2: Improved capacity of delivering analytical reports;

- Shorter period to produce analytical reports;
- Improving satisfaction rate of customers of analytical reports (measured through regularly implemented satisfaction survey);
- Increasing number of published analytical documents

Ad result 3: Improved access to relevant information

- Functional EU Information Centre
- Functional networking programme for electronic use of research papers
- Full access in the internal network to all research papers;
- Increased use of available papers by MPs and parliamentary employees;
- Full access to the Audio/Video Archive of plenary sittings;
- Increased transparency to the citizens for the plenary sittings through the use of Internet.

2) Support to the Directorate for Personal Data Protection

The results to be achieved are:

- 1) Further alignment of the national regulations with the EC legislation,
- 2) Strengthened operational capacity of the controllers in personal data protection - Inspection Department,
- 3) Higher level of awareness of the general public for the personal data protection as a human right,
- 4) Updated IT infrastructure and the WEB page.

The measurable indicators are:

Ad result 1: Further alignment of the national regulations with the EC legislation,

- 1) Staff training needs assessed, training programme elaborated and implemented;
- 2) Inventory made of legal instruments that need (further) harmonization with EC Acquis;
- 3) All legal instruments are harmonized;

Ad results 2: Strengthened operational capacity of the controllers in personal data protection - Inspection Department,,

- 1) Staff training needs assessed, training programme elaborated and implemented;
- 2) Draft amendments to the existing procedural manual elaborated;
- 3) The number of data processing specific sectors manuals drafted;
- 4) Improved the implementation of regulations concerning data protection issues related to modern technology applications-smart cards, biometrics, RFID chips, video surveillance, internet, and electronic communications;

Ad results 3: Higher level of awareness of the general public for the personal data protection as a human right

- 1) Improvement of procedures, including web-based submissions for complaints handling;
- 2) Staff training needs assessed, training programme elaborated and implemented;
- 3) Awareness campaign designed and implement, including focus on special target groups (children and journalists)

Ad result 4: Updated IT infrastructure and the WEB page.

- 1) Detailed IT needs assessment developed and implemented, procurement plan developed and implemented for IT, transport and equipment including specific attention for software development, website management, document management system, report production, office equipment and transport solutions;
- 2) Staff training needs assessed, training programme elaborated and implemented.

3). Support to the Ombudsman

The results to be achieved are:

- 1) Improved level of citizen's knowledge on the Ombudsman competences
- 2) Improved level of competence of Ombudsman staff, with specific focus on the capacities of the regional offices

The measurable indicators are:

Ad result 1: Improved level of citizen's knowledge on the Ombudsman competences

- 1) Public awareness campaign developed and implemented
- 2) Increase of cases brought forwarded to the Ombudsman that fall within its mandate
- 3) Decrease of cases brought forwarded to the Ombudsman that do not fall within its mandate
- 4) Professional public information system developed and operational

Ad result 2: Improved level of competence of Ombudsman staff, with specific focus on the capacities of the regional offices

- 1) Staff training needs assessed, training programme elaborated and implemented;
- 2) Decreased number of days of response by the Ombudsman office to an individual complaint
- 3) Improved cooperation with local government units, measured through a decrease in the number of days for local government units to respond to Ombudsman requests for information

4). Support to the implementation of the Roma Strategy

The results to be achieved are:

- a. Strengthened operational coordination structure at both national and municipal level (in selected municipalities)
- b. Implementation of the (prioritised) Action Plan for the Roma Strategy, with a focus on the local action plans

The measurable indicators are:

- 4) Coordination capacity for the implementation of the Action Plans related to the National Strategy for Roma established at both national level and selected municipalities, including the capacity to monitor and evaluate the implementation of the Action plans.
- 5) Action plans related to the National Strategy for Roma assessed and individual actions prioritised
- 6) Detailed implementation plan for prioritised actions developed, including funding arrangements for which resource mobilisation actions are developed
- 7) Support mechanism to the implementation of the local action plans developed.

3.4 Activities

The project includes the following activities in each of the components:

Component 1: Support to the Assembly

- 1) Training needs assessment, training plan development, training implementation;
- 2) Work process analysis, proposal improvements, implementation plan improvements
- 3) Two study visit to a Member State parliament
- 4) Assessment of IT improvement needs, improvement proposals, specification development, procurement of IT
- 5) Establishment of EU Information Corner

Component 2: Support to the Directorate for Personal Data Protection

- 1) Staff training needs assessment, training programme development and implementation;
- 2) Inventory made of legal instruments that need (further) harmonization with EU Acquis, harmonizing remaining legal instruments;
- 3) Improving procedural manuals, including
 - c. the implementation of regulations concerning data protection issues related to modern technology applications-smart cards, biometrics, RFID chips, video surveillance, internet, and electronic communications;
 - d. complaints handling, including web-based submissions;
- 4) Design and implementation of and Awareness campaign, including focus on special target groups (children and journalists)
- 5) Development and implementation of a detailed IT needs assessment and a procurement plan for IT, transport and equipment, including specific attention for software development, website management, document management system, report production, office equipment and transport solutions.

Component 3: Support to the Ombudsman

- 1) Training needs assessment, training plan development, training implementation;
- 2) Work process analysis, proposal improvements, implementation plan improvements;
- 3) Public awareness campaign and web page updating;
- 4) Assessment of IT improvement needs on national and regional level, improvement proposals, specification development, procurement of IT;
- 5) Round tables and workshops with participation of Ombudsman staff, local and central administration, other interested parties, facilitated by international experts;
- 6) One study visit to an Ombudsman office in a Member State;
- 7) Establish a cooperation arrangement with an Ombudsman office in a Member State.

Component 4: Support to the implementation of the Roma Strategy

- 1) Training needs assessment, training plan development and training implementation for the coordination structures at both national level (including the to be established unit for Roma affairs) and selected municipalities
- 2) Workshops, seminars in order to assess Action plans related to the National Strategy for Roma, prioritise individual actions and develop detailed implementation plans for prioritised actions
- 3) Support to the implementation of prioritised actions, with a focus on the local action plans (including resource mobilisation actions).

Management and contracting arrangements

For each component a separate contracting arrangement will be implemented and for each component a steering committee will be established. In addition, a joint Steering Committee will be established with the specific assignment to ensure exchange of relevant information

and lessons learned. This Steering Committee will include representatives from the other Steering Committees and will meet at least once per quarter.

The component Steering Committees will be chaired by the relevant Beneficiary institutions and will include representatives of the different stakeholders. The Delegation of the European Union, Secretariat for European affairs shall be invited to participate with Observer status. The Steering Committee shall meet not less than once per three months.

Advisory services will be provided to the beneficiary. The contracts to support the project will contain next to a team leader additional expertise to assist in key tasks, e.g. in the field of administrative capacity building, training, legal development, IT development and others. 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 beneficiaries.

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

The expected contracting arrangements are:

Financed through IPA:

- 1 Service contract will be concluded following an international restricted tender procedure to support the development of the Parliament project with duration of 12 to 24 months. Implementation is expected to start in 3rd quarter 2010, one month after the signature of the contract and the contract value will be approx. EUR 0.6 Million.
- 1 Service contract will be concluded following an international restricted tender procedure to support the development of the Personal Data Protection project with duration of 12 to 24 months. Implementation is expected in 3rd quarter 2010, one month after the signature of the contract and the contract value will be approx. EUR 0.6 Million.
- 1 Twinning will be concluded to support the development of the Ombudsman project with duration of 12 to 24 months. Implementation is expected in 1st quarter 2011, one month after the signature of the contract and the contract value will be approx. EUR 0.6 Million.
- 1 Service contract will be concluded following an international restricted tender procedure to support the development of the Roma project with duration of 12 to 24 months. Implementation is expected in 3rd quarter 2010, one month after the signature of the contract and the contract value will be approx. EUR 0.6 Million.

Financed through the National Contribution:

- One or more supply contracts for the delivery and installation, as well as associated training, of the IT, audio and video system equipment in the parliament to allow better access to the relevant information, with duration of 4 to 8 months, and subsequently a 12 months warranty period, bringing the total project duration to 16 – 20 months. Implementation is expected in 3rd quarter 2011, one month after the signature of the contract and the contract value will be approx. EUR 0.25 Million.
- 1 Supply contract for the delivery and installation, of the EU Corner in the Library in the parliament to allow better access to the relevant information specifically related to the EU,

with duration of 4 to 8 months, and subsequently a 12 months warranty period, bringing the total project duration to 16 – 20 months. Implementation is expected in 3rd quarter 2011, one month after the signature of the contract and the contract value will be approx. EUR 0.125 Million.

- 1 Supply contract for the needs assessment analysis, delivery and installation, as well as associated training, of the IT system and the web page in the Ombudsman, with a duration of 4 to 8 months, and subsequently a 12 months warranty period, bringing the total project duration to 16 – 20 months. Implementation is expected in 3rd quarter 2011, one month after the signature of the contract and the contract value will be approx. EUR 0.25 Million.
- Needs assessment for the IT, equipment and transport will lead to 2 or more supply contract for the delivery and installation, as well as associated training and procurement of the IT system, equipment and transport solutions in the Directorate for Personal Data Protection, each with a duration of 4 to 8 months, and subsequently a 12 months warranty period, bringing the total project duration to 16 – 20 months. For both contracts, implementation is expected in 3rd quarter 2011, one month after the signature of the contract and the total value of all procurement activities will be approx. EUR 0.25 Million.

Please note that the supply contracts for IT at this stage have not yet been defined in detail. It is assumed that the required equipment can be provided through one supply contract for each beneficiary institution. However, after the detailed requirements have been assessed, it may be necessary to develop more than one contract.

3.5 Conditionality and sequencing

The projects should further include the following **conditionalities** in the preparation phase:

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 beneficiary before the launch of the tender process;
3. Allocation of working space and facilities by the beneficiary for technical assistance before the launch of the tender process;
4. Arrangement by the beneficiary of all legal procedures to allow construction (e.g. construction permits, urban plan amendments), refurbishment activities before the launch of the tender process;
5. Participation by the beneficiary in the tender process as per EU regulations;
6. Organisation, selection and appointment of members of working groups, steering and coordination committees, seminars by the beneficiary as per work plan of the project;
7. Appointing the relevant staff by the beneficiaries to participate in training activities as per work plan;
8. In relation to IT supply: identified staff responsible for maintenance of the IT infrastructure as well as budget availability to ensure operationally of the equipment;
9. The Assembly should have sufficient human resources to implement the activities of the project;
10. Adoption of the new Rules of Procedure by the Parliament.

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

3.6 Linked activities

The Assembly previously received assistance through the following projects:

1. PHARE Project: Approximation of the EU Legislation in the Parliament 2001, main output a manual to provide guidelines for the MPs and the Staff Service of the Assembly in the process of approximation of EU legislation.
2. CARDS Programme- Twinning Project 4th Component 2004-2005, with main outputs assistance Rules of Procedure of the Assembly and the organization of the parliamentary staff service.
3. TAIEX trainings, seminars and study visits 2005-2006, with main outputs two study visits of 5/5 parliamentary officials on EU matters to Brussels and Helsinki, and one seminar held in Skopje as introduction for the functioning of the EU institutions.
4. Bilateral assistance from the National Assembly of the Republic of France in 2004/2006, main outputs a seminar in the Assembly for parliamentary officials on EU matters, and a two-week study visit of two parliamentary employees from the Assembly to the National Assembly of the Republic of France.
5. OSCE assistance in 2006/2007, main outputs an assessment on the legislative process in the country and recommendations, an assessment on the Analytical Capacities of the Assembly.
6. German expertise on the Rules of Procedure of the Assembly in 2007 - One expert, a ranking high official of the German Bundestag, through a study visit to the made an assessment of the existing Rules of Procedure of the Assembly.
7. The European Parliament – the Bilateral Unit for Cooperation with National Parliaments 2007-2008. The cooperation with this Unit started 2007 with a Seminar organized in the Assembly, and one study visit from the parliamentary staff to the European Parliament in Brussels, aimed at making close presentation of the manner of work of the European Parliament and on the role of national parliaments in the EU legislation process. The second study visit for parliamentary officials to Brussels is planned for March 2008.
8. USAID/NDI/IRI assistance –Several seminars and trainings for the newly-elected parliamentarians as well as for women parliamentarians were organized in the Assembly. In 2007, they started a joint project with the Assembly for opening of field offices for MPs in their electoral districts. The project is aimed to bring the MPs closer to the citizens. In 2007, USAID has also donated a two DNS servers and one disc-sub system network attached for the information network of the Assembly. There is an ongoing process with the US Congress for the Library of the Assembly, by which they will provide books and a link to the US Congress Library for the Library of the Assembly. To that aim, four parliamentary employees spent a two week study visit in the US Congress Research and Analysis Department to get acquainted with the American techniques for research and analysis and the use of the incoming network between the US Congress Library and the Library of the Assembly of the former Yugoslav Republic of Macedonia.

The Directorate for Personal Data Protection has received EU assistance through the project 04MAC02/01/105 - “Technical assistance to the creation of a Directorate for Personal Data Protection and enforcement of the data protection principles” that was managed by the European Agency for Reconstruction. The Project lasted for 18 months and ended in November 2007.

OSCE and the Swedish International Development Agency SIDA have been active to strengthen the Ombudsman institution and the regional offices. In cooperation with TAIEX in 2006, an International Conference “Cooperation with the Ombudsman – Relevant Factor for Development of the Democracy” was organized, and participants were all Ombudsmen from the region, representatives of the Ombudsman institutions in the EU members states, representatives of the International Ombudsman and European Ombudsman.

The assistance in relation to the Roma strategy has been the following:

The Netherlands is providing assistance through the ongoing project on “Equal Educational Opportunities for Roma Children” which ends June 2008, aiming at improving the performance of Roma students in class-based grades (I-IV) and to increase retention rate of target Roma students in subject-based grades (V-VIII) in primary schools. The project, implemented by FOSIM, covers three full school years (2006-7-8) and is implemented in 9 locations and 10 primary schools (2 in Skopje).

UNDP assistance in this area began with full “Support to the National Policy Development for the Roma Decade”, by supporting the efforts of the Government for implementation of the Roma Decade which aims at eliminating discrimination and closing the mounting gaps between Roma and the rest of society, as identified in the governments Decade Action Plan. Also, they provided emergency aid to the Municipality of Kumanovo in coping with the effect of August 2005 floods which created significant material damage and evacuation of 1000 Roma people from the settlements of Sredorek and Bavci.

In 2004, UNHCR provided assistance for “Provision of Food, Health and Logistics Assistance to Refugees in the former Yugoslav Republic of Macedonia”.

The CARDS programme has provided significant amount for accomplishing the main objective of the project “Novel Approach to raising awareness for education, technology and civil rights among Roma population”, which were raising awareness for education and technology among Roma ethnic community in Bitia by providing access to computers, internet and multimedia, and by improving the quality of municipal administration services for the Roma ethnic community by establishing in their habitat a City Information Centre.

The Council of Europe, through the project “Promoting and Protecting Roma Rights in the former Yugoslav Republic of Macedonia” assisted the Government in the design and implementation of policies directed at improving the situation of the Roma. The project also aimed at improving the active participation of Roma themselves in the design of those solutions and policies. Activities included the improved dissemination of information and knowledge about human rights through comprising TV programme, tribunes and workshops and training of local agents to deliver human rights advice in Roma settlements.

USAID “Roma education program” begun in 2005 and it will be operational till 2011. USAID, the Foundation Open Society Institute, the Swiss Pestalozzi foundation, and the Organization for Stability and Cooperation in Europe are jointly funding a project to prepare pre-school children to enter school and then increase retention rates of Roma youth as they pass from preschool to elementary, then to secondary and finally to university education. Through the project, Roma Educational Centres in Skopje, Kumanovo and Prilep actively provide out-of-school support and other creative activities for children, their parents, and the entire community. The REP provides a scholarship and mentorship support to over 250 secondary, as well as 63 university students.

The project activities for “Enabling Formal Education for the Roma Children from Klanica”, financed by USAID ended in 2004.

The project “Supply of Educational Equipment for the Roma Community Centre in Kumanovo” was supported by the Japanese Government in 2003. The Roma Community Centre “Drom“ was and is acting to integrate Roma and other ethnic minorities into the social mainstream in the country. Education for street children is one way to accomplish this. The objectives of the aid from Japan were to improve the efficiency of the educational activity.

In view of the various agencies that are involved in the different components, solid coordination mechanisms will be established to avoid overlap between activities and make use of the potential synergies between the different actions.

3.7 Lessons learned

Although impact realised through the previous assistance overall is satisfactory, a number of challenges remain:

- *Legal Reform in the sector:* Although in each of the four components legal development has taken place in the past few years, realising a stronger alignment with the acquis and European best practices, further legal alignment is necessary. One of the lessons learned is that in most sectors, a regularly updated overview of laws aligned and a solid planning with a prioritised list of laws and legal instruments to be aligned seems to be lacking. A second regularly occurring issue is that the planning for harmonisation of legal instruments is not honoured often having a knock-on effect on the effectiveness of the support projects deployed based on assumptions that laws will have been adopted. Projects only should be deployed once essential legal instruments have been adopted.
- *Enforcement:* There has been large focus on establishing the legal frameworks in the country. The capacity to enforce the law, however, has received insufficient attention. Thus, the legal reform is rather well advanced, but in practice – law enforcement and implementation - has not followed. This creates a widening gap between the formal legal situation and ‘on-the-ground’ practice. The four components in the present project explicitly address this issue.
- *Conditionalities:* Often project implementation is hampered by either insufficient staff and 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. Often project implementation is hampered by either insufficient staff and 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, late approval of relevant legislation etc.
- *Linked activities.* In all four components either CARDS projects have provided assistance or other agencies have provided assistance. It is essential to build upon past achievements, avoid overlap and ensure the potential synergies are realised. Where there is a strong government commitment to coordinate, generally projects produce better and more sustainable results.

4. Indicative Budget (amounts in M€)

| | | | 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) |
| Parliament | | | | | | | | | | | | |
| Service contract | X | - | 0.6 | 0.6 | 100 | | | | | | | - |
| Supply system IT | | X | 0.25 | | | 0.25 | 100 | 0.25 | | | | |
| Supply Corner EU | - | X | 0.125 | | | 0.125 | 100 | 0.125 | | | | - |
| Date Protection | | | | | | | | | | | | |
| Service Contract | X | - | 0.6 | 0.6 | 100 | | | | | | | - |
| Supply system IT | - | X | | | | 0.125 | 100 | 0.125 | | | | - |
| Supply equipment | - | X | | | | 0.125 | 100 | 0.125 | | | | |
| Ombudsman | | | | | | | | | | | | |
| Twinning | X | | 0.6 | 0.6 | 100 | | | | | | | |
| Supply system IT | | X | | | | 0.25 | 100 | 0.25 | | | | |
| Roma Strategy | | | | | | | | | | | | |
| Service contract | X | | 0.6 | 0.6 | 100 | | | | | | | |
| TOTAL IB | | | 2.4 | 2.4 | 100 | | | | | | | |
| TOTAL INV | | | 0.875 | | | 0.875 | 100 | 0.875 | | | | |
| TOTAL PROJECT | | | 3,275 | 2.4 | 73 | 0.875 | 27 | 0.875 | | | | |

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 (financed by IPA) | Start of Tendering | Signature of contract | Project Completion |
|---|--------------------|-----------------------|--------------------|
| <u>Parliament</u> | | | |
| Contract 1 – <u>Service contract</u> | Qu1 2010 | Qu3 2010 | Qu3 2012 |
| Contracts (financed by National Contribution) | Start of Tendering | Signature of contract | Project Completion |
| Contract 2 – <u>Supply IT system</u> | Qu1 2011 | Qu3 2011 | Qu4 2012 |
| Contract 3 – <u>Supply EU Corner</u> | Qu1 2011 | Qu3 2011 | Qu4 2012 |
| <u>Date Protection</u> | | | |
| Contract 4 – <u>Service Contract</u> | Qu1 2010 | Qu3 2010 | Qu3 2012 |
| Contracts (financed by National Contribution) | Start of Tendering | Signature of contract | Project Completion |
| Contract 5 – <u>Supply IT system</u> | Qu1 2011 | Qu3 2011 | Qu4 2012 |
| Contract 6 – <u>Supply IT system</u> | Qu1 2011 | Qu3 2011 | Qu4 2012 |
| <u>Ombudsman</u> | | | |
| Contract 6 – <u>Twinning</u> | Qu1 2010 | Qu1 2011 | Qu1 2013 |
| Contracts (financed by National Contribution) | Start of Tendering | Signature of contract | Project Completion |
| Contract 7 – <u>Supply IT system</u> | Qu1 2011 | Qu3 2011 | Qu4 2012 |
| <u>Roma Strategy</u> | | | |
| Contract 8 – <u>Service contract</u> | Qu1 2010 | Qu3 2010 | Qu3 2012 |

6. Cross cutting issues

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.

- **Equal opportunities and non-discrimination;**

The training activities will include a specific component to train 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).

- **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 training activities will include a specific component to train beneficiary staff in the

different aspects of mainstreaming minority and vulnerable groups in programme and project development as well as monitoring the implementation. 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. The support to the institutions 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.

The training activities will include a specific component to train beneficiary staff in the different aspects of mainstreaming environment in programme and project development as well as monitoring the implementation.

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: Logical frame in standard format

| | | | |
|--|---|--|--|
| LOGFRAME PLANNING MATRIX FOR Support to Democracy and Fundamental Rights | | | |
| | 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: € 3.275.000 | | IPA budget: € 2.400.000 |

| Overall objective | Objectively verifiable indicators | Sources of Verification |
|--|---|-------------------------|
| The objective of the project is to enhance the institutional capacity of the beneficiaries in order to further improve the transparency and accountability of the Government vis-à-vis the citizens. | Public trust in the institutions is improving | Special survey |

| Project purpose | Objectively verifiable indicators | Sources of Verification | Assumptions |
|--|---|-------------------------|--|
| The project purpose is to provide technical and material assistance to prioritised institutions, including the Parliament, the Directorate for Personal Data Protection, the Ombudsman and the Unit for the implementation of the Roma Strategy, that have a key role in ensuring appropriate levels of transparency and accountability and protecting the fundamental rights of the citizens. | Services and material support are provided. | Project documents | Different beneficiaries comply with the conditionalities |

| Results | Objectively verifiable indicators | Sources of Verification | Assumptions |
|---------|-----------------------------------|-------------------------|-------------|
|---------|-----------------------------------|-------------------------|-------------|

| | | | |
|--|---|---|--|
| <p>Component 1: Support to the Assembly</p> <p>The results to be achieved are:</p> <p>1) Improved functioning of the technical support to the Parliamentarian Committees, through:</p> <p style="padding-left: 20px;">a) Improved knowledge of the parliamentary staff</p> <p style="padding-left: 20px;">b) Improved work processes in delivering the professional support</p> <p>2) Improved capacity of delivering analytical reports;</p> <p>3) Improved access to relevant information for the Committee members and the technical support staff, through the establishment of the EU Information Centre within the Library of the Assembly, including internet links with relevant EU Databases and information sources, and improved TV and Internet access to plenary sittings through the IT equipment for the Technical Unit in the Assembly.</p> | <p>The measurable indicators are:</p> <p>Ad result 1: Improved functioning of the technical support to the Parliamentarian Committees</p> <ul style="list-style-type: none"> • Shorter period of ‘turnover’ of laws in the Committees; • Lower rejection rate of amendments submitted to different EU related laws; • Rules of Procedure by Parliament adopted and operational; • Parliament is working according to the new Rules of Procedure <p>Ad result 2: Improved capacity of delivering analytical reports;</p> <ul style="list-style-type: none"> • Shorter period to produce analytical reports; • Improving satisfaction rate of customers of analytical reports (measured through regularly implemented satisfaction survey); • Increasing number of published analytical documents <p>Ad result 3: Improved access to relevant information</p> <ul style="list-style-type: none"> • Functional EU Information Centre • Functional networking programme for electronic use of research papers • Full access in the internal network to all research papers; • Increased use of available papers by MPs and parliamentary employees; • Full access to the Audio/Video Archive of plenary sittings; • Increased transparency to the citizens for the plenary sittings through the use of Internet. | <p>Project documents Assembly records</p> | <p>Political willingness to make assembly operations more transparent and accountable.</p> |
|--|---|---|--|

| | | | |
|--|---|--|--|
| <p>Component 2: Support to the Directorate for Personal Data Protection</p> <p>The results to be achieved are:</p> <ul style="list-style-type: none"> • Further alignment of the national regulations with the EC legislation, • Strengthened operational capacity of the controllers in personal data protection - Inspection Department,, • Higher level of awareness of the general public for the personal data protection as a human right • Updated IT infrastructure and the WEB page. | <p>The measurable indicators are:</p> <p>Ad result 1: Finalization of the harmonization of the national regulations with the EU legislation,</p> <ul style="list-style-type: none"> • Staff training needs assessed, training programme elaborated and implemented; • Inventory made of legal instruments that need (further) harmonization with EU Acquis • All legal instruments are harmonized <p>Ad result 2: Strengthened operational capacity of the controllers in personal data protection - Inspection Department,</p> <ul style="list-style-type: none"> • Staff training needs assessed, training programme elaborated and implemented; • Draft amendments to the existing procedural manual elaborated; • The number of data processing specific sectors manuals drafted; • Improved the implementation of regulations concerning data protection issues related to modern technology applications-smart cards, biometrics, RFID chips, video surveillance, internet, and electronic communications; <p>Ad result 3: Higher level of awareness of the general public for the personal data protection as a human right</p> <ul style="list-style-type: none"> • Improved of procedure, including web-based submissions for complaints handling; • Staff training needs assessed, training programme elaborated and implemented; • Awareness campaign designed and | <p>Project documents Official Gazette DPPD records</p> | <p>Improved protection of personal data is recognised by the public and valued as improved accountability of government.</p> |
|--|---|--|--|

| | | | |
|---|--|--|--|
| | <p>implement, including focus on special target groups (children and journalists)</p> <p>Ad result 4: Updated IT infrastructure and the WEB page.</p> <ul style="list-style-type: none"> • Detailed IT needs assessment developed and implemented, procurement plan developed and implemented for IT, transport and equipment including specific attention for software development, website management, document management system, report production, office equipment and transport solutions; • Staff training needs assessed, training programme elaborated and implemented. | | |
| <p>Component 3: Support to the Ombudsman</p> <p>The results to be achieved are:</p> <ul style="list-style-type: none"> • Improved level of citizen’s knowledge on the Ombudsman competences • Improved level of competence of Ombudsman staff, with specific focus on the capacities of the regional offices | <p>The measurable indicators are:</p> <p>Ad result 1: Improved level of citizen’s knowledge on the Ombudsman competences</p> <ul style="list-style-type: none"> • Public awareness campaign developed and implemented • Increase of cases brought forwarded to the Ombudsman that fall within its mandate • Decrease of cases brought forwarded to the Ombudsman that do not fall within its mandate • Professional public information system developed and operational <p>Ad result 2: Improved level of competence of Ombudsman staff, with specific focus on the capacities of the regional offices</p> <ul style="list-style-type: none"> • Staff training needs assessed, training programme elaborated and implemented; • Decreased number of days of response | <p>Project documents Ombudsman records</p> | <p>Different parties committed to cooperate Public values improved operations of the ombudsman and associates this with improved governance.</p> |

| | | | |
|---|--|---|--|
| | <p>by the Ombudsman office to an individual complaint</p> <ul style="list-style-type: none"> Improved cooperation with local government units, measured through a decrease in the number of days for local government units to respond to Ombudsman requests for information | | |
| <p>Component 4: Support to the implementation of the Roma Strategy</p> <p>The results to be achieved are:</p> <ul style="list-style-type: none"> Strengthened operational coordination structure at both national and municipal level (in selected municipalities) Implementation of the (prioritised) Action Plan for the Roma Strategy, with a focus on the local action plans | <p>The measurable indicators are:</p> <ul style="list-style-type: none"> Coordination capacity for the implementation of the Action Plans related to the National Strategy for Roma established at both national level and selected municipalities Action plans related to the National Strategy for Roma assessed and individual actions prioritised Detailed implementation plan for prioritised actions developed including funding arrangements for which resource mobilisation actions are developed Support mechanism to the implementation of the local action plans developed. | <p>Project documents Government records</p> | <p>Different parties committed to cooperate. Actions developed in the Roma Action Plans indeed lead to improved living conditions of the Roma.</p> |

| Activities | Means | Costs | Assumptions |
|---|--|---|---|
| <p>Component 1: Support to the Assembly</p> <ul style="list-style-type: none"> Training needs assessment, training plan development, training implementation; Work process analysis, proposal improvements, implementation plan improvements Two study visit to a Member State parliament Assessment of IT improvement needs | <p>Service contract and two supply contracts</p> | <p>975.000 - TA 600.000 (IPA) - Supplies 375.000 (National)</p> | <p>Contracting efforts are successful</p> |

| | | | |
|---|---------------------------------------|---|--|
| | | | |
| <ul style="list-style-type: none"> • , improvement proposals, specification development, procurement of IT • Establishment of EU Information Corner | | | |
| <p>Component 2: Support to the Directorate for Personal Data Protection</p> <ul style="list-style-type: none"> • Staff training needs assessment, training programme development and implementation; • Inventory made of legal instruments that need (further) harmonization with EU Acquis, harmonizing remaining legal instruments; • Improving procedural manuals, including <ul style="list-style-type: none"> e. the implementation of regulations concerning data protection issues related to modern technology applications- smart cards, biometrics, RFID chips, video surveillance, internet, and electronic communications; f. complaints handling, including web-based submissions; • Design and implementation of and Awareness campaign, including focus on special target groups (children and journalists) • Development and implementation of a detailed IT needs assessment and a procurement plan for IT, transport and equipment, including specific attention for software development, website management, document management system, report production, office equipment and transport solutions.. | Service contract and Supply contracts | 850.000 Euro - TA 600.000 (IPA) - Supplies 250.000 (national) | |
| <p>Component 3: Support to the Ombudsman</p> <ul style="list-style-type: none"> • Training needs assessment, training plan | Twinning and supply contract | 850.000 Euro - TA 600.000 (IPA) | |

| | | | |
|--|-------------------------|--------------------------------------|--|
| <p>development, training implementation;</p> <ul style="list-style-type: none"> • Work process analysis, proposal improvements, implementation plan improvements; • Public awareness campaign and web page updating; • Assessment of IT improvement needs on national and regional level, improvement proposals, specification development, procurement of IT; • Round tables and workshops with participation of Ombudsman staff, local and central administration, other interested parties, facilitated by international experts; • One study visit to an Ombudsman office in a Member State; • Establish a cooperation arrangement with an Ombudsman office in a Member State. | | <p>- Supplies 250.000 (National)</p> | |
| <p>Component 4: Support to the implementation of the Roma Strategy</p> <ul style="list-style-type: none"> • Training needs assessment, training plan development and training implementation for the coordination structures at both national level (including the to be established unit for Roma affairs) and selected municipalities • Workshops, seminars in order to assess Action plans related to the National Strategy for Roma, prioritise individual actions and develop detailed implementation plans for prioritised actions • Support to the implementation of prioritised actions, with a focus on the local action plans (including with resource mobilisation actions) | <p>Service contract</p> | <p>600.000 Euro</p> | |

Pre 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 beneficiary before the launch of the tender process;
3. Allocation of working space and facilities by the beneficiary for technical assistance before the launch of the tender process;

4. Arrangement by the beneficiary of all legal procedures to allow construction (e.g. construction permits, urban plan amendments), refurbishment activities before the launch of the tender process;
5. Participation by the beneficiary in the tender process as per EU regulations;
6. Organisation, selection and appointment of members of working groups, steering and coordination committees, seminars by the beneficiary as per work plan of the project;
7. Appointing the relevant staff by the beneficiaries to participate in training activities as per work plan;
8. In relation to IT supply: identified staff responsible for maintenance of the IT infrastructure as well as budget availability to ensure operability of the equipment;
9. The Assembly should have sufficient human resources to implement the activities of the project; and
10. Adoption of the new Rules of Procedure by the Parliament.

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 funding)

| | 2010 | | | | 2011 | | | | 2012 | | | | 2013 | | | |
|--|------|----|------------|----|------------|----|----|----|------|----|----|----|------|----|----|----|
| Contracted | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 |
| Parliament: Service contract | | | 0.6 | | | | | | | | | | | | | |
| Date Protection Service Contract | | | 0.6 | | | | | | | | | | | | | |
| Ombudsman Twinning | | | | | 0.6 | | | | | | | | | | | |
| Roma Strategy Service contract | | | 0.6 | | | | | | | | | | | | | |
| Cumulated | | | 1.8 | | 2.4 | | | | | | | | | | | |

| | 2010 | | | | 2011 | | | | 2012 | | | | 2013 | | | |
|--|------|----|------------|----|------------|------------|----|------------|------|-------------|----|-------------|------------|----|----|----|
| Disbursed | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 |
| Parliament Service contract | | | 0.1 | | | 0.1 | | 0.2 | | 0.1 | | 0.1 | | | | |
| Date Protection Service Contract | | | 0.1 | | | 0.1 | | 0.2 | | 0.1 | | 0.1 | | | | |
| Ombudsman Twinning | | | | | 0.5 | | | | | 0.05 | | | 0.05 | | | |
| Roma Strategy Service contract | | | 0.1 | | | 0.1 | | 0.2 | | 0.1 | | 0.1 | | | | |
| Cumulated | | | 0.3 | | 0.8 | 1.1 | | 1.7 | | 2.05 | | 2.35 | 2.4 | | | |

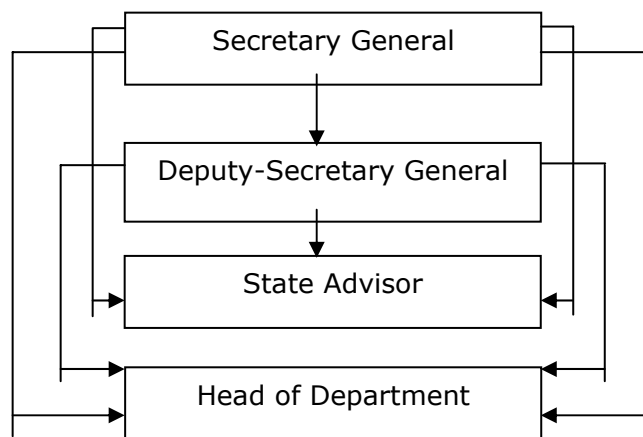
ANNEX 3 – Description of Institutional Framework

A) Assembly

The Assembly establishes a Service, providing support to its work. Head of the Service is the Secretary General of the Assembly, who has two Deputies – Secretaries General. Under the Secretary General are the State Advisors. In the Assembly we have the following ranks for State Advisors:

- State Adviser on the Constitutional and Political System
- State Adviser on Legislation
- State Adviser on the Economic System
- State Adviser on Public Activities
- State Adviser on International Cooperation

The Service ranking goes as follows:



The Service consists of the following Departments:

- **Cabinet of the President of the Assembly**
 - Expert Staff Unit in the field of internal and foreign policy
 - Expert and Analytical Staff Unit in the field of public affairs
- **Department of the Secretary General**
 - Normative and Legal Affairs Unit
 - Human Resources Unit
 - Interpretation and Translation Unit
 - Proofreading Unit
 - Protocol Unit
 - Unit for Support of the Secretary General's Office
- **Legislative Department**
 - Political System and Public Affairs Legislative Unit
 - Economic System Legislative Unit
- **Assembly Sittings Department**
 - Session Preparation Unit
 - Session Realization Unit
 - MP's Questions Unit
- **Working Bodies Department**

- Political System Working Bodies Unit
- Economic System Working Bodies Unit
- Public Affairs Working Bodies Unit
- Law Harmonization with EU Legislation Unit
- **Department for support of the National Council for Euro-Integration**
 - Unit for support of the work of the National Council for Euro-integrations
 - Unit for monitoring the Euro-integrations
- **Analysis and Research Department**
 - Political System and Public Affairs Research and Analysis Unit
 - Economic System Research and Analysis Unit
- **International Cooperation Department**
 - Bilateral Cooperation Unit
 - Multilateral Cooperation Unit
- **Documentation, Library and IT Department**
 - Documentation Unit
 - Library Unit
 - IT Unit
 - Technical Unit
 - Parliamentary Bulletin and Publication Unit
 - Public Relations Unit
- **Finance Department**
 - Finance Unit
 - Accounting Unit
- **General and Administrative Department**
 - Administrative and General Affairs Unit
 - Investment and Technical Affairs Unit
 - Dissemination and Technical Processing Unit
- **Special Organizational Services**
 - Internal Auditing Unit

2. DEPARTMENTS INVOLVED IN THE PROJECT FICHE OF THE ASSEMBLY

Number of people employed in the Assembly, Total 189, of which advisory personnel: 90.

a) Working Bodies Department, - Number of employees: 20

b) Legislative Department, Number of employees: 6

c) Research and Analysis Department, Number of employees: 6

d) Documentation, Library and IT Department, Library Unit: 2 employees, Technical Unit: 6 employees (2 audio, 2 video and 2 on voting system)

The civil servants in the Assembly are employed on a permanent basis, and they all enjoy the rights of the civil servants, according to the Law on Civil Servants

3. BUDGET OF THE ASSEMBLY: Budget of the Assembly for 2008: 443 915 000 denars.

4. TASKS AND COMPETENCES OF THE DEPARTMENTS

a) Working Bodies Department

The Department of Working Bodies is in charge for providing expertise to the parliamentary committees. Each Committee has staff permanently employed in the Assembly that provides expertise for the laws considered on committee meetings. Committee staff is responsible for preparation of the agenda with draft bills or proposals for the committee meetings, gathers and distributes the necessary documents for the committee meetings, provides expert opinions on draft laws or proposals and prepares reports from the debates.

b) Legislative Department

The Legislation Department is in charge of preparation of draft-laws when the initiator is an MP or a group of MPs, for preparation of amendments to draft-laws in parliamentary procedure, as well as for preparation of the texts of the adopted laws, acts, decisions, declarations, resolutions and other acts adopted by the Assembly that will be published in the Official Gazette. As in the other Departments, people working in the Legislation Department have lack of knowledge and training for law and amendment preparation techniques.

c) Research and Analysis Department

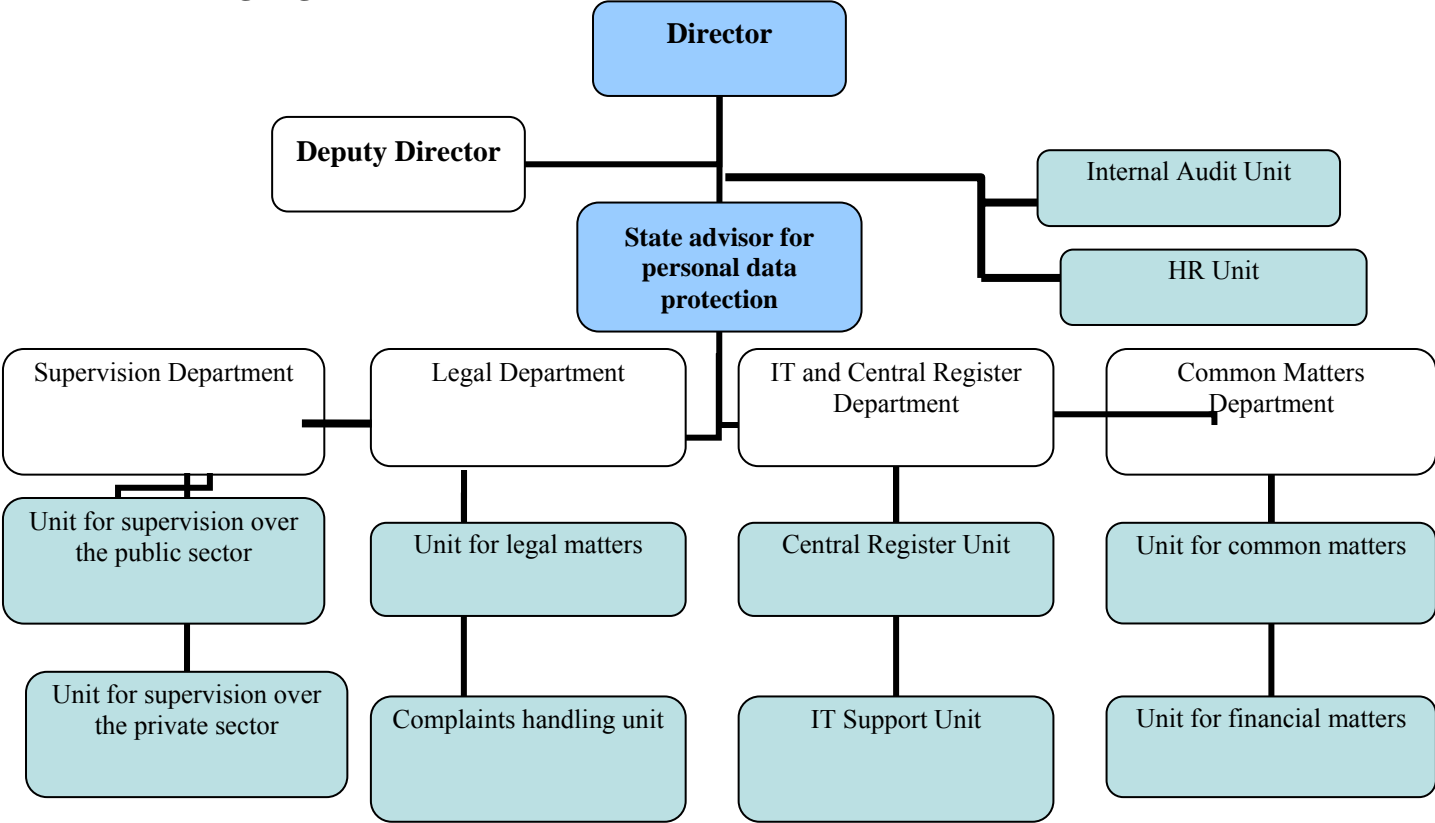
The Research and Analysis Department provides comparative analysis, expertise, information, opinions and proposals to MPs and parliamentary staff on draft-laws that enter into parliament, compared to organization of work, the functioning, constitutional systems and legislation of other parliaments.

d) Documentation, Library and IT Department

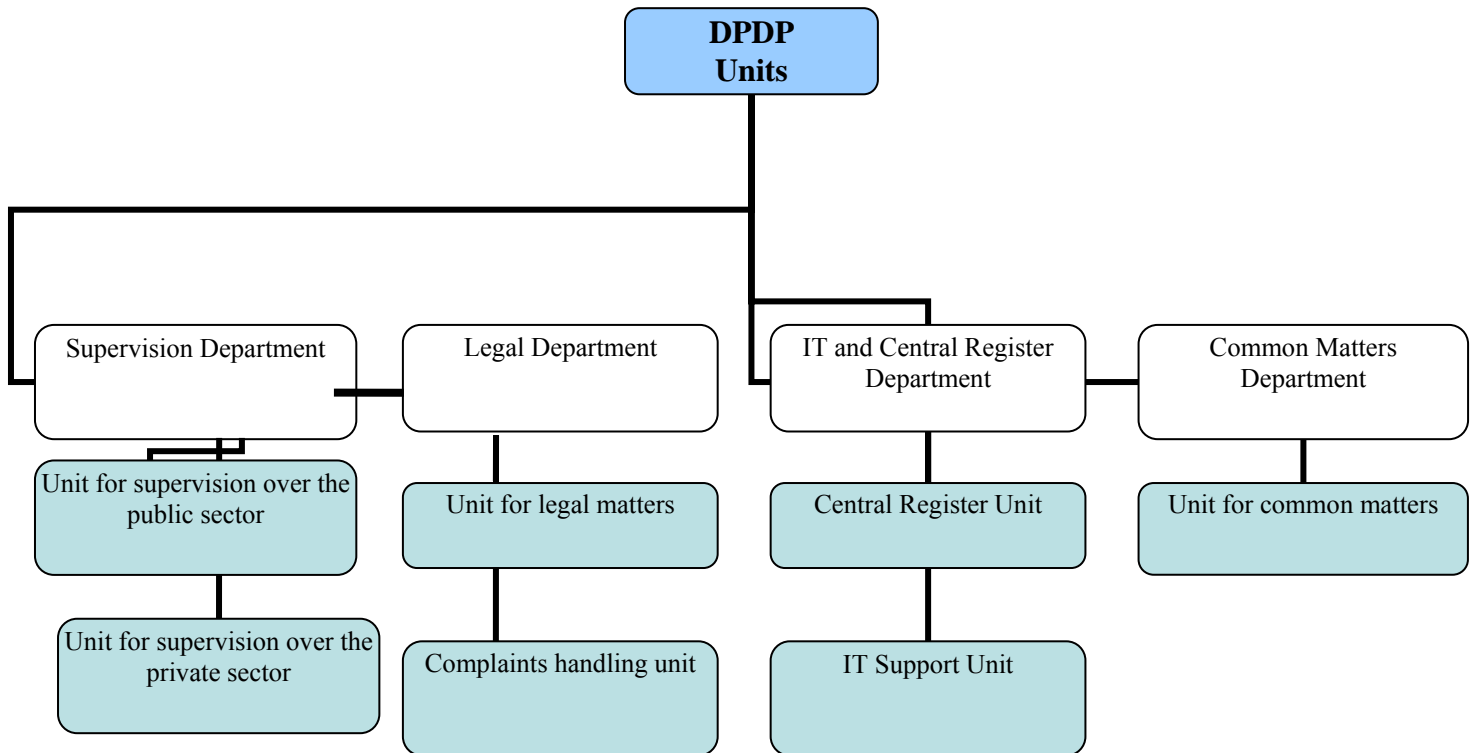
The Library is in charge for the protection and enrichment of the library fund, prepares bibliographies, extracts from international documents, laws of other states and other documents. The Technical Unit is in charge for the audio and video storage, as well as for the maintenance of the audio/video equipment and the software of the electronic voting system.

B) Directorate for Personal Data Protection (DPDP)

Organigram



1. Organizational structure on the users-departments/units in the DPDP



2. Number of personnel:

Situation on 31.12.2007 – Total number:17

- Functionary 2 (Director and Deputy director)
- Employed civil servant - 15

Total number of the staff in the Internal Act: 52

- 2 officials (Director and Deputy director)
- Civil servants - 50

3. Mandate to the functionary in DPDP

- Director and Deputy director appointed by the Parliament for a period of 5 years
 - Director was appointed on 22.06.2005
 - Deputy director was appointed on 06.12.2005

4. Budget of DPDP

- Approved for 2008 - 12.977.000 MKD
- Projected for 2009 - 28.297.000 MKD
- Projected for 2010 - 32.679.000 MKD

5. Description of the work

The Directorate has the following competencies:

- prepares and enacts acts regarding personal data protection;
- develops policies and guidelines regarding personal data protection;
- performs inspections in accordance with the provisions of this law;
- conducts administrative procedure and brings decisions when acting upon requests;

- evaluates the legality of personal data processing;
- operates the Central Register
- issues prior approvals for personal data processing in accordance with this Law;
- issues a ban on further personal data processing to the Controller;
- issues approvals for transfer of personal data to other states;
- issues opinions on drafts with respect to protection of personal data;
- issues opinions on the drafts of codes of conduct with respect to personal data protection;
- provides assistance to processing of personal data to all interested persons;
- conducts misdemeanor procedure through the Misdemeanor Commission in accordance with law;
- acts upon the requests from foreign data protection authorities for performing their activities on the territory of the country;
- performs trainings and provides expert assistance to interested controllers or processors;
- realizing international cooperation in the field of personal data protection and participates in the work of international organizations and institutions dealing with personal data protection;
- Carries out other activities defined by law.

C) Ombudsman

The Ombudsman was established by the Constitution of 1991 (the Law on the Ombudsman was adopted in 1997 when this institution started to work) in Article 77, which was changed by the constitutional amendments in 2001.

Article 77

The Assembly elects the Ombudsman.

The Ombudsman protects the constitutional and legal rights of citizens when violated by bodies of state administration and by other bodies and organizations with public mandates.

The Ombudsman is elected for a term of eight years, with the right to one re-election.

The conditions for election and dismissal, the sphere of competence and the mode of work of the Ombudsman are regulated by law.

Amendment XI

1. The Assembly elects the Ombudsman by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives who belong to communities not in the majority in the population of the Republic of Macedonia.

2. The Ombudsman protects the constitutional rights and legal rights of citizens when these are violated by bodies of state administration and by other bodies and organizations with public mandates. The Ombudsman shall give particular attention to safeguarding the principles of non-discrimination and equitable representation of communities in public bodies at all levels and in other areas of public life.

3. Paragraph 1 of article 77 of the Constitution of Republic of Macedonia is replaced by paragraph 1 of this amendment, and with paragraph 2 of this amendment, paragraph 2 of article 77 is supplemented.

Part of Amendment XII refers to the Ombudsman competencies:

The Assembly shall establish a Committee for Inter-Community Relations.

The Committee consists of 19 members of whom 7 members each are from the ranks of the Macedonians and Albanians within the Assembly, and a member each from among the Turks, Vlachs, Romas, Serbs and Bosniaks. If one of the communities does not have representatives, the Ombudsman, after consultation with relevant representatives of those communities, shall propose the remaining members of the Committee.

In 2005 six regional offices were established which are managed by 6 Deputy Ombudsmen. Regional offices were established in: Bitola, Kicevo, Kumanovo, Strumica Tetovo and Shtip. In the main office in Skopje work 4 Deputy Ombudsmen. Deputies are elected by the Parliament upon proposal of the Ombudsman for the period of 8 years. Total number of employees in the main and six regional offices is 69.

The budget of the Ombudsman institution for the 2008 is 1.016.260 Euro.

According to the organizational structure the Ombudsman institution is represented by the Ombudsman himself and his ten Deputies. The Ombudsman Office has several organizational units:

1. Organizational unit for Professional-Analytical Services
2. Organizational unit for International Cooperation and Public Relations
3. Organizational unit for Human Resources and Finance Management
4. Organizational unit for Coordination of the Ombudsman Work

Organizational unit for International Cooperation and Public Relations:

- Work in regard of maintenance, organization and realization of cooperation and contact relevant institutions - ombudsman offices in foreign countries, other domestic, foreign and international organizations, European Union, NATO, EOI, IOI; neighbour cooperation and European integration through exchange of information;
- Establishes and maintenance contacts with the media in the Republic and abroad; presents positions and opinions on the press conferences; organizes and realizes meetings and briefings with representatives of the public; makes and publishes announcements and information on the Ombudsman work;
- Selects information and data of the current work of the Ombudsman which are put on disposal for the media with aim of informing of public about the issues which has broader interest and meaning;
- Coordinates and harmonizes whole projects in connection with foreign donators;
- Work on matters in regard of taking evidence, statistic, documentation and computer data processing on the work of complaints;
- Takes evidences on the Ombudsman decisions which arranges and publicizes in the special publications (editions and bulletins), evidences on professional literature and other materials from the library which collects, classifies and gives to the Ombudsman personnel;
- Translates from English and Albanian into Macedonian language and viceversa;
- Performs other works which are suitable of abovementioned by the type and character.

Organizational unit for Professional-Analytical Services

- performs directly most complicated work from the Ombudsman field of competence and is responsible for legal and quality work in the frame of it's authorizations;
- works on complaints which refers to the work of the police, prosecution, judiciary, prisons, defense, non-discrimination and suitable and equal representation of the members of communities in the public administration, organs and units of the local Self Government and public institutions and services and takes all measures and actions for it's processing;
- takes care on professional, quality and efficient performance of the work on complaints;
- speaks with the citizens and contact them or other persons submitters of the complaints for legal and efficient realization of their constitutional and legal rights and takes actions and measures for protection of the principles of non-discrimination and equitable representation of the members of communities in the public administration, organs and units of the local self Government and public institutions and services;
- initiates and proposes attitudes on important issues from the competence of the organs;
- follows and analyses situation, appearances and problems which has influence on the protection of constitutional and legal rights and freedoms of the citizens and gives recommendations and initiatives to the Ombudsman for it's overcoming;
- participates in preparation of the Ombudsman Annual Report and makes other analysis, information and bulletins;
- gives professional legal help to other state clerks when it is needed;

- studies and follows regulations and comparative laws from the field of protection of citizens freedoms and rights which regulates relations in every sphere of social life;
- participates in the work of the staff meetings with opinions regarding materials, especially when on the agenda is it's material or report;
- directly is responsible for it's work before the Secretary General, Deputies of the Ombudsman and the Ombudsman himself;
- performs other work given by the Ombudsman, Deputies or the Secretary General.

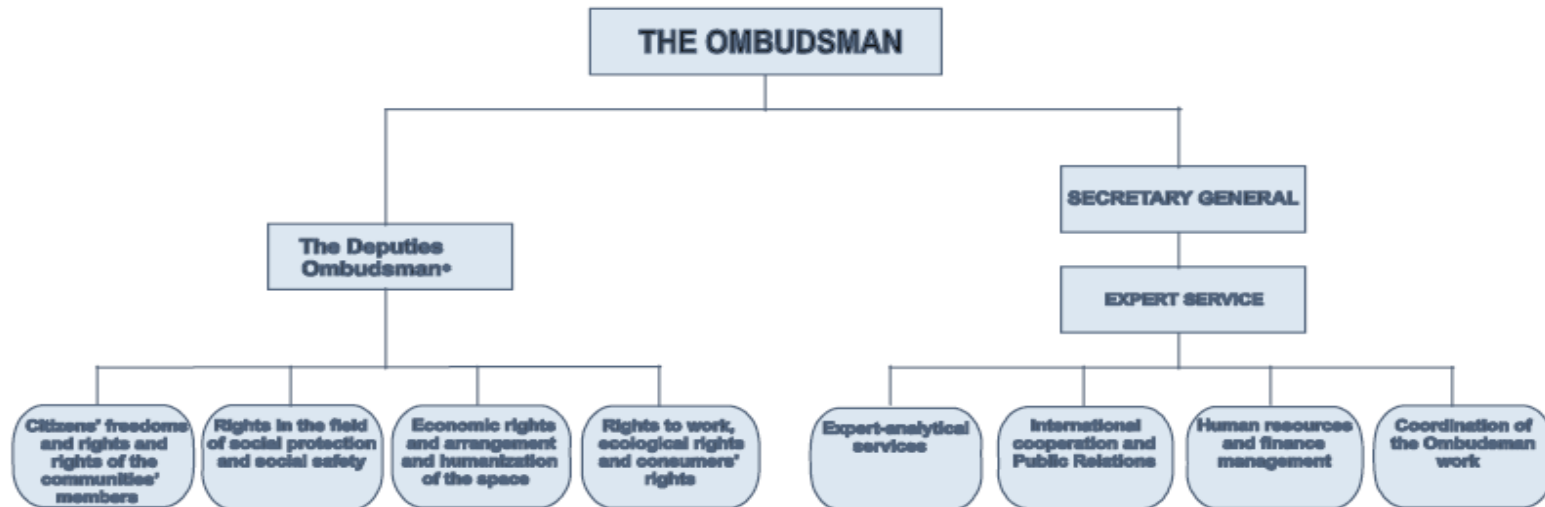
Organizational unit for Coordination of the Ombudsman Work:

- organizes and realizes direct cooperation on adequate level with other state clerks in the state organs, units of local self government, organizations, institutions and associations in regard of data collection, information and explanations needful for proceeding on the complaints;
- performs most complicated work and tasks regarding managing with human resources and materially finance matters;
- works on adequate usage of the materially legal regulations that refers on the issues for realization of rights, obligations and responsibilities regarding employees;
- recommends to the Ombudsman employment plan, expert qualification and training for the employees;
- coordinates, unites and directs work of the Organizational Unit for Human Resources and Financial Work and is responsible for timely, legally and quality performance of tasks and work.

Organizational unit for Human Resources and Finance Management:

- follows regulations in the field of finance and safe deposit box and takes care for it's apply;
- makes typesetting of the main book with the register, makes and submits periodical reports, accounts and final account determined by regulation in determined time limit on request of competent organ for the turnover, makes monthly specifications on the analytical bills and coordinates analytical evidences with the main book, communicate and coordinates suppliers regarding account situations;
- makes periodical and annual estimations;
- makes other materially financial documentation;
- is responsible for it's work directly before the Ombudsman and the Secretary General;
- performs other work given by the Ombudsman and the Secretary General.

Please see next page for the organigram.



* Four Deputies in the Office in Skopje and one Deputy in the Offices in: Bitola, Kicevo, Kumanovo, Strumica, Tetovo i Stip



D) Roma Strategy

The final beneficiary of the fourth component of the proposed project is the Ministry of Labour and Social Policy (MoLSP).

The main responsibilities of the MoLSP are the affairs related to labour relations, employment, health and safety at work, protection of temporarily unemployed, pension and disability insurance; social policy, human population policy, protection of children and young people, protection of persons with disabilities and other vulnerable groups, promotion of gender equality and antidiscrimination.

The MoLSP has 10 departments, and two executive agencies - the War Veterans and War Invalids Directorate and the State Labour Inspectorate.

The Ministry of Labour and Social Policy has 316 employees and a total budget (year 2008) of around 21 billion denars (341 million EUR). The budget of the MoLSP consists of three main parts, i.e. the budget for the operation of the Ministry (7.8 mill.EUR), child protection programme (16.5 mill.EUR) and the budget for the social protection (317 mill.EUR).

The Ministry of Labour and Social Policy is currently in the process of establishment of new separate unit which will be directly responsible for the coordination and monitoring of all activities implemented in accordance with the Strategy for Roma and the action plans on the Decade for Roma inclusion. The new *Unit for Implementation of the Strategy and the Decade for Roma* will be established within the Department for Coordination and Technical Assistance to the Minister by the middle of 2008. The Unit will be comprised of 5 employees, three of which will be employed in 2008 and the remaining two will be hired during the year 2009.

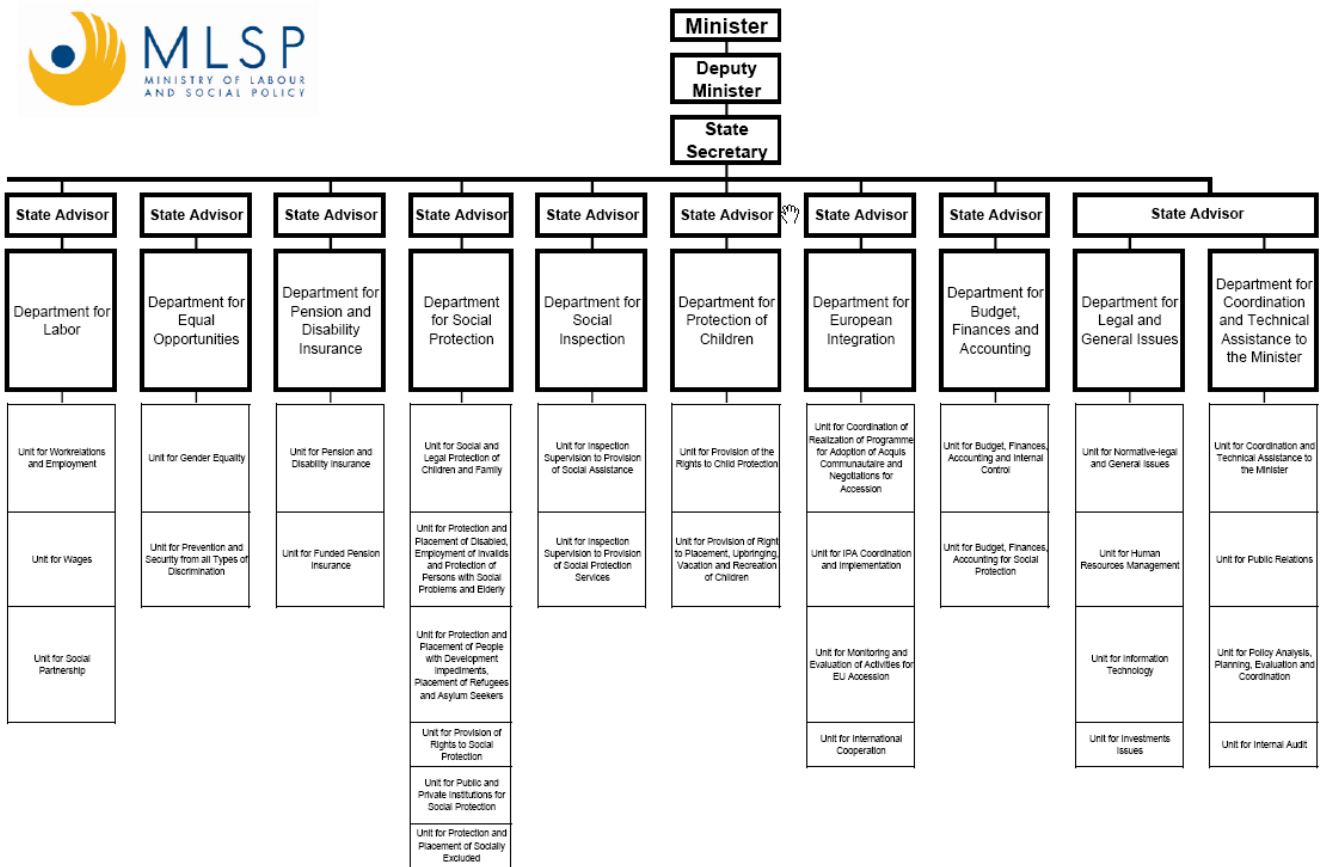
The main responsibilities of the Unit for Implementation of the Strategy and the Decade for Roma will be :

- to coordinate and monitor the implementation of the National action plans on the Strategy for Roma and the Decade for Roma Inclusion;
- to regularly inform the Government and the wider public about the implementation of the Strategy and the Decade, about the activities undertaken by the ministries and other stakeholders and achievement of results and goals of the National action plans;
- to organize the working meetings of the National Coordination Body for implementation of the Roma Strategy;
- to coordinate the implementation of the Strategy and the Decade at the local level;
- to cooperate and regularly meet with the local self government officials;
- to organize meetings and to continuously cooperate with the Roma non-governmental organizations on the issues related to the successful implementation of the Strategy and the Decade for Roma;
- to coordinate the functioning of the Roma Information Centres, etc.

In the Budget of the Ministry of Labour and Social Policy for the year 2008 there are 14,25 million denars (approx. 232,000 EUR) allocated for the activities related to the support of implementation of the Roma Strategy.

Organigram of the Ministry

Organizational Structure of MLSP



ANNEX 4 -. Reference to laws, regulations and strategic documents:

4.a) Reference list of relevant laws and regulations

Key laws and regulations in the area:

- Constitution, 1991
- Law on Civil Servants, 2005
- Law on Government, 2003
- Law on Organisation and Operation of the State Administrative Bodies, 2005
- Law on General Secretariat of the Government, 2001
- Rules of Procedure for Operation of the Government, 2006
- Methodology on Strategic Planning and Preparation of the Annual Work Programme of the Government, 2003
- Methodology on Policy Analysis and Co-ordination, 2006
- Code of Ethics for Civil Servants, 2004
- Law on Administrative Inspection, 2004
- Law on Free Access to Public Information, 2006
- Law on Primary Education, 2005
- Law on Secondary Education, 2005
- Law on General Administrative Procedure, 2005
- Law on Prevention of Corruption, 2004
- Ohrid Framework Agreement, 2001
- Law on Electing Representatives in the Assembly, 1990
- Rules of Procedures of the Assembly, 2002
- Resolution on the priorities for the accession of the country to the European Union and the initiation of negotiations for membership in the European Union, 2007
- Law on Personal Data Protection, 2005
- Law on Electronic Data and Electronic Signature, 2002
- Law on State Statistics, 1997
- Regulation of the form, content and the manner of managing the central register, 2005
- Regulation of the management of the evidence of personal data, 2005
- Regulation for the processing of the personal data that represent special risk for the freedom and rights of the person of the personal data, 2005
- Law on Ombudsman, 2003
- Rulebook of the Ombudsman, 2005
- Law on Equal Opportunities,
- Law on Associations of Citizens and Foundations,
- Law on Labour Relations

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

Reference to **SAA** (2001): The program will contribute towards the implementation of the SAA Article 2 on the respect for the democratic principles and human rights, and Article 68 on the adoption of the data protection law.

Reference to **Accession Partnership** (2007-2008): The program will address the following AP priorities, including: “Enhance the capacity of *parliament*, notably by increasing its resources”; “Implement the national law on *personal data protection*”; (*Ombudsman*) “Set up effective mechanisms to identify, pursue and penalise all forms of discrimination by state and non-state bodies against individuals or groups”; (*Roma*) “Sustain implementation of the Ohrid Framework Agreement with a view, inter alia, to promoting inter-ethnic confidence-building”; “Promote access to education, justice and social welfare for members of minority groups”; “Ensure administrative capacity to implement social inclusion and social protection policies”; “Develop long term social inclusion policies and enhance access to the labour market of vulnerable groups”.

Reference to the **Progress Report** (2007): The latest progress report makes the following evaluation: “Little attention has been given to providing adequate budget and staffing for the *parliament*, in particular to support the work of the committees”. “Full alignment with the *Data Protection* Directive remains to be completed... The Directorate for personal data protection remains understaffed”. “The resources provided to the *Ombudsman* have been increased. Cooperation of public bodies with the Ombudsman has also improved”; “Cooperation between the Ombudsman and the Sector for Internal Control and Professional Standards in the Ministry of the Interior improved significantly..”; “In 2006 the Ombudsman's office received a very limited number of complaints concerning discrimination and equitable representation (11 compared with 4 in 2005)”; “In the course of 2006, the Ombudsman's office received 3076 complaints”. “The implementation of the four action plans prepared by the Ministry of Labour and Social Policy in the framework of the 2005-2015 Decade of *Roma* Inclusion has continued. Some projects were approved for financing under the Roma Education Fund set up as part of the Decade. However, efforts to meet the objectives of the National Strategy for Roma have yielded no visible results. Discrimination against Roma people continues. The enrolment rate in primary education is below 30 %, and high drop-out rates are still recorded, in particular among girls. There is evidence of police violence and targeting against the Roma. Unemployment among the Roma remains extremely high, and social and civic marginalisation is common. No specific measures have yet been taken to promote access to the general employment programmes. No solution has yet been found to address the issue of lack of legal status of Roma without citizenship or with denied refugee status... There has been only limited progress on the situation of the Roma, which continue to face very difficult living conditions and discrimination, especially in the areas of education, social protection, health care, housing and employment”; “Implementation of activities related to the strategy for inclusion of Roma and the action plans prepared by the Ministry of Labour and Social policy has not advanced, apart from the opening of two Roma centres by the Ministry in cooperation with local Roma nongovernmental organisations. Coordination among the institutions involved in implementing social inclusion policies is inadequate”.

Reference to **National Plan for Adoption of Acquis** (2006): The Plan has following priorities: “In the process of accession of the country to the membership in the EU and the approximation of the legislation with the *acquis*, the *Assembly*, in its capacity of a legislative power, represents a significant factor in the determining of the dynamics of the fulfilment of the standards necessary for accession to the EU. The Assembly has a crucial role in the current and upcoming legislative changes as a result of the existing agreements with the EU (The Stabilisation and Association Agreement etc.) and the current status of the country as a candidate country. Its role is also very significant prior to the screening process upon starting the negotiations with the EU and during the conduct of the detailed analysis on the level of EU harmonisation of the domestic legislation. In this regard, debates and decisions on changing the current and adoption of new laws take place in the Assembly. Hence, strengthening of the parliamentary dimension of the process is extremely important for maintaining the consensus on the strategic goal of EU accession and preserving the reform pace”; “In relation to the *protection of personal data*, as one of the fundamental freedoms and rights of individuals, the country has positively and legally determined, in Article 18 of the Constitution a guarantee for the safety and confidentiality of personal data and protection against violation of the personal integrity of citizens, arising from registering information through data processing. The Law on Personal Data Protection, which entered into force as of February 2005, determined the legal and institutional framework for protection of personal data in the country. The Law prescribes the establishment of a Directorate for personal data protection as an independent state body authorised to control and supervise the protection of personal data. The Directorate employees are authorised to enter any premise (both the public administration and private sector), have access to stored data for supervision and are authorised to examine the data protection equipment... If a breach of the legislative provisions has been determined, the controller is authorised to ensure compliance with the requirements, block the additional processing and transfer of data and to delete the data for which authorisation is missing... It is prescribed to maintain a Central Register, to inform citizens about collections and the person authorized to store their personal data... An institutional framework has been provided with establishment of Directorate for Protection of Personal Data, which conducts administrative supervision over the lawfulness of personal data protection, and maintains the Central Register for

collections of personal data processing.”; “The members of the Commission for deciding upon the requests for determination of violation of the protection of personal data will be appointed and the Rules of Operation will be adopted by the end of 2006, the Commission will begin with supervision, with a total number of nine employees. Furthermore, trainings are also planned for the employees in the Directorate, in order to strengthen the capacity of this institution. During 2006 and 2007 there will be trainings for the employees (especially related to supervision, maintenance of the Central Register, as well as training of the responsible persons in the institutions- controllers that maintain collections of personal data for the citizens). The Directorate will provide adequate professional assistance for harmonisation of the operation and the acts of controllers with the Law on personal data protection (the deadline is the end of 2007). There have been initial contacts with part of the controllers and analyses of part of the agreements for transfer of user’s personal data have been performed”; “In relation to the protection of personal data and the activities of the Directorate until the end of 2008, there will be an evaluation of the complete harmonisation of the legislative acts and bylaws with EU regulations, thus completing the legal framework... Furthermore, until the end of 2008, complete establishment of records in the central Register and regular supervision over the protection of personal data is Planned”; “The *Ombudsman* .. in the protection of the constitutional and legal rights of the citizens, should dedicate special attention to the protection of the principles of non-discrimination and of adequate and equitable representation of the members of communities in the public administration bodies, the bodies of the local self-government units and in the public institutions and services”; “Initiatives to increase public awareness of the Ombudsman as a potential mechanism for processing complaints related to corruption in the public administration (having in consideration the small number of complaints in the field of corruption)”; “The Ombudsman is an institution prescribed in the Constitution, with jurisdiction to protect the constitutional and legal rights of the citizens when violated by the state administrative bodies, which started functioning in 1997 with the adoption of the Law on Ombudsman. Currently, there is an evident increase of the number of citizens addressing the Ombudsman in cases of violation of their rights by the bodies of the State administrative and by other bodies and organisations with public authorisations. The new Law on Ombudsman from 2003 strengthened the role and the significance of this institution by increasing and broadening its competencies. The law also prescribes opening of offices in six cities in the country with the purpose of bringing this institution closer to the people. The new Law on Ombudsman introduces novelties in the procedure for the election of the Ombudsman, separate voting of the budget of the Ombudsman by Parliament and prescribes the establishment of offices of the Ombudsman as regional organisational units. Further novelties are also an obligation to undertake activities for defence of the principle of non-discrimination and equitable representation of the communities in the State bodies on all levels, and other areas of public life with suitable resources and personnel in the new service, enabling the execution of its function. The internal organisation and scope of operation are arranged according to the competencies determined in the Constitution and the Law on Ombudsman. This ensures an operative system for creation of quality in the realisation of the objectives and tasks of the organisational units and the function of the body, according to the principles of lawfulness, responsibility, efficiency, cost effectiveness, transparency, equality, equity, predictability”; “In relation to the efficient enforcement of the competencies of the Ombudsman, the financial status of the institution is of crucial importance. Namely, the new Law from 2003 provides a significant step forward in relation to financial independence. Upgrade of the legal framework is planned, in relation to the financing of this institution. Until 2009, an analysis will be conducted regarding the need of adopting a systemic law against discrimination and a decision will be made whether a Law for dealing with the problems in the field of discrimination will be prepared or the same will be regulated by the existent laws”; “In order to ensure protection of rights and freedoms of the citizens before state bodies, legal conditions are developed with the aim of strengthening the role of the Ombudsman. The implementation of these acts will be reinforced with the establishment of mechanisms for accountability towards the procedures initiated by the Ombudsman, within the framework of the administration. Following the adoption of the Law on General Administrative Procedure (“Official Gazette”, number 38/05) the legal frameworks for the functioning of the administration when deciding upon the rights and interests of the citizens in the administrative procedure are determined, and thus protection of the participants from the obstinacy of the state administrative bodies is ensured in the procedure. This law should grant the citizens the status of consumers of the public sector services, in

addition to the status of clients in the administrative procedure before the body where they realise their rights or legal interest. The Law on Administrative Inspection (“Official Gazette number 69/04”), which corresponds with the provisions of the Constitution defines the area and functioning of the administrative inspection in a more precise manner and at the same time, it harmonises the field with EU legislation where the administrative inspection controls the work and acts of public administration bodies that decide upon the rights and responsibilities of the consumers of their services”; “In order to increase the cooperation between the state bodies and the Ombudsman, the state administrative bodies are required to prepare reports to be submitted to the Government with regard to the recommendations made by the Ombudsman on a three months basis (2006/IV); it is also necessary to increase public awareness of the Ombudsman, as a potential mechanism which proceeds according to recommendations on possible corruption in the public administration (Recommendation V - GREKO) (2006/IV)”. “With a view to meeting the specific needs of the *Roma* in RM, in 2005 the Government adopted the National Strategy and Action Plan for the Roma Decade. The motive behind the drafting of such a document, dedicated exclusively to the Roma, is determined by the necessity for development of a comprehensive and consistent policy that shall identify the crucial topics and problems referring to particular specifics and providing for a concrete action programme for implementation of the promoted policy. The National Strategy for the Roma serves the purpose of a guideline for policy development in the country in view of protection and promotion of the rights of this community”; “In the course of 2005, the National Working Group prepared the Operative Plans for implementation of the objectives envisaged in the National Action Plans from the four priority areas of the initiative “Decade of Roma Inclusion” for the period 2006-2008, which were adopted by the Government on 18 November 2005”; “Preparation of National Action Plans concerning the six priority areas of the “Strategy for the Roma” and its functioning. Implementation of the National Action Plan from “Decade of Roma Inclusion” in the area of employment and Financing the secondary education of the Roma”; “Implementation of the objectives from the National Action Plans from both documents, the "Strategy for the Roma " and “Decade of Roma Inclusion 2005-2015”; “implementing operational plans for the implementation of the strategy for the Roma community”.

4.c) Reference to MIPD

The Multi-Annual Indicative Planning Document (2008-2010) refers to: “The Multi-Annual Indicative Planning Document (MIPD) indicates that EU assistance will continue to help to advance *public administration reform* by supporting the implementation of a comprehensive Public Administration Reform strategy. An important element throughout the support provided to Public Administration Reform is to increase transparency and to improve civil society inclusion and participation. Support to "good governance" may also include capacity building of democratic state institution, such as the Parliament.

As regards *human rights and the protection of minorities* (beyond the scope of the *Ohrid Framework Agreement*), special attention shall be given to the implementation of the Roma Strategy and where appropriate, support access to education, justice and social welfare for member of all communities.

4.d) Reference to National Development Plan

The proposed project components have reference in following assessments of the **National Development Plan** (2007): “Under social protection area two segments of projects/programs, both very important for the social stability in the country, have been merged. The first one is aimed at upgrading the capacity of social partners for social dialogue”; “the country has a social security system comprised of .. social protection, which is intended for alleviation of poverty through financial aid to socially vulnerable groups”; “Low level of administrative capacity to effectively design and implement policies; Lack of qualified, motivated and committed public administration; Status and responsibilities of the employees in public administration and public services are not adequately legally regulated (the regulation is not corresponding to the needs of the public sector”; “Oversized public administration; Lack of will for a thorough reform of the public administration”; “The efficiency of the administration is an important element in the contemporary public administration trends. The lack of qualified,

motivated and committed public administration prevents the country from implementing its new competencies in a situation of a market economy. The reforms and the restructuring of the public administration will bring about significant results, provided that considerable attention is devoted to the development of human resources and the improvement of their competences and skills, the working conditions, and the possibilities for career and motivation in particular. The appropriate integration of these elements in the overall process of public administration reform will result with qualitative improvement in the productivity and efficiency of the public administration...". In the area, the Plan has following priorities: "Increasing social inclusion and integration of different levels of society."; "Improvement of service delivery, and improvement of the quality of services"; "Extension of the basic principles of professionalism, efficiency, political neutrality and service oriented civil service, presently stipulated with the Law on Civil Servants, to target the employees in the other segments of the public sector"; "To strengthen the capacity of human resources in the public administration".

4.e) Reference to national / sectoral investment plans

The project directly links to following key strategies and action plans in the sector:

- 1) Report on the work of the Assembly, 2008
- 2) Annual Report on the work of the Assembly, 2007
- 3) National Strategy and an Action Plan of the Decade of Roma Inclusion, 2005
- 4) Annual Report of Ombudsman, 2007
- 5) Strategy and Action Plan for Adequate and Equitable Representation of the Members of the Communities, 2007
- 6) Implementation Plan for the Framework Agreement, 2003
- 7) Action Plan for the Implementation of the Ohrid Framework Agreement, 2007
- 8) Strategy of Reforms of Public Administration, 1999
- 9) Information on the Human Resources in the Public Administration - status, management, development and challenges, 2005
- 10) Action Plan for Implementation of Conclusions and Recommendations contained in the Information on the Human Resources, 2006
- 11) National System of Coordination of Training of Civil Servants, 2005
- 12) Strategy for cooperation with the Civil Society Sector, 2007
- 13) National Strategy for European Integration, 2003
- 14) Pre-Accession Economic Programme (2008-2010), 2007

ANNEX 5- Details per EU funded contracts

Project Management and Administration

For each component a separate contracting arrangement will be implemented and for each component a steering committee will be established. In addition, a joint Steering Committee will be established with the specific assignment to ensure exchange of relevant information and lessons learned. This Steering Committee will include representatives from the other Steering Committees and will meet at least once per quarter.

The component Steering Committees will be chaired by the relevant Beneficiary institutions and will include representatives of the different stakeholders. The Delegation of the European Union, Secretariat for European affairs shall be invited to participate with Observer status. The Steering Committee shall meet not less than once per three months.

Advisory services will be provided to the beneficiary. The contracts to support the project will contain next to a team leader additional expertise to assist in key tasks, e.g. in the field of administrative capacity building, training, legal development, IT development and others. 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 beneficiaries.

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

The expected contracting arrangements are:

Financed through IPA:

- 1 Service contract will be concluded following an international restricted tender procedure to support the development of the Parliament project with duration of 12 to 24 months. Implementation is expected to start in 3rd quarter 2010, one month after the signature of the contract and the contract value will be approx. EUR 0.6 Million.
- 1 Service contract will be concluded following an international restricted tender procedure to support the development of the Personal Data Protection project with duration of 12 to 24 months. Implementation is expected in 3rd quarter 2010, one month after the signature of the contract and the contract value will be approx. EUR 0.6 Million.
- 1 Twinning will be concluded to support the development of the Ombudsman project with duration of 12 to 24 months. Implementation is expected in 1st quarter 2011, one month after the signature of the contract and the contract value will be approx. EUR 0.6 Million.
- 1 Service contract will be concluded following an international restricted tender procedure to support the development of the Roma project with duration of 12 to 24 months. Implementation is expected in 3rd quarter 2010, one month after the signature of the contract and the contract value will be approx. EUR 0.6 Million.

Financed through the National Contribution:

- One or more supply contracts for the delivery and installation, as well as associated training, of the IT, audio and video system equipment in the parliament to allow better access to the relevant information, with duration of 4 to 8 months, and subsequently a 12 months warranty period, bringing the total project duration to 16 – 20 months. Implementation is expected in 3rd quarter 2011, one month after the signature of the contract and the contract value will be approx. EUR 0.25 Million.

- 1 Supply contract for the delivery and installation, of the EU Corner in the Library in the parliament to allow better access to the relevant information specifically related to the EU, with duration of 4 to 8 months, and subsequently a 12 months warranty period, bringing the total project duration to 16 – 20 months. Implementation is expected in 3rd quarter 2011, one month after the signature of the contract and the contract value will be approx. EUR 0.125 Million.
- 1 Supply contract for the needs assessment analysis, delivery and installation, as well as associated training, of the IT system and the web page in the Ombudsman, with a duration of 4 to 8 months, and subsequently a 12 months warranty period, bringing the total project duration to 16 – 20 months. Implementation is expected in 3rd quarter 2011, one month after the signature of the contract and the contract value will be approx. EUR 0.25 Million.
- Needs assessment for the IT, equipment and transport will lead to 2 or more supply contract for the delivery and installation, as well as associated training and procurement of the IT system, equipment and transport solutions in the Directorate for Personal Data Protection, each with a duration of 4 to 8 months, and subsequently a 12 months warranty period, bringing the total project duration to 16 – 20 months. For both contracts, implementation is expected in 3rd quarter 2011, one month after the signature of the contract and the total value of all procurement activities will be approx. EUR 0.25 Million.

Please note that the supply contracts for IT at this stage have not yet been defined in detail. It is assumed that the required equipment can be provided through one supply contract for each beneficiary institution. However, after the detailed requirements have been assessed, it may be necessary to develop more than one contract.

Concerning the service contract to the Parliament

The parliament has the following committees:

1. Committee on Constitutional Issues
2. Legislative Committee
3. Committee on Defence and Security
4. Committee on the Political System and Inter-Ethnic Relations
5. Foreign Policy Committee
6. Committee on European Issues
7. Committee on Election and Appointment Issues
8. Standing Inquiry Committee for Protection of Civil Freedoms and Rights
9. Committee for Supervising the Work of the Security and Counter-Intelligence Directorate and the Intelligence Agency
10. Finances and Budget Committee
11. Committee on Economy
12. Committee on Agriculture, Forestry and Water Resources Management
13. Committee on Transport, Communications and Environment
14. Committee on Education, Science and Sport
15. Committee on Culture
16. Committee on Health Care
17. Committee on Labour and Social Policy
18. Committee on Equal Opportunities for Women and Men
19. Committee on Rules of Procedure, and Mandatory-Immunity Issues
20. Committee on Supervision of Implementation of Measures for Interception of Communication by the Ministry of Interior and the Ministry of Defence

There are also two parliamentary bodies established by the Assembly, namely:

1. Committee on Relations Between Communities
2. National Council for European Integration

Each of these parliamentary bodies plays a different role in the legislation process, considering laws in its field of competence.

Each Committee has staff permanently employed in the Assembly that provides expertise for the laws considered on committee meetings. They are responsible for preparation of the agenda with draft bills or proposals for the committee meetings, gather and distribute the necessary documents for the committee meetings, provide expert opinions on draft laws or proposals and prepare reports from the debates. They must be prepared to act promptly and quickly on proposed draft-laws and on the amendments submitted during the legislation process. This entails sound professional knowledge and experience on the matter, including knowledge of EU legislation. Since the parliamentary staff participates actively in the legislation process, with their work, they can influence the legislation process, including the harmonization of laws with the EU acquis.

Indicative equipment list for the Assembly

1. Professional video server with a capacity to preserve video and other multi-media information of minimum 1600 MB, with support of minimum two simultaneous video inputs, compatibility of PAL video system (720X576 px) with compatibility for inclusion of the existing equipment (analogous) and digital, in case of upgrades. The server should have a software with Windows support.
2. PC with a video splitting card, with a larger hard disk, with a possibility to record minimum 4 video inputs simultaneously and independently, with a software for quick access to the video material.
3. PC with a video streaming card, that will enable streaming of plenary sittings (and other parliamentary activities) on Internet.
4. Time control system for control of the video signal (time delay) in time interval of minimum 20 seconds.

The audio/video equipment for plenary sittings is used already 10 years, which entails replacement for the following 10 years. Also, there are no conditions for the audio/video archive of the Assembly. The audio/video materials are kept on CDs/DVDs (their durability is about 10 years). The new (aforementioned) equipment is necessary for establishment of audio/video archive of plenary sittings/parliamentary activities in the Assembly. This will enable easier access for MPs and parliamentary staff to browse the database of plenary sittings. Also, the equipment will enable Internet access for the citizens to follow plenary sittings.

Introducing such technology entails engagement of an expert/expertise to assess the existing network and propose appropriate equipment, as well as specialized training of the personnel that will use such equipment from the Technical Unit of the Assembly.

Electronic register

The Government provided free software for the future electronic register of the Assembly. It also offered to provide other software for electronic management of documents and financial management.

The application „Electronic register” enables registering with the electronic system for records management. All documents received by the Assembly shall be scanned (in case they are received in hard copy) and shall be registered in the Register.

People who work in Register shall distribute the notification through electronic mail to the Head of the Department concerned for the document. Then, the Head of the Department shall distribute the notification to the authorized person for the document. These documents shall be available to all employees, and in some cases, to the officials who are authorized to see that document.

Since the Assembly has obtained and will obtain additional software in future for the electronic document management, it is considered that the funds from the IPA allocated to the Assembly to be used for establishment of audio and video archive and for modernization of the TV Channel equipment in the Assembly.

Indicative list of equipment for Data Protection:

1. Server and server equipment (WEB, MAIL)
2. Equipment for improvement of the IT infrastructure (router, switch, firewall,...)
3. PC-s and printers for the growing needs of the DPDP.
4. System software (operating systems for the server equipment)
5. Application software (databases, software for office and corporate management, antivirus, development software)
6. Office equipment
7. Purchasing of vehicles
8. Other equipment for inspection activities