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**Minutes**

**Sixth Meeting of IPA II Sectoral Monitoring Committee on Rule of Law and Fundamental Rights**

**12.04.2022 (Tuesday), 10:00 hrs**

**Webex meeting**

The representative of the NIPAC Office, Secretariat for European Affairs (SEA) welcomed all participants, including the representatives of the Embassies of the EU Member States in the country, to the sixth IPA II Sectoral Monitoring Committee on Rule of Law and Fundamental Rights. She indicated that the sector on rule of law and fundamental rights is fundamentals first, and emphasized that the improvement of the whole reform agenda in the sector should serve as a driving force for smooth evolvement of all processes. Hence, she added that there are projects that have been funded under 2014 programme and implemented completely, but there are also large projects touching upon the essence of the reform in this particular sectors that are facing some delays which need to be discussed in more details. The Minutes of the previous, 5th Meeting of the SMC of 1 October 2021 and the Draft Agenda for the 6th Meeting of the SMC were adopted unanimously by all participants, without any comments.

The representative of the Delegation of the European Union (EUD**)** welcomed similarly all participants underlying that the topic is indeed the fundamentals which are horizontal, cross-cutting and essential, and indicated that the discussions during the next IPA Monitoring Committee Meeting will take place in a cluster framework. He stated that taking into account the information on the progress achieved provided by the NIPAC Office, the EUD has assessed that out of the 8 conclusions, 4 were implemented, 1 was partially implemented, 2 were not implemented, while there has been no progress with one conclusion of continuous nature that has been repeated. In terms of numbers there is a 50% implementation rate of the conclusions, which needs to be further improved. He added that the last meeting of the Monitoring Committee was fairly recent and the reporting period is over. The period of regular SMC cycle has begun, and thus they anticipated that there should be an improvement. As for the conclusions that have not been implemented, he indicated that EUD will submit them as draft conclusions and recommendations at the end of the SMC meeting.

The representative of the Ministry of Justice (MoJ) conveyed the deep appreciation and gratitude of the Minister of Justice to the EU for the support provided in numerous projects aimed at achieving the mutual commitment of maintaining and strengthening strong democratic institutions that will have the necessary institutional capacity. Being aware of the main challenges, she confirmed that it definitely required additional efforts and targeted measures from everyone, to address independence and improved efficiency in the rule of law, and especially of the judicial system. She noted that they are determined to continue with the reforms with the support provided so far by EU and with the support and funding provided through the national budget. She mentioned the meeting of the Sector Working Group that took place the previous week, and added that it should be recognized as an additional effort that will contribute to the substantial achievement of identified targets, by practicing their important role of coordination of all active stakeholders in this sector, whether in the donor community or the civil society sector. The significant project of MoJ is the preparation of the new four-year Strategy for the Justice Sector that should be adopted at the end of 2022. In addition to the follow up of the recommendations within the SMC, and given that there is a mixed modality of the management of the projects, she proposed that quarterly meetings be organized on operative level, separately for justice and home affairs to discuss the implementation of projects and problems.

The representative of the Ministry of Interior (MoI) expressed her gratitude to the European Union for the continuous support extended to MoI to ensure smooth implementation of IPA II projects, and also to the Secretariat for European Affairs- the NIPAC Office for their support. As a brief overview of IPA 2020 and 2016 programmes, she indicated that most of the projects are fully implemented, and that there is only one project still ongoing, which will be discussed when the debate will focus on the details and problems related to the full implementation. She noted that she expects that they will continue with the implementation of the most important project in the country in IPA II - IPA 2020 Rule of Law since it is important for everyone involved, including MoI, who are dedicated to the implementation of the activities in order to avoid any specific delays. She concluded that MoI is satisfied with the implementation rate.

The representative of EUDprovided an overview of several issues concerning the implementation in the justice sector as follows:

* Regarding the reconstruction of Idrizovo Prison, despite the commitment by the Directorate for Execution of Sanctions (DES), the progress made to address the issues raised by the Council of Europe Development Bank (CEB) since the last IPA II Monitoring Committee is still limited. Hence, the EUD will monitor how the appointment by the Government of the new Acting Director of Idrizovo Prison will affect the implementation of the reconstruction project, and more widely the conclusions of the Committee for Prevention of Torture on the changes needed in the detention conditions in Idrizovo. This project is still at risk and it will require further discussions with the Council of Europe Development Bank.
* The project implemented by UNICEF on child justice has resulted in a number of proposals for amendments of the Law on Justice for Children, which should be taken into account in the current amendments of the Law. It is important for EUD that the amendments to the law are finalised and adopted, so the project can continue without any hindrance. During the Sector Working Group meeting on 6 April, it was announced that the draft law will be published on ENER this week, which is a positive step.

The representative of MoJbriefed the SMC on issues related to project implemented by UNICEF on child justice and on the Draft Law on Justice for Children:

* The Draft Law on Justice for Children is already published on ENER, and a public debate was organized on 11 April at the Ministry of Justice, together with UNICEF and all stakeholders.
* The analysis and recommendations with all of the proposals for the law prepared by UNICEF will be taken into account and the Working Group is drafting the final version.
* According to the existing legislative procedure, once the draft law has been published on ENER the comments of all stakeholders are collected over a period of 20 days up to one month, following which all comments and proposals should be incorporated into the draft law which should be then submitted for adoption to the Government. The indicative date for adoption by the Government is May – June 2022.

The Deputy Representative of UNICEF expressed UNICEF’s satisfaction with the progress achieved as regards the Law on Justice for Children. Additionally a Strategy on Justice for Children is being developed, as part of the same project, and the last revision of the Criminal Code. He added that there are some tactical considerations whether to present them as a whole package all together, or one by one. He added that for UNICEF is more important that all critical recommendations for the Law on Justice for Children were accommodated or are being accommodated in the draft law, as proposed by UNICEF and discussed with the Ministry of Justice.

The representative of MoJsuggested that an urgent meeting be organised with the Director of the Directorate for Execution of Sanctions, with participation of UNICEF colleagues, EUD, SEA and Minister of Justice, given that the IPA Coordinators do indeed have a coordination role but definitely the ownership and responsibility rest with the final beneficiary. She provided also the following feedback on the IPA 2020 Rule of Law Project:

* The delays regarding Component I of the project were caused by the fact that there was no suitable candidate for the position and thus all activities have been postponed for more than 15 months. There are no issues in Component III. Component IV is a horizontal issue where many of the stakeholders and beneficiaries have had some problems and issues with the activities and their implementation. She invited EUD to offer more information regarding Component IV.
* She added that other bilateral projects are more active, and that the activities under this project may overlap with them. She concluded by saying that the perception and visibility of this project should be changed.

The representative of EUDnoted that they regularly discuss the challenges with the project team, and that they set a threshold of end of April to measure the results and propose new ways of going forward and improving of the activities. She informed that a coordination meeting took place among various EU project teams and donors to prevent overlap of activities and to streamline donors’ assistance to the benefit of the beneficiaries.

The representative of MoIclarified that though the Component II leader has been replaced, they have continued with the implementation of activities and a short-term mission took place in the past two weeks. She expressed her hopes that they will all find a way how to put this very important project in the right track and how to avoid overlap of activities with other donors in the country. She stressed that as IPA coordinators they all have the role of following closely projects funded both by EU and other bilateral donors, of putting them all together and organizing coordination meetings among them in order to define who will do what and how in the future.

The representative of EUDintervened in relation to the portfolio of freedom of expression. She noted that the Financing Agreement with regard to EU Integration Facility 2018 Addendum has been signed, and the request by the authorities i.e. by the Ministry of Information Society and Administration to harmonize the Law on Audio and Audio-visual Media Services with the Media Directive has been prepared. Thus, the terms of reference and everything has been prepared, the signing of the Financing Agreement by SEA and its adoption by the Government is still pending. She asked if this process could be expedited as the harmonization of the national law with the Media Directive is a precondition for the Government, the authorities and cultural operators to participate in the Creative Europe Programme.

The Team Leader of theRule of Law Project, informed that the Component Leaders are on board, that the main expert has been confirmed by the EU Delegation, and thus they are working hard and pushing things. She added that they would like to encourage the beneficiaries to cooperate with them and will also start working more on the visibility in order for the project to be visible in the whole country. She noted that they are in close cooperation with the EU Delegation and the Component Leaders. The Steering Committee Meeting where they will present their results is scheduled to take place in June.

The representative of the Personal Data Protection Agency**,** briefed the SMC on the following issues:

* There are currently 21 employees at the Agency, out of whom only 12 are working on the implementation of the Law on Personal Data Protection. The Agency is responsible for supervision of the implementation of the Law on Personal Data Protection both in the private and public sector in the whole country, and it is seriously understaffed with only 12 civil servants dedicated to this task.
* Since 2019 the Agency has had a high turnover of staff and in 2021 three additional staff left the agency.
* Unfortunately the Annual Employment Plans of the Agency for 2021 and 2022 were not endorsed by the Ministry of Finance.
* There is also no retention policy for keeping the experienced staff who are highly demanded in the private sector. She noted that when the new Law on Personal Data Protection was drafted, neither the Ministry of Information Society and Administration nor the Ministry of Finance have agreed to guarantee the independence of the Agency when it comes to budgeting funds for new employments or promotion of the existing staff.
* The Agency has prepared in 2022 Draft Amendments to the Law on Personal Data Protection that will be submitted to the Ministry of Justice, which will address the remarks of the 2022 EC Progress Report.
* The project targets not only the Agency staff but the controllers from the public and private sector as well. She explained that the project itself is not a problem, and that cooperation and activities are evolving as planned, and that in addition to the Agency staff, the project is targeting staff in private companies and state institutions who are very satisfied. Nonetheless, they have a lot of activities with this project and they have to deal with regular activities, therefore they need help and hence recruitment of staff.

The representative of MoI provided the following feedback on issues related to the construction of the new Forensic Laboratory under IPA 2016:

* All obligations that were undertaken by MoI since the last SMC meeting are in the final stage of implementation such as: procurement and installation of chiller and retaining wall, procurement and installation of aggregates, construction of retaining wall, entrance gates and police guard house. These activities will be finalized within two months.
* The remaining big issue to be resolved by MoI is the issue of the clean rooms. The bill of quantities for the clean rooms has already been prepared, and MoI plans to announce this public procurement procedure by end April 2022. In general they expect that by end 2022 they will finalize the clean rooms and that MoI’s obligations will be fulfilled.
* There have been a lot of advancements on the construction site itself, despite the problems that they have been facing, adding that a great success was achieved with the building within such a short time.

The representative of the Crisis Management Centre (CMC) informed of the following:

* The telephone number for emergency calls was put into use on February 11, 2022, on the occasion of European day for emergency calls E-112. In addition, other emergency numbers for the Police, 192, the Emergency Medical Service 194, the Fire Protection Units 193 and the telephone number 195 of the Crisis Management Center are still functioning in the Republic. During the period 11 February - 10 April 10, 2022, a total of more than 81,000 calls were received on the telephone number 112, or an average of about 1370 calls per day.
* In February, the operation 112 had started only for the City of Skopje and the average number of calls was around 630 calls per day. Starting from 1 March 2022, the number of calls received from the territory of the entire Republic was around 1800 per day, increasing threefold. The number of calls increases on daily basis. He added that at the moment, the biggest problem the E-112 emergency call system is facing is the lack of staff i.e. call takers and lack of IT staff. The public advertisement for employment published in January was canceled as 60% of the applications were submitted incorrectly. It is expected that by the end of April a new public job advertisement will be published for 50 employees, of which 46 for call-taker positions and 3-4 for IT positions. CMC is in constant contact with the Ministry of Finance and the Ministry of Information Society and Administration to speed up the process of recruitment of new staff.
* CMC holds working meetings with the enterprises Bonumstrad Consulting and Beat 80 three times per week to resolve all problems as they arise. The connection between the Telekom operators and 112 system has been resolved with the commissioning of the system which started operating in February 2022.The problem with the localization has not yet been resolved. It is possible that by the end of next week the problem with all telecom providers (A1 and other operators) for obtaining caller identification data (Name, surname and address data for landlines) will be resolved. At the moment only the calling phone number is received. They are also in contact with the Agency for Electronic Communications on this issue. In the next ten days CMC should start receiving data from Google for the Android platform for GPS location and caller coordinates.

The representative of EUDinformed that there is a problem with the level of implementation of the recommendations of performed audits. They have received an Audit Opinion according to which for the 2014 programme there are 22 open findings out of 42, from previous audits, which is a very low implementation pace. Therefore the conclusion on the implementation of audit recommendations should remain. He also drew the attention to the Audit Authority findings from the system audit indicating that there is no optimal number of human resources and continuity in the execution of working tasks in all IPA structures. He underlined that this issue should be addressed, as it is related to the proper absorption and sustainability of EU funds.

The representative of the NAO Management Structure reported that according to the analysis of NAO of the audit recommendations of the Audit Authority during 2021, good progress has been achieved. Namely, out of 43 existing audits regarding this programme 17 audit recommendations or 40% have been closed, but still 23 findings remain to be solved during 2022, which are mainly of systemic character i.e. are referring to change of a part of the procedures, a part of them are related to HR management while several are related to sustainability of projects implemented under 2014 annual programme. They will proceed with the practice of preparation of the Action Plan to be submitted to the Government for adoption and furthermore for resolving and follow-up of audit recommendations regarding this programme.

The representative of MoJadded that it should be noted, as the representative of NAO Management Structure mentioned, that this recommendation is related to the IPA II programme and refers to the whole management structure, but it should be also taken into account that it refers to a situation of de-centralized management, whereas there is a situation of direct management. While she agreed on keeping a general recommendation on implementation of audit recommendations, she suggested that it would be important to clarify which recommendations are referring to project implementation, and which are systemic by nature. For example, out of the 6 recommendations for the Justice Sector, only 2 can be followed as they refer to the staff in the IPA unit and the sustainability of projects, while 4 of them are related to the Manual of Procedures for IPA II. She suggested that it would be good to jointly review the audit recommendations to identify which ones are related to justice and home affairs, and which are systemic by nature and related to structures. She also proposed that a corresponding distinction be made in the conclusion referring to implementation of Audit Authority recommendations.

The representative of EUDconfirmed indeed that the 22 pending audit recommendations refer to the whole structure managing Justice and Home Affairs Sector and all institutions such as the NAO, NIPAC, Ministry of Interior, Ministry of Justice, and that each institution has a certain set of recommendations to follow. He added that the EU Delegation would like to see an increased level of implementation of these recommendations regardless of the institution.

Conclusions and Recommendations:

1. Twinning contract Support to the implementation of the modernised data protection legal framework – following an approval of recruitments of staff from the Ministry of Information Society and Administration and Ministry of Finance, the Agency for Personal Data Protection to recruit at least 3 persons by end of 2022.
2. IPA 2020 Rule of Law – to keep timely follow up on the project implementation plan and regularly monitor its implementation to avoid further delays and overlap of activities. (Continuous)
3. For the Project Construction works of the New Forensic Laboratory under IPA 2016, the construction of the clean rooms, other laboratories, the retaining walls in the parking area, asphalting of the same parking area, construction of the entering gate, installation of an access control system and installation of an extraction ventilation system in the laboratory, Building Management System (BMS) and air conditioning system (HVAC) should be completed by the Ministry of Interior by end of 2022.
4. The Crisis Management Centre and its regional sites will recruit the missing number of staff, including the technical staff, by the end of 2022.
5. The telecom operators will make all functions of the system operational, especially e-call and caller location information of fixed line callers by mid-June 2022.