

FINALVERSION

1. Basic information

- 1.1 CRIS Number:** 2009/021-665
1.2 Title: Capacity building of the law enforcement agencies for appropriate treatment of detained and sentenced persons
1.3 ELARG Statistical code: 1.23
1.4 Location: Skopje, with nationwide project activities

Implementing arrangements:

1.5 Implementing Agency

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

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1.6 Beneficiary (including details of SPO)

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Financing:

1.7 Overall cost (VAT excluded)¹: EUR 2 100 000

1.8 EU contribution: EUR 1 800 000

1.9 Final date for contracting:

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

1.10 Final date for execution of contracts:

Two years from the final date for contracting.

1.11 Final date for disbursements:

One year from the final date for execution of contracts.

2. Overall Objective and Project Purpose

2.1 Overall Objective

To improve the respect of human rights by law enforcement agencies and the penitentiary institutions in line with European standards and European prison rules.

2.2 Project purpose

To develop national capacities for ensuring full observance of human rights by law enforcement agencies and investigative institutions, including strengthening the effectiveness of investigations of allegations of torture and of ill- treatment. To promote the treatment of the detained and sentenced persons in the penitentiaries in line with European standards including the European prison rules.

2.3 Link with AP/NPAA/ EP/ SAA

2.3.1 Link with AP

Human rights and protection of minorities

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.

- Fully comply with the European Convention on Human Rights, the recommendations made by the Committee for the Prevention of Torture as well as the Framework Convention for the Protection of National Minorities;
- Implement fully the rules applying to ethics, internal control, professional and human rights standards in law enforcement agencies, the judiciary and the prison administration, including by regular training;
- Provide sufficient resources to bring prison conditions up to a higher standard;
- Set up effective mechanisms to identify, pursue and penalise all forms of discrimination by state and non-state bodies against individuals or groups;
- To further promote the respect of the human rights by the law enforcement agencies, detention facilities and the prisons;
- Upgrade and implement the strategy on equitable representation of non-majority;
- Communities, notably by providing adequate resources and imposing effective sanctions for failure to meet targets.

2.3.2 Link with NPAA

To ensure execution of the ECHR judgments according to the new practice of the Council of Europe that requires drafting detailed action plans for each verdict thus generating a need for more efficient coordination with other authorities and institutions within the country, the status and competences of the Inter-ministerial Body on Human Rights within the Government of the former Yugoslav Republic of Macedonia will be redefined.

For the purpose of efficient implementation of the activities related to the cases in the ECHR, preparation of the observations with regard to the cases communicated, enforcement of the judgments, their translation and dissemination as well as the activities concerning legal and other changes necessary for enforcement of the verdicts, and the continuous harmonisation with the judicial practice of the European Court of Human Rights, the staff capacities of the Unit for Support to the Governmental Agent will be strengthened, and training will be provided regarding the process of monitoring the execution of the ECHR verdicts and specialised training on the ECHR judicial practice in certain areas will be carried out.

2.3.3 Link with SAA

The project directly addresses the SAA Article 74 (Reinforcement of institutions and rule of law) and Article 78 (Preventing and combating crime and other illegal activities), its Article 68 on reform of the judiciary, Article 105 on financial assistance to the harmonisation of legislation and cooperation policies in the field of justice.

2.3.4 Link with EC Progress Report

In 2007 the European Court of Human Rights (ECtHR) delivered 16 judgements finding that the former Yugoslav Republic of Macedonia had violated the European Convention on Human Rights (ECHR).

Between 1 January and 31 December 2007 454 new applications relating to the country were made to the ECtHR. The number of pending cases before the Court regarding the former Yugoslav Republic of Macedonia is 980.

The Ministry of the Interior made further progress in implementing the code of police ethics by carrying out a programme of training. Cooperation between the Ombudsman and the Sector for Internal Control and Professional Standards was satisfactory and led to 38 recommendations by the Ombudsman in this area being followed up.

The progress report also notes the deep concern of the Committee for the Prevention of Torture about conditions in prisons which in some cases and it urges rapid action for eliminating inhuman and degrading conditions of detention, addressing inadequate health care provisions. It also notes the lack of clear procedures for dealing with widespread allegations of ill-treatment of prisoners and the vulnerable prisoners, such as juveniles, are particularly pointed as groups at risk. The report recommends significant additional efforts to be made to address the recommendations of the CPT.

2.4 Link with MIPD

Nevertheless, many challenges in implementing the necessary political, institutional and economic reforms remain, such as:

- a) Implementing fully the SAA and the Ohrid Framework Agreement;
- b) Further improving the functioning of the judicial system and the police;
- c) Strengthening the rule of law and upgrading the fight against corruption;
- d) Pursuing vigorously the economic reforms and overcoming institutional weaknesses, in particular so as to attract investment by curbing administrative red tape and creating a level playing field for business;
- e) Improving the functioning of the public administration and its capacity to implement the community *acquis*.

The MIPD states that: "...on police reform will be necessary to support completing the implementation of the Action Plan for the Reform of the Police, to ensure consistency and continuity of approach, to consolidate progress already made and to maintain momentum."

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 members of all communities.

2.5 Link with National Development Plan

n/a

2.6 Link with national/ sectoral investment plans

The project directly links to the National Police Reform Strategy and Action Plan and the Strategic Plan of the Ministry of Justice for 2009-2011 and the Program of the Government for Building and Refurbishing of the Penal- correctional Facilities and Prisons 2008 – 2011.

The Strategy for reform of the judiciary 2004 contains number of activities for reform of the penitentiary system such as ensuring conditions for improving the execution of sanctions in accordance with international documents, re-defining the organizational set up of the penitentiary institution network, improving the conditions in penitentiary institutions for convicted persons, technical equipment, implementing IT activities, recruiting human resources for the penitentiary and the Directorate for Execution of Sanctions as well as and putting in practice the constitutional principle on equal representation of the communities, introducing a probation system and alternative sentencing system in accordance with international standards.

3. Description of project

3.1 Background and justification:

Transparent, accountable, efficient and effective institutions within the system of justice and home affairs are important for the protection of the fundamental rights and freedoms and for establishing an atmosphere of freedom, security and justice. The main European standards for combating ill-treatment and impunity have been developed via recommendations of the Commission for the Prevention of Torture (CPT) and the case law of the European Court of Human Rights (ECtHR). Like other member states, the country has committed itself upon accession to sign and ratify the European Convention on Human Rights (ECHR) and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and it accepted to honour a series of commitments.

The CPT published two reports after ad hoc visits in October 2007 and June - July 2008, together with the authorities' response. The 2007 visit focused on the situation in prisons as well as examining the issue of safeguards against ill-treatment of persons detained by law enforcement officials. The CPT was particularly concerned about three areas: the action taken to combat impunity, the conditions of detention in prisons and the treatment and care of vulnerable persons. The 2008 visit focused on the treatment and conditions of detention of sentenced and remand prisoners. In this context, it assessed developments in relation to prison healthcare services and examined the use of means of restraint within prison. Particular attention was also paid to the issue of safeguards against ill-treatment of persons deprived of their liberty by law enforcement officials. The visit was prompted by the fact that the authorities' response to the report on a previous visit in 2007 did not address many of the issues identified by the Committee.

The CPT remains concerned about the apparent lack of action taken to tackle serious concerns, such as ill-treatment of detained persons (including juveniles) by police and

prison officers and the poor conditions of detention in prisons. In addition, the Committee has provided the national authorities with a long list of issues that require their immediate attention. Some of the main emphases was the prolonged lack of strategy for the overall reform of the prison system, lack of the strategic plan covering the various areas recommended by the CPT such as staff training, conditions of detention, health care, ill-treatment and discipline, treatment of vulnerable groups, etc.

However, the CPT and the Human Rights Commissioner's Office, monitoring regularly the situation regarding human rights standards applied *inter alia* by law enforcement agencies have indicated that efforts have been made to upgrade the legislative and institutional human rights protection framework, especially with regard to the adoption of the new Law on Police. The aim of the police reform is to improve the quality and effectiveness of police work in respecting the constitution and the legislative basis pertaining to law enforcement, guaranteeing internal security as well as respecting the rights and freedoms of citizens. At present, these efforts have not (yet) been fully translated into a consistent and comprehensive practice. Gaps remain as regards the ability of law enforcement agencies to implement ECHR standards in their daily work. A number of allegations regarding ill-treatment or the use of means of restraint towards persons detained in police custody make the implementations of the CPT recommendations a matter of high priority.

As the rule of law entails not only the adoption of the appropriate legal norms but also taking the necessary steps to ensure their application, efforts need to be increased in order to enhance the reform process focusing on the police. More efforts need to be made to tackle systemic deficiencies, for example to combat impunity within the law enforcement agencies. This involves *inter alia* better cooperation and coordination among the relevant ministries and government bodies, and a more proactive stance by prosecutors and judges.

That being said, it implies as well the urgency and relevance of ensuring a satisfactory level of ECHR knowledge among police officers through training. In order to build on and strengthen the results achieved in the course of previous programmes for police officers, as well as to address the existing gaps, continuous efforts are needed. The working relations established by the Council of Europe (CoE) with the local partner institution mean that the CoE is particularly well placed to continue this work in a co-operative way and with a good knowledge of the specific needs of the country.

The Law on acting upon complaints and proposals ("Official Gazette" No. 82/2008) and the Rulebook on the manner of action upon complaints and proposals ("Official Gazette" no. 2/2009) become effective as of 16th and 13th of January, 2009, respectively.

With these regulations the actions upon complaints and proposals submitted before the President, the Parliament of the former Yugoslav Republic of Macedonia, the Government of the former Yugoslav Republic of Macedonia, courts, state administration bodies, local self-government units, public enterprises and services and other bodies and organizations performing public authorisations are arranged .

The Sector (department) for internal control and professional standards is positioned within the Ministry of Internal Affairs, as the body of the state administration competent for implementing government policy in the area of internal affairs. This position gives the sector independence regarding the control over the police work, including the detention facilities, and over the respect of the freedoms and rights of detained persons. The sector for internal control and professional standards directly responds to the Minister for Internal Affairs, and regularly reports on its work. The reports - annual and periodical - regularly are placed on the web site of the Ministry.

The Sector for Internal Control and professional standards is a specialized sector, which is competent also for conducting proceedings in the cases for which there is suspicion raised that during performing police affairs some of the human rights and freedoms are violated, upon different bases (complaints, reports, appeals). The Sector is also competent for conducting procedure for establishing the real state of affairs upon complaints and reports from natural and legal person, referring to the work and performing activities of the employees of the Ministry and the Police.

The Ministry for Internal Affairs of the former Yugoslav Republic of Macedonia, upon a proposal of the Sector for internal control and professional standards, and coming from recommendations of the CPT, has prepared an action plan for overcoming the situation described above. The action plan consists of activities to be undertaken, details on which organizational units are responsible for specific activities, timelines for their realization, and indicators of success and planned means.

The Sector for internal control and professional standards in February of 2008, has visited and performed inspections of 20 regional police stations. It conducted an inspection of the records on detained persons, as well as on the manner in which they exercised their rights. The conclusion of the inspections indicated a substandard situation in the detention facilities. In order to overcome this situation appropriate measures were suggested by the sector. The Sector for public peace and order from the Bureau for Public Security, which is in charge of monitoring the activities in this field, has prepared standard operative procedures for treating detained and arrested persons in the police stations, and thus has standardized the records and templates which should be fulfilled. The procedures have been distributed to all police stations, along with manuals and instructions for their use.

In addition to the efforts of the Ministry of Interior, the Ministry of Justice, through its Directorate for the Execution of Sanctions intensively and continuously undertakes a series of activities and measures to overcome certain situations in line with the recommendations of the CPT, and to remove the irregularities in the treatment of the remand and the sentenced prisoners. According to the Strategic Plan of the Directorate for the Execution of Sanctions 2009-2011 and the Programme for financing construction, reconstruction, maintenance of facilities and furnishing of the penal-correctional facilities (PCF) 2008 (Official gazette No.: 41/08), a number of construction activities related to the building and renovation of penitentiary institutions are undertaken in 2008. Such activities involve the refurbishment and equipment of a number of penal correctional

facilities and prisons such as the refurbishment and equipment in the PCF Idrizovo, Shtip and Struga, Skopje, Strumica, Ohrid, Kumanovo, Tetovo, Bitola and Gevgelija, Prilep. With regard to improving the capacities for the detention of persons, the establishment of two new detention departments in two more PCF of half open type is planned in Strumica and Kumanovo, while in Prison Skopje, building has started for enlarging the capacity of the existing detention area. The activities for improvement of the accommodation facilities in the penitentiary institutions will continue throughout 2009.

For strengthening the professionalism of employees, a programme for training and education of employees in the penal-correctional and the educational correctional facilities has been prepared. This programme is the basis for initial and continuous training of the employees in the penitentiary correctional facilities from all target groups. For implementation of the programme, the operative plan for implementation has been prepared. The first trainings were held on 26-27 January 2009 and will continue on a monthly basis until July 2009. These trainings are focused on improving the knowledge of the employees of the legal provisions governing the execution of criminal sanctions, the organization and the manner of work in the department for security, the transport of the persons deprived of freedom, the resolution of conflicts, interpersonal relations, and the respect of human rights from the aspect of the international legal standards.

In addition to national efforts, the present project proposal involves initiatives for strengthening the penitentiary system based on European standards and European prison rules and follows up on the specific findings of the CoE monitoring bodies and experts recommendations, as well as the experts findings under the recently finalized Joint Programme between the European Commission and the Council of Europe on Technical assistance to the penitentiary reform in the former Yugoslav Republic of Macedonia". It has become apparent during the implementation of the above-mentioned project that the prison reform in the country could not be completed in the time available and that consideration should be given to the need for follow-up and to the priorities, which should be pursued by the authorities to build on the achievements of the project and ensure sustainability.

The country is a member of the CoE since its accession in 1995. The project builds on the cooperation and assistance activities already carried out by the CoE for several years and its implementation is part of the overall legal and institutional reform based on European standards. There is a need for a coherent, long-term approach to policy-setting and formulation of objectives and priorities for the sector. This process was intended and expected to encompass the fields of criminal legislation standards and penitentiary reforms, as well as to enhance the process of legislative reforms and the functioning of the institutions at the domestic level.

In Accordance with the Constitution - Article 76, the Assembly sets up permanent and temporary working bodies. The Assembly may set up survey commissions for any domain or any matter of public interest. A proposal for setting up a survey commission may be submitted by a minimum of 20 Representatives. The Assembly sets up a permanent survey commission for the protection of the freedoms and rights of citizens.

The findings of the survey commissions form the basis for the initiation of proceedings to ascertain the answerability of public office-holders.

The Ombudsman protects the constitutional and legal rights of citizens when violated by acts or omissions of the state administrative bodies and other institutions with public authorisations. In addition, he/she also monitors the respect and protection of the human rights of the detained and the persons sentenced on imprisonment or educational correctional measure in the penal-correctional and the educational-correctional facilities for juveniles. The Ombudsman can make visits and checks within the institutions at any time without prior notification and approval and he can speak to the detained and sentenced persons without the presence of officials of the penitentiary. Persons deprived of freedom have the right to submit a complaint to the Ombudsman in closed envelop and to receive his answers without any prior checks by the official persons.

The Inter-governmental body for human rights established in 2006 is responsible for strengthening coordination in the area of human rights of all competent ministries and institutions in the Government, exchanging information and data for implementation of the recommendations contained in the reports of the committees of the UN and CoE and other international organizations, submitting proposals for improving the legal framework in the area of human rights and other proposals to the Government important for promotion of human rights in the country. The Intergovernmental body informs the Government for its work at least once a year.

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

The project aims at building the capacity of law enforcement agencies to observe Human Rights in line with international and European standards including the European prison rules. This will be achieved through improving the systems (strategic planning documents, strategic management), skills, practices, mechanisms, rules, by laws and strategies of the relevant law enforcement agencies. A discussion or a plan of sustainability will start early in the course of project implementation, following the results and outcomes that should be achieved over time. These changes will facilitate the sustainable impact of outcomes beyond the end of the project.

3.3 Results and measurable indicators:

The project consists of two components:

Component 1: Ensuring professionalism of the police service in guaranteeing full observance of fundamental rights through an efficient and reliable regulatory and operational framework

The results in relation with Component 1 are:

- The internal regulatory framework for preventing and combating torture and ill-treatment fully complies with European and international standards, including the recommendations of the CPT and the case law of the ECtHR;
- Improved methodology of work for the existing control mechanism is introduced for prevention of torture and ill-treatment and effective investigation of complaints is reinforced to better process allegations of ill-treatment and torture in accordance with European and international standards, leading to imposition of sanctions when appropriate;
- Increased knowledge and skills of police officers on European human rights and good conduct standards and effective implementation of these standards;
- Prepared human rights concept for the police with a view to adoption and future implementation by the institution, covering a period of 5-10 years after drafting (It will be based on the assessment of the present situation in the Ministry of Interior, assessment of the institution's needs to comply with European human rights standards and will constitute a guiding document for future activities);
- Trained staffs through the programme ‘train the trainers’;
- The general public is more aware of the positive changes in the functioning of the police system;
- Mechanisms for monitoring the respect of human rights are strengthened and cooperation with the relevant external institutions and other stakeholders promoted.

The measurable indicators in relation with Component 1 are:

- The adopted legal framework regulating internal procedures is complying with European standards;
- More effective and efficient Institutional/operational system in place;
- The percentage of complaints of citizens is decreased (by speeding up of processing of complaints);
- Police officers demonstrate sufficient knowledge on European and international standards for preventing and combating torture and ill-treatment and are enabled to fulfil their responsibilities in accordance with these standards in their daily duties and work;
- Awareness campaigns organised;
- Significant percentage of population satisfied with the positive changes;
- Number of trained trainers;
- The report from the Human Resources Sector for trained trainers;
- The Human rights Concept is applicable in daily work;
- Number of procedures for prevention and monitoring of professionalism with respect of human rights finalised.

Component 2: Strengthening the organisational and management capacity of the penitentiary system in the country for ensuring full protection of human rights in the treatment of the detained and convicted persons

The results in relation with Component 2 are:

- Improved conditions in the penitentiaries based on a developed reliable national strategic document;
- Organisation of the health care system improved;
- Programmes for treatment of vulnerable groups (juveniles, long-term life sentenced persons, addicts, females) developed;
- Training centre for prison staff fully functional;
- Training needs assessed; strategy and training curricula for the employees in the penitentiaries and the Directorate for execution of sanctions developed.
- Enhanced capacity of penitentiary system staff, including MoI officials, for respect of human rights and treatment of sentenced and detained and specifically vulnerable groups;
- Managerial and operational skills of the governors of penitentiaries and the related staff as well as the respective personnel of the Directorate for execution of sanctions for proper use of the human, material and financial resources developed
- Legal acts for the operation of effective prison inspection developed;
- Capacities of the prison inspection for preventing and combating corruption of prison staff enhanced;
- Mechanisms for monitoring and processing cases of violation of human rights within prison inspection strengthened and cooperation with the relevant external institutions monitoring observance of fundamental rights improved.

The measurable indicators in relation with Component 2 are:

- Comprehensive strategy for penitentiaries developed;
- Better and timely health care of prisoners ensured;
- Number of laws or bylaws revised;
- Assessment of the training needs of the staff employed in the penitentiaries and the Directorate for execution of sanctions conducted;
- Training strategy for employees in the penitentiary system prison staff adopted;
- Special training curricula for initial and in-service training for the employed in the penitentiaries developed;
- Training centre established and fully functional;
- Programs for treatment of vulnerable groups (juveniles, long-term life sentenced persons, addicts and females) developed;
- Number of trainings conducted for the staff in penitentiary system and the MoI officials (including the trainings with focus on the protection of human rights of detained and sentenced persons and specifically the vulnerable groups);
- Number of trainings, and study visits for the prison governors and other staff from the penitentiaries as well as the Directorate for execution of sanctions for improving the organisation, planning and management of the human, financial and material resources and number of staff trained (including health care staff);
- Legal acts for the operation of inspection bodies in the penitentiaries developed and adopted, including procedures for monitoring and processing cases of

- violation of fundamental rights and effective mechanisms for prevention and suppression of corruption within prison staff;
- Number of trainings for the internal inspections and external institutions observing the respect of human rights;
 - Number of inspections and monitoring procedures conducted, number of reports produced, number and type of sanctions applied.

3.4 Activities:

Component 1: Ensuring professionalism of the police service in guaranteeing full observance of fundamental rights through an efficient and reliable regulatory and operational framework

This component foresees the following activities:

- Overview and proposal of amendments of existing regulatory framework on organisation and functioning of police, with particular regard to institutional/operational systems for prevention of torture and ill-treatment and effective investigation of complaints, leading to imposition of sanctions;
- Building institutional/operational system based on European and international human rights norms;
- Evaluation and assessment of the current situation regarding training structures and curriculum on European human rights standards and standards of good conduct for both in service and pre-service training
- Identification of training needs on European human rights standards and standards of good conduct. Basic and advanced training of trainers on human rights techniques ,
- Enhancing the capacity of police officers, in particular training on European and international standards in the field of preventing and combating torture and ill-treatment;
- Ensuring the continuity and prevalence of the activities aiming to inform and educate the personnel in the field of human rights
- Informing citizens about the complaint mechanisms and ways relating to alleged violations of human rights;
- Raising public awareness of the functioning of and developments in the police system as regards observance of fundamental rights;
- Developing procedure for prevention of human rights' violations and monitoring professionalism of police staff with respect of human rights;
- Organisation of trainings for strengthening the coordination and cooperation between the inspection bodies and the external institutions observing the human rights (e.g. the Ombudsman, etc);
- Establishing a working group for the drafting of the Human rights Concept;
- Strengthening Co-operation and Coordination between the Police, the Prosecutors, judges and Lawyers – conducting joint trainings.

Component 2: Strengthening the organisational and management capacity of the penitentiary system in the country for ensuring full protection of human rights in the treatment of the detained and convicted persons

This component foresees the following activities:

- Assisting the national authorities in developing a comprehensive national strategy for the penitentiary system;
- Assessing the implementation of the strategy on health care in prisons and addressing the shortcomings encountered;
- Developing programs for treatment of vulnerable groups (juveniles, long-term life sentenced persons, addicts, females);
- Assisting the national authorities in setting up and ensuring full functionality of the training centre for the employees in the penitentiary system
- Assessing the training needs of the staff employed in the penitentiaries, developing necessary training strategy and training curricula for initial and in-service training;
- Delivery of trainings, study visits, for building the capacity of the employees in the penitentiary system including joint trainings with MoI officials with special focus on the protection of human rights and European standards including the European prison rules in the treatment of the detained and sentenced persons and specifically the vulnerable groups;
- Conducting trainings, study visits for the governors and other staff of the penitentiary facilities as well as the Directorate for execution of sanctions for improving the organisation, planning and management of the human, material and financial resources;
- Drafting legal acts for the operation of the inspection bodies, including the development of mechanisms for preventing and combating corruption of prison staff and procedures for monitoring and proceeding the violations of human rights and delivery of trainings;
- Organisation of trainings for strengthening the coordination and cooperation between the inspection bodies within the penitentiary system and the external institutions observing the human rights (e.g. the Ombudsman, etc).

Management and contracting arrangements

The project will be implemented through one direct grant arrangement with Council of Europe. A project steering committee will be established to oversee the implementation process of the project activities. Within the grant arrangements, a cooperation agreement with the Ministry of Interior and Ministry of Justice will be included to implement both directed at designated personnel through the both Ministries.

The contracting arrangements are as follows:

- One direct awarded Grant Contract to the Council of Europe.
- The overall value of the project is expected to be EUR 2 100 000

- The direct grant to the Council of Europe is expected to be EUR 2 000 000, out of which EC contribution EUR 1 800 000 (i.e. 90% co-financing) and national contribution EUR 200 000 (i.e. 10 % co-financing)
- In addition to this, the Council of Europe will contribute EUR 100 000 as a co-financing and the overall project value becomes EUR 2 100 000
- The implementation period of the grant will be 24 months.

It is intended that the grant will be directly awarded to the Council of Europe, in line with Art.168(c) of the IR which allows for grants to be awarded without a call for proposals to bodies with a de facto monopoly, since this organisation possesses the relevant competencies and previous directly-relevant experience in the country and the region, and being recognised as the lead agency in addressing the issue of human rights.

3.5 Conditionality and sequencing

The project includes the following conditionalities:

- 1) Endorsement by all key stakeholders of the Terms of Reference, specifications for the individual contracts to be engaged;
- 2) Endorsement of national strategies/regulations is a pre-requisite for the successful implementation of the project activities;
- 3) Appointment of counterpart personnel by the beneficiary before the launch of the tender process;
- 4) Allocation of working space and facilities by the beneficiary for the project team before the launch of the tender process;
- 5) Sufficient qualified personnel of the Directorate for Execution of Sanctions to carry out the drafting activities for the strategic and programme planning envisaged by the project;
- 6) Implementation of the programme for financing of constructions, refurbishment, maintenance of buildings and equipping of prisons carried out without significant delays;
- 7) Participation by the beneficiary in the tender process as per EU rules;
- 8) Organisation, selection and appointment of members of working groups, steering and coordination committees, seminars by the beneficiary as per project workplan;
- 9) Appointing the relevant staff by the beneficiaries to participate in training activities as per the workplan.

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

3.6 Linked activities

Extensive EC assistance in the area of policing has been continuously provided since 2002. Under the 2001 – 2006 programmes, the EC has and is providing direct support with the development and implementation of the National Police Reform Strategy, and policing elements of the National Integrated Border Management Strategy. This assistance is

targeted at different levels: strategic, operational, institutional and educational. The EC assisted the Ministry of the Interior to develop and take forward its Police Reform Strategy and Action Plan, which are the guiding documents of the police reform process in the country.

In addition to advisory support and strategic recommendations, a range of practical Police Development assistance has been provided, including reconstruction and equipment supply. Illustrative examples include: support to develop evidence management and forensic analysis capabilities; reconstruction of training facilities at the Police Academy; provision of operational equipment to Police specialised units; supply and installation of a national digital radio system, etc.

Under component 3 of the currently ongoing project "Support to the implementation of the Police Reform Strategy" within IPA 2007 eight police stations (detention facilities, premises for reception of persons and premises for inspectors for prevention) will be refurbishment in accordance with the European standards.

CARDS 2006 Technical Assistance to the penitentiary within the Ministry of Justice/Directorate for execution of sanctions/Penitentiary institutions finalised its activities at the end of March 2008. The advisory services and the training were implemented throughout a grant agreement with the Council of Europe. The project pursued several specifically defined objectives: to contribute into better strategic and technical understanding of the process of reform of the penitentiary system through evaluation of the present state by the parties, to contribute into planning of the jointly agreed activities for reform of the penitentiary system through a transparent process and planning by the parties, to contribute into better understanding of the standards and best practices of EU related to the penitentiary system reform, to improve the efficiency of the penitentiary system through improvement of the legal and organizational framework as well as development of the organizational and personnel capacities.

Within the CARDS a project entitled, Support to the implementation of the Action Plan of the Sector for Internal control and professional standards has been realised.

During the course of 2006 and 2007, the OSCE Spillover Monitor Mission to Skopje (the OSCE SMMS), made a background and needs assessment process of the legislative and institutional mechanisms, established in the country, for investigating alleged cases of abuse of power by law-enforcement officials with a special focus on those cases that have resulted in serious human rights violations. Based on the conducted background and needs assessment, the comparative analysis, the research and analysis of the domestic legal framework and the applicable international standards, the working group members drafted a proposal regarding a mechanism for enhancement of the system for external control of the police and other bodies with police authorisations.

The regional CARDS Programme JP "Development of a reliable and functioning Prison system respecting fundamental rights and standards, and enhancing of regional co-operation in the Western Balkans" (JP Western Balkans) was implemented by March

2008. The main objective of the project was to assist the country in the attainment of the standards for management of the penitentiary system through the introduction of modern instruments and working methods which will improve the professionalism of the staff employed in the prisons, enable their development and ensure safer environment and manner of treatment of the persons deprived of freedom. The project objectives were to 1) improve the professionalism of the prison personnel on all levels of their career, and to assist them in the realization of their responsibilities by larger involvement of the European standards; and to 2) secure the harmonization of the domestic legal framework with the European standards contained in the European prison rules form 2006 and the other relevant recommendations of the CoE.

Within the project activities, 5 assessments of the prisons by the consultants of the Council of Europe were conducted for analysing the organization and training of the staff in the prisons, programs and activities related to the treatment of the adults deprived form freedom, the programs and activities for treatment for the juveniles deprived of freedom, health protection in the prisons and the legal framework (the law on execution of sanctions). Based on these visits and analyses, 4 strategic documents were prepared, which present solid basis for further elaboration:

- Guidelines for initial training,
- National Strategy for re-socialisation and reintegration of the persons deprived of freedom (adults),
- National Strategy for treatment of juveniles in the educational – correctional house Tetovo and the Prison for juveniles in Ohrid,
- National Strategy for health protection in the prisons and
- Legal analyses of the Law on execution of sanctions.

The joint project for reform of the prison system of the CoE and the EC was implemented in Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia (including Kosovo) and the former Yugoslav Republic of Macedonia, in frames of the project a Memorandum for cooperation was signed between the CoE and the countries beneficiaries of the project which define the aim of the Joint Program, i.e. to approximate the penitentiary systems of these countries with the European standards and to improve the regional cooperation among the prison administrations and the ministries of justice in the area of execution of sanctions and the alternative measures.

For implementing the programme for financing construction, reconstruction, maintenance of facilities and furnishing of the penal-correctional facilities (PCF) for 2008 (Official gazette No.: 41/08), negotiations for a loan by the Council of Europe Development Bank are undergoing. As one of the conditions for approving the loan, in May 2008 the Unit for implementation of the Project – Reconstruction of the penal correctional facilities was established in the frames of the Directorate for execution of sanctions. The Development Bank of CoE supported by Secretariat for European Affairs applied to the Infrastructure Projects Facility (IPF) fund of the European Union for technical assistance for financing the technical assistance which will assist the Directorate for execution of sanctions in the preparation of the project. The technical assistance was approved on 16 June 2008 and

consequently an experts team in December 2008 submitted the first draft feasibility report to the Directorate for execution of sanctions. The Final Feasibility Report will be the basis for approving the loan by the CoE Bank for realization of the project.

The Association for Criminal Law and Criminology of the former Yugoslav Republic of Macedonia supported by FOSIM, OPDAT, OSCE, implemented a two year project on 'Criminal Justice reform and respect of human rights in the former Yugoslav Republic of Macedonia' (from 1st September 2007 to 31st December 2009). The main activities of the project were planning and organization of comparative and field research, analyses, workshops, conferences in order to determine the issues and the problems, which have to be addressed in connection with the reform of the criminal justice system and preparation of the strategy for reform of the criminal justice system. The Strategy for reform of the criminal justice system 2007 which is presently implemented was prepared in frames of this project.

OSCE is planning a project in cooperation with the Directorate for execution of sanctions, for improving the system of re-socialisation of the imprisoned persons which will be implemented from April 2009 to end 2010. The following activities are planned:

- Preparation of Strategy for rehabilitation and re-socialisation of prisoners,
- Preparation of standard procedures for treatment of imprisoned persons,
- Preparation of sub-legal acts of the Law on execution of sanctions,
- Preparation of program for training on re-socialisation for the penitentiary staff (which have to be implemented by the Training centre)
- Organisation of trainings for the employees in the penitentiaries and the centres for social work,
- Pilot program for treatment of the drug addicts in prison Idrizovo (replacement of the present methadone treatment).

The activities of the CoE and OSCE within the penitentiary system present significant effort for improving the conditions for the detained and sentenced persons in line with the European standards and the European Prison Rules. The present project will build up on these activities and will further support the initiated improvements. The activities which have been implemented will be considered in the realisation of this project specifically the documents which have been developed, the specific guidelines, strategies; training programs and complementarities will be ensured

3.7 Lessons learned

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

- 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.
- The provision of technical assistance for capacity building remains a very high priority. However, this grant will not be effective if the working environment of the counterparts is not up to standards. Therefore a balanced approach with both technical advisory support and material support is essential to realise the expected impact of the projects.

The Government will ensure that sufficient beneficiary staff and resources will be available in time for the project.

4. Indicative Budget (amounts in EUR)

			SOURCES OF FUNDING										
			TOTAL EXP.RE	TOTAL PUBLIC EXP.RE	IPA COMMUNITY CONTRIBUTION		NATIONAL PUBLIC CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(e)	EUR (b)=(c)+(d)	EUR (c)	% (2)	Total EUR (d)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/ Local EUR (y)	IFIs EUR (z)	EUR (e)	% (3)
Direct grant	x		2 100 000	2 100 000	1 800 000	90	200 000	10	200 000	-	100 000 ²	-	-
TOTAL IB			2 100 000	2 100 000	1 800 000	90	200 000	10	200 000	-	100 000	-	-
TOTAL INV			-	-	-	-	-	-	-	-	-	-	-
TOTAL PROJECT			2 100 000	2 100 000	1 800 000		200 000		200 000		100 000		

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

Amounts net of VAT

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

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

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

² Contribution from the Direct Grant Beneficiary "Council of Europe"

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

Contracts	Start of Tendering	Signature of contract	Project Completion
Direct grant	Q 2 2010	Q4 2010	Q4 2012

6. Cross cutting issues

6.1 Civil Society Development and Dialogue

N/A

6.2 Environmental Consideration

The project is expected to have a neutral impact on environment. While for construction / refurbishing efforts, works contracts will be engaged, environmentally sound construction methods will be encouraged.

6.3 Equal Opportunities and non-discrimination

The principles of equal opportunity will be respected in three different manners:

- Concerning equal opportunities for women
- Concerning equal opportunities for minorities (see further below)

The equal opportunities in the gender sense will be ensured by the project as follows:

- Open application procedures for staff under the explicit mention that application by women are encouraged.
- Continuous attention for gender while reviewing legal, strategic and operational issues. Each evaluation of such an issue will have a specific section concerning gender
- organisation of specific activities by the project for police staff to raise awareness of the gender issue

Equal opportunities in procurements will be guaranteed by applying EU procurement rules.

6.4 Minority and Vulnerable Groups

The equal opportunities of minorities will be addressed in two different ways:

- Participation in the administrative service by minorities as stipulated in the Equal Representation Strategy, following up on the Ohrid Framework Agreement.
- The appropriate use of the minority languages in the police service

The particular requirements of dealing with minority issues in strategic, tactical and operational police matters will be mainstreamed throughout the policy and implementation section of the project.

6.5 Good Governance and Fight Against Corruption

This project overall context is one covering the larger theme of Good Governance.

ANNEXES

- 1- Log frame in Standard Format
- 2- Amounts contracted and Disbursed 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 / sector 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 *grants schemes*: account of components of the schemes
 - 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 constructing 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 Capacity building of the law enforcement agencies for appropriate treatment of detained and sentenced persons	Programme name and number: National Programme for the former Yugoslav Republic of Macedonia under the IPA Transition Assistance and Institution Building Component for 2009 CRIS number : 2009/021-665		
	Contracting period expires two years from the date of the conclusion of the Financing Agreement	Execution period expires two years from the final date for contracting	Disbursement period expires one year from the final date for execution of contracts.
		Total budget: EUR 2 100 000	IPA budget: EUR 1 800 000

Overall objective	Objectively verifiable indicators	Sources of Verification	
To improve the respect of human rights by law enforcement agencies and penitentiary institutions in line with European standards and European prison rules.	Increased efficiency in the execution of the professional duties as well as strengthened protection of human rights in the penitentiaries.	- Official reports including statistical indicators from the analytical services in the institutions. - Reports of CPT	

Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
To develop national capacities for ensuring full observance of human rights by law enforcement agencies and investigative institutions, including strengthening the effectiveness of investigations of allegations of torture and ill- treatment. To promote the treatment of the detained and sentenced persons in the penitentiaries in line with the European standards including European prison rules	<ul style="list-style-type: none"> - Number and nature of complaints filed and investigated in the police stations - Number of staff members of the police and penitentiaries trained on fundamental rights, - Documents for strategic planning in place. 	<ul style="list-style-type: none"> - Reports from SICPS, - Report from SHRS, - Training evaluation reports, - Reports of CPT 	There is strong political will and commitment among the stake holders for implementation of the project.

Results	Objectively verifiable indicators	Sources of Verification	Assumptions
<p><u>Component 1</u> Ensure professionalism of the police service in guaranteeing full observance of fundamental rights through an efficient and reliable regulatory and operational framework</p> <p>–The internal regulatory framework for preventing and combating torture and ill-treatment fully complies with European and international standards, including the recommendations of the CPT and the case law of the ECtHR;</p> <p>– Improved methodology of work for the existing control mechanism is introduced for prevention of torture and ill- treatment and effective investigation of complaints is reinforced to better process allegations of ill-treatment in accordance with European and international standards, leading to imposition of sanctions when appropriate;</p> <p>–Increased knowledge and skills of police officers on European human rights and good conduct standards, and effective implementation of these standards.</p> <p>–Prepared human rights concept for the police with a view to its adoption and future implementation by the institution, covering a period of 5 to 10 years after its drafting.</p> <p>–Trained staff are trained through the programme train the trainers</p> <p>–The general public is more aware of the positive changes in the functioning of the police system;</p> <p>- Mechanisms for monitoring the respect of human rights are strengthened and cooperation with the relevant external institution and other stakeholders promoted.-</p>	<p>–The adopted legal framework regulating internal procedures is complying with European standards;</p> <p>–More effective and efficient Institutional/operational system in place;</p> <p>–The percentage of complaints of citizens is decreased (by speeding up of processing of complaints);</p> <p>–Police officers demonstrate sufficient knowledge on European and international standards for preventing and combating torture and ill-treatment and are enabled to fulfil their responsibilities in accordance with these standards in their daily duties and work;</p> <p>–Awareness campaigns organised;</p> <p>–Significant percentage of population satisfied with the positive changes;</p> <p>–Number of trained trainers;</p> <p>–The report from the Human Resources Sector for trained trainers;</p> <p>–The Human rights Concept is applicable in daily work;</p> <p>–Number of procedures for prevention and monitoring of professionalism with respect of human rights finalised.</p>	<p>– Amendments to the related laws and bylaws</p> <p>– case management statistics</p> <p>– conducted survey</p> <p>– Official reports from the competent services</p> <p>– Number of trained police officers</p>	<p>– Continuous courses and trainings are provided for the personnel</p> <p>– Improved protection of human rights is recognised by the public</p>
<p><u>Component 2</u> To strengthen the organisational and management capacity of the penitentiary system in the country</p>	<p>- Comprehensive strategy for penitentiaries developed;</p> <p>- Better and timely health care of prisoners ensured;</p>	<p>- Amendments of laws and bylaws,</p>	<p>- Political commitment to carry out</p>

for ensuring full protection of human rights in the treatment of the detained and convicted persons

- Improved conditions in the penitentiaries based on a developed reliable national strategic document;
- Organisation of the health care system improved;
- Programmes for treatment of vulnerable groups (juveniles, long-term life sentenced persons, addicts, females) developed;
- Training centre for prison staff fully functional;
- Training needs assessed; strategy and training curricula for the employees in the penitentiaries and the Directorate for execution of sanctions developed.
- Enhanced capacity of penitentiary system staff, including MoI officials, for respect of human rights and treatment of sentenced and detained and specifically vulnerable groups;
- Managerial and operational skills of the governors of penitentiaries and the related staff as well as the respective personnel of the Directorate for execution of sanctions for proper use of the human, material and financial resources developed;.
- Legal acts for the operation of effective prison inspection developed;
- Capacities of the prison inspection for preventing and combating corruption of prison staff enhanced;.
- Mechanisms for monitoring and processing cases of violation of human rights within prison inspection strengthened and cooperation with the relevant external institutions monitoring observance of fundamental rights improved

- Number of laws or bylaws revised;
- Assessment of the training needs of the staff employed in the penitentiaries and the Directorate for execution of sanctions conducted;
- Training strategy for employees in the penitentiary system adopted;
- Special training curricula for initial and in-service training for the employed in the penitentiaries developed;
- Training centre established and fully functional;
- Programs for treatment of vulnerable groups (juveniles, long-term life sentenced persons, addicts and females) developed;
- Number of trainings conducted for the staff in penitentiary system and the MoI officials (including the trainings with focus on the protection of human rights of detained and sentenced persons and specifically the vulnerable groups);
- Number of trainings, and study visits for the governors and other staff from the penitentiaries as well as the Directorate for execution of sanctions for improving the organisation, planning and management of the human, financial and material resources and number of staff trained (including the health care staff);
- Legal acts for the operation of inspection bodies in the penitentiaries developed and adopted, including procedures for monitoring and processing cases of violation of fundamental rights and effective mechanisms for prevention and suppression of corruption within prison staff;
- Number of trainings for the internal inspections and external institutions observing the respect of human rights;
- Number of inspections and monitoring procedures conducted, number of reports produced, number and type of sanctions applied.

- Reports of the national institutions, the Directorate for execution of sanctions,
- CPT and other human rights watch organizations' Reports,
- Adopted Training Strategy

- reforms
- Strong incentives for the success of the implementation of the project

Activities	Means	Costs	Assumptions
Component 1 Ensure a professionalism of police service in guaranteeing full observance of	1 Direct grant	Total: EUR 2 100 000 IPA: EUR 1 800 000	- Reliable data are received from the

<p>fundamental rights through an efficient and reliable regulatory and operational framework</p> <ul style="list-style-type: none"> - Overview and proposal of amendments of existing regulatory framework on organisation and functioning of police with particular regard to institutional/operational systems for prevention of torture and ill-treatment and effective investigation of complaints, leading to imposition of sanctions; - Building institutional/operational system based on European and international human rights norms; - Evaluation and assessment of the current situation regarding training structures and curriculum on European human rights standards and standards of good conduct for both in service and pre-service training - Identification of training needs on European human rights standards and standards of good conduct Training on Basic and advanced and training of trainers, training on techniques how to deliver training on human rights, - Enhancing the capacity of police officers, in particular training on European and international standards in the field of preventing and combating torture and ill-treatment; - Ensuring the continuity and prevalence of the activities aiming to inform and educate the personnel in the field of human rights - Informing citizens about the complaint mechanisms and ways relating to alleged violations of human rights - Raising public awareness of the functioning of and developments in the police system as regards observance of fundamental rights - Developing procedure for prevention of human rights violations and monitoring professionalism of police staff with respect of human rights - Organisation of trainings for strengthening the coordination and cooperation between the inspection bodies and the external institutions 		<p>Nat. Co-financing EUR 200 000 Council of Europe contribution EUR 100 000</p>	<p>competent institutions</p> <ul style="list-style-type: none"> - The necessary time limits are respected pursuant to the EU legal regulative - Quality training is provided by certified trainers in respective training centers
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<p>observing the human rights (the Ombudsman, etc)</p> <ul style="list-style-type: none"> - Establishing a working group for the drafting of the human rights concept. - Strengthening Co-operation and Coordination between the Police, the Prosecutors, judges and Lawyers in Judicial Investigations – conducting joint trainings. 			
<p><u>Component 2</u> To strengthen the organisational and management capacity of the penitentiary system in the country for ensuring full protection of human rights in the treatment of the detained and convicted persons</p> <ul style="list-style-type: none"> - Assisting the national authorities in developing a comprehensive national strategy for the penitentiary system; - Assessing the implementation of the strategy on health care in prisons and addressing the shortcomings encountered; - Developing programs for treatment of vulnerable groups (juveniles, long-term life sentenced persons, addicts, females); -Assisting the national authorities in setting up and ensuring full functionality of the training centre for the employees in the penitentiary system; - Assessing the training needs of the staff employed in the penitentiaries, developing necessary training strategy and training curricula for initial and in-service training; - Delivery of trainings, study visits, for building the capacity of the employees in the penitentiary system including joint trainings with MoI officials with special focus on the protection of human rights and European standards including the European prison rules in the treatment of the detained and sentenced persons and specifically the vulnerable groups; - Conducting trainings, study visits for the governors and other staff of the penitentiary facilities as well as the Directorate for execution of sanctions for improving the organisation, planning and management of the 			<ul style="list-style-type: none"> - Staff available for training; - Full commitment of the involved authorities

<p>human, material and financial resources;</p> <ul style="list-style-type: none"> - Drafting legal acts for the operation of the inspection bodies, including the development of mechanisms for preventing and combating corruption of prison staff and procedures for monitoring and proceeding the violations of human rights and delivery of trainings; - Organisation of trainings for strengthening the coordination and cooperation between the inspection bodies within the penitentiary system and the external institutions observing the human rights (e.g. the Ombudsman, etc 			
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Pre conditions

The project includes the following conditionalities:

1. Endorsement by all key stakeholders of the Terms of Reference, specifications for the individual contracts to be engaged;
2. Endorsement of national strategies/regulations is a pre-requisite for the successful implementation of the project activities;
3. Appointment of counterpart personnel by the beneficiary before the launch of the tender process;
4. Allocation of working space and facilities by the beneficiary for technical assistance before the launch of the tender process;
5. 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;
6. Participation by the beneficiary in the tender process as per EU rules;
7. Organisation, selection and appointment of members of working groups, steering and coordination committees, seminars by the beneficiary as per workplan of the project;
8. Appointing the relevant staff by the beneficiaries to participate in training activities as per workplan;

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

ANNEX 2: Amounts (in €) contracted and disbursed by quarter over the full duration of the project (IPA funds only)

	2010				2011				2012			
Contracted	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Contract 1				1 800 000								
Cumulated				1 800 000								
Disbursed												
Contract 1				720 000				720 000				360 000
Cumulated				720 000				1 440 000				1 800 000

ANNEX 3: Description of Institutional Framework

Police

The Police is part of the Ministry of Internal Affairs where police affairs are performed by police officers. A police officer is an authorised official person, according to the provisions of the Law on Internal Affairs, which is uniformed and plain clothes member of the police with police authorisations, performing police affairs in accordance with the law. Within the Ministry of Interior the total number of police officers is 9600. Police affairs in the sense of this Law are actions of the police officers that refer to:

- protection of life, personal safety and property of the citizens;
- protection of freedoms and rights of the human beings and the citizens, guaranteed by the Constitution of the former Yugoslav Republic of Macedonia, the laws and the ratified international agreements;
- prevention of committing crimes and misdemeanours, detection and apprehension of the perpetrators of crimes and undertaking other specific measures, stipulated by law, for prosecution of the perpetrators of such crimes;
- maintaining the public order and peace;
- regulation and control of the traffic;
- control of the movement and residence of foreigners;
- state border security and state border crossing control;
- protection of specific persons and facilities and
- other affairs determined by law.

The police affairs in the Ministry are performed by the Bureau for Public Security) as a body within the Ministry. The following is within the competence of the Bureau:

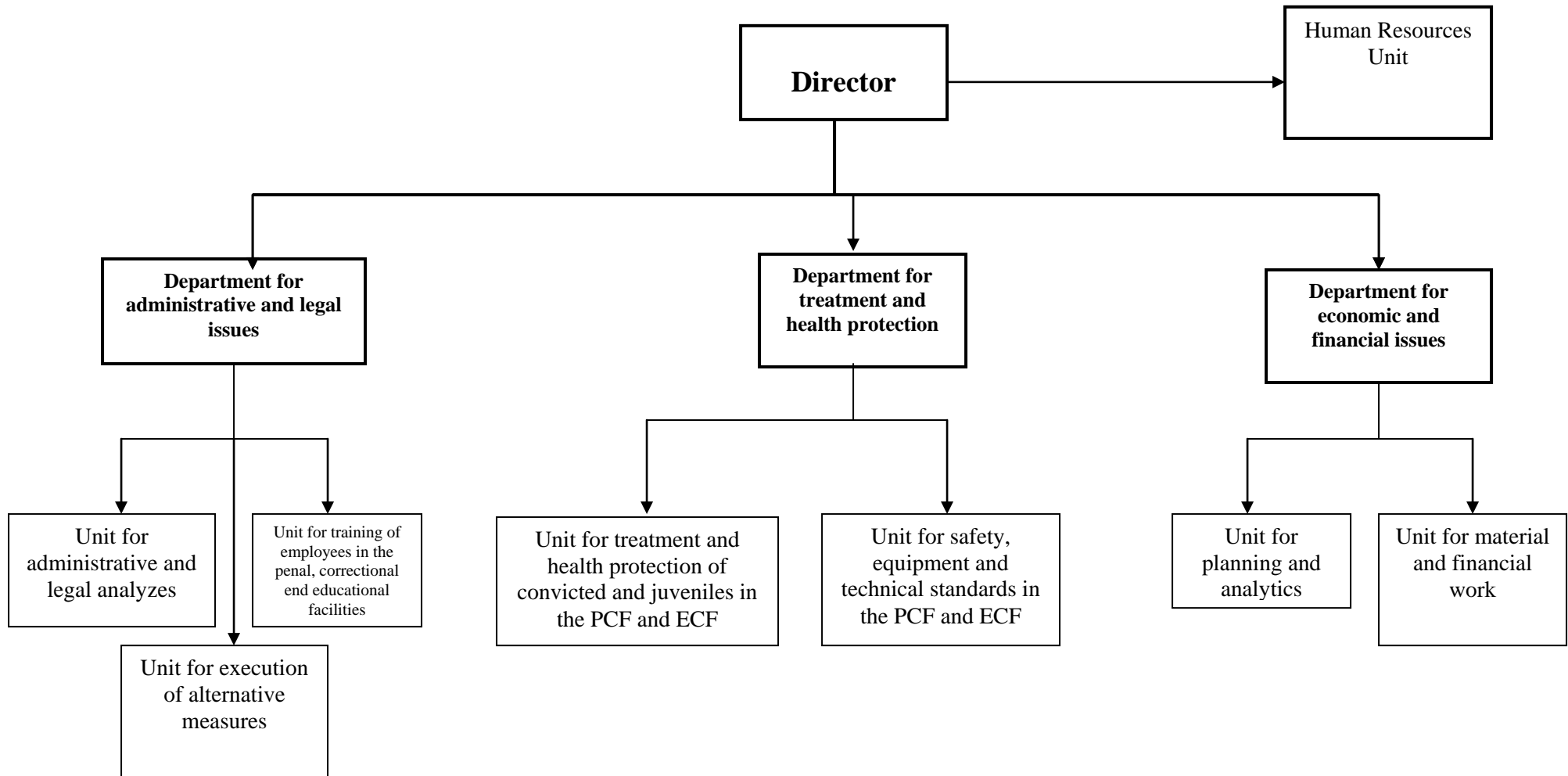
- conceptual planning, monitoring and analysing the security state of affairs and the reasons for crime and public security endangerment appearance;
- harmonisation, direction, general and expert supervision and control of the work of the police organisational units;
- gathering, processing, analysis, use, evaluating, storing and deleting data from the police scope of work;
- Participation in performing certain complex affairs within the scope of work of the police organisational units;
- implementation of the ratified international agreements on police cooperation and other international acts which fall under the jurisdiction of the police;
- proposing equipment standards and material-technical means for the police organisational units;
- consideration on the police preparedness for acting and working in conditions of a complex security state of affairs and
- other issues determined by law.

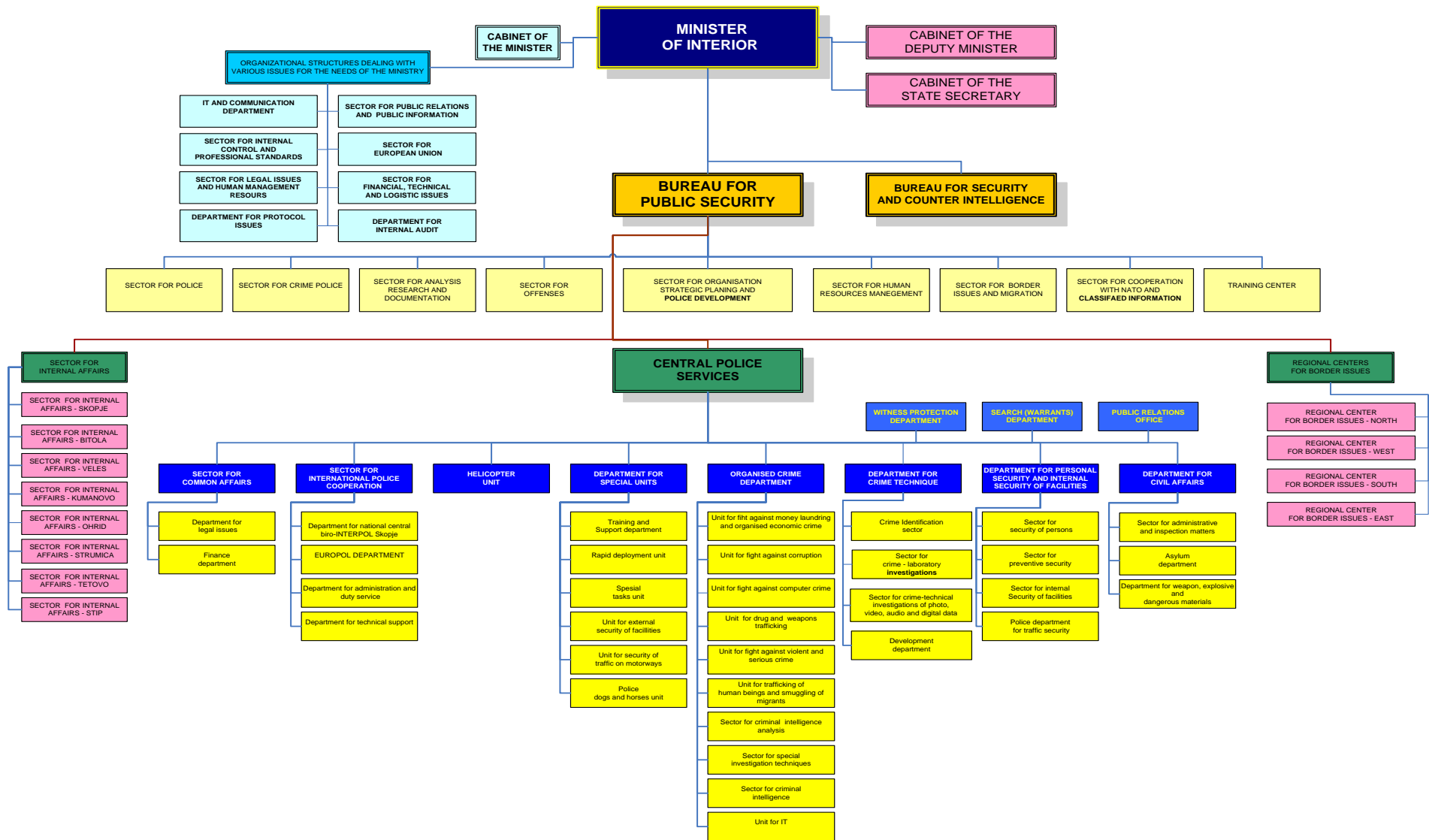
The Sectors for Internal Affairs are established according to the size of the area, number of the population, number of criminal acts and misdemeanours, as well as the significance of the road directions and the geographical location of the municipalities within the scope of the Sector for Internal Affairs

Penitentiary System

The penitentiary system is a network of penal correctional facilities. The execution of sanctions is within the competences of the Directorate of execution of sanctions which has a legal personality headed by a director. The punishment of imprisonment is executed in penal correctional facilities, while the educational measure 'sending in educational – correctional house' is executed in educational - correctional facilities. All facilities have legal personality and in the country there are total of 11 penal-correctional and 2 educational–correctional facilities in which in total 726 persons are employed and 2370 persons are serving the sentence of imprisonment, the detention measure and the educational measure 'directing to educational – correctional house' in 2008.

Directorate for Execution of Sanctions





MINISTRY OF INTERIOR

ANNEX 4: Reference to laws, implementing legislation and strategic documents

Reference list of relevant laws and implementing legislation

Key laws and implementing legislation on police:

- Constitution of the former Yugoslav Republic of Macedonia;
- Criminal Code of the former Yugoslav Republic of Macedonia 1996;
- Law of Police, adopted November 2006;
- Law on Internal Affairs, 1995;
- Law on modification and amendment of the law on criminal procedure, October 2004;
- Rulebook for conducting of the affairs of the MOI;
- Regulation book for organization and work of the MOI;
- The European Code of Police Ethics, 19 September 2001;
- The EU Schengen Catalogue of Best Practice, External Borders Control, Removal and Readmission, February 2002;
- Law on Academy for Training of Judges and Prosecutors 2006;
- Law on Courts, 2006;
- Law on Criminal Procedure, 1997;
- Law on Public Prosecutor's Office, 2007;
- Law on Public Prosecutor's Council, 2007;
- Law on execution of sanctions 2/2006 and the related by-laws.
- Law on acting upon complaints and proposals ("Official Gazette" No. 82/2008)
- Rulebook on the manner of action upon complaints and proposals, ("Official Gazette of the" no. 2/2009)

Reference to AP/NPAA / EP/ SAA

Reference to Accession Partnership (2007-2008):

Fully comply with the European Convention on Human Rights, the recommendations made by the Committee for the Prevention of Torture as well as the Framework Convention for the Protection of National Minorities. Implement fully the rules applying to ethics, internal control, professional and human rights standards in law enforcement agencies, the judiciary and the prison administration, including by regular training. Provide sufficient resources to bring prison conditions up to a higher standard. Set up effective mechanisms to identify, pursue and penalise all forms of discrimination by state and non-state bodies against individuals or groups. To further promote the respect of the human rights by the law enforcement agencies, detention facilities and the prisons Upgrade and implement the strategy on equitable representation of non-majority communities, notably by providing adequate resources and imposing effective sanctions for failure to meet targets

Reference to NPAA:

To ensure execution of the ECHR judgments according to the new practice of the Council of Europe that requires drafting detailed action plans for each verdict thus generating a need for more efficient coordination with other authorities and institutions within the country, the status and competences of the Inter-ministerial Body on Human Rights within the Government of the former Yugoslav Republic of Macedonia will be redefined.

For the purpose of efficient implementation of the activities related to the cases in the ECHR, preparation of the observations with regard to the cases communicated, enforcement of the

judgments, their translation and dissemination as well as the activities concerning legal and other changes necessary for enforcement of the verdicts, and the continuous harmonisation with the judicial practice of the European Court of Human Rights, the staff capacities of the Unit for Support to the Governmental Agent will be strengthened, and training will be provided regarding the process of monitoring the execution of the ECHR verdicts and specialised training on the ECHR judicial practice in certain areas will be carried out.

Reference to EP

N/A

Reference to SAA

The project will reinforce the SAA Article 74 (Reinforcement of institutions and rule of law) and Article 78 (Preventing and combating crime and other illegal activities). its Article 68 on reform of the judiciary, **Article 105** on financial assistance to the harmonisation of legislation and cooperation policies in the field of justice.

Reference to Progress Report

Reference to the Progress Report 2008: In 2007 the **European Court of Human Rights** (ECtHR) delivered 16 judgements finding that the former Yugoslav Republic of Macedonia had violated the European Convention on Human Rights (ECHR).

Between 1 January and 31 December 2007 454 new applications relating to the country were made to the ECtHR. The number of pending cases before the Court regarding the former Yugoslav Republic of Macedonia is 980.

Little progress can be reported as regards promotion and enforcement of human rights. The inter-ministerial body for protection of human rights met four times and adopted its rules of procedure. However, it is not yet effective in coordinating the action of ministries and bodies concerned. It needs to provide stronger leadership to raise the levels of respect for fundamental rights throughout the country. In particular, training of public servants in all relevant areas needs to be intensified.

The Ministry of the Interior made further progress in implementing the code of police ethics by carrying out a programme of training. Cooperation between the Ombudsman and the Sector for Internal Control and Professional Standards was satisfactory and led to 38 recommendations by the Ombudsman in this area being followed up.

The progress report also notes the deep concern of the Committee for the Prevention of Torture about conditions in prisons which in some cases, and it urges rapid action for eliminating inhuman and degrading conditions of detention, addressing inadequate health care provisions. It also notes the lack of clear procedures for dealing with widespread allegations of ill-treatment of prisoners and the vulnerable prisoners, such as juveniles, are particularly pointed as groups at risk. The report recommends significant additional efforts to be made to address the recommendations of the CPT.

Reference to the Multi-Annual Indicative Planning Document (2008-2010):

Implementing fully the SAA and the Ohrid Framework Agreement; Further improving the functioning of the judicial system and the police; Strengthening the rule of law and upgrading the fight against corruption; Pursuing vigorously the economic reforms and overcoming institutional weaknesses, in particular so as to attract investment by curbing administrative red tape and creating a level playing field for business; Improving the functioning of the public administration and its capacity to implement the community *acquis*.

The MIPD states that on police reform will be necessary to support completing the implementation of the *Action Plan for the Reform of the Police*, to ensure consistency and continuity of approach, to consolidate progress already made and to maintain momentum.

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.

Reference to national/ sectoral investment plans (where applicable)

The project directly links to the National Police Reform Strategy and Action Plan and the Strategic Plan of the Ministry of Justice of the former Yugoslav Republic of Macedonia for 2009-2011 and the Program of the Government for Building and Refurbishing of the Penal-correctional Facilities and Prisons 2008 – 2011.

The Strategy for reform of the judiciary 2004 contains number of activities for reform of the penitentiary system such as ensuring conditions for improving the execution of sanctions in accordance with international documents, re-defining the organizational setup of the penitentiary institution network, improving the conditions in penitentiary institutions for convicted persons, technical equipment, implementing IT activities, recruiting human resources for the penitentiary and the Directorate for Execution of Sanctions as well as and putting in practice the constitutional principle on equal representation of the communities, introducing a probation system and alternative sentencing system in accordance with international standards.

ANNEX 5: Details per EU funded contract

Management and contracting arrangements

The project will be implemented through one direct grant arrangement with the Council of Europe. A project steering committee will be established to oversee the implementation process of the project activities. Within the grant arrangements, a cooperation agreement with the Ministry of Interior and Ministry of Justice will be included to implement both directed at designated personnel through the both Ministries.

The contracting arrangements are as follows:

- One direct awarded Grant Contract to the Council of Europe.
- The overall value of the project is expected to be EUR 2 100 000
- The direct grant to the Council of Europe is expected to be EUR 2 000 000, out of which EC contribution EUR 1 800 000 (i.e. 90% co-financing) and national contribution EUR 200 000 (i.e. 10 % co-financing)
- In addition to this, the Council of Europe will contribute EUR 100 000 as a co-financing and the overall project value becomes EUR 2 100 000
- The implementation period of the grant will be 24 months.

It is intended that the grant will be directly awarded to the Council of Europe, in line with Art.168(c) of the IR which allows for grants to be awarded without a call for proposals to bodies with a de facto monopoly, since this organisation possesses the relevant competencies and previous directly-relevant