

DRAFT Assessment of the implementation by Bosnia and Herzegovina of the roadmap for visa liberalisation

BLOCK 1 Document Security

General assessment of block 1:

Bosnia and Herzegovina has made some progress in the field of travel documents and breeder documents. A tender for the setting up of a new passport issuing system has been finalised and the introduction of biometric passports is foreseen in January 2010.

However, further efforts are required in particular to ensure the security of breeder documents. Further efforts also have to be made to achieve the introduction of biometric passports, ensure the integrity of personalisation procedures, establish training programmes for officials dealing with passports and visas and ensure systematic reporting of lost and stolen travel documents to Interpol.

In some areas the country's readiness report does not provide a complete picture of the situation. In order to assess the existing and planned measures in more detail, a request for further information is made (see below) and organisation of one or more field missions is planned covering the following areas:

- security and issuance procedure for breeder documents;
- security and issuance procedures for new passports and identification documents.

Detailed comments on block 1 by policy area:

Passports/travel documents, ID cards and breeder documents (benchmarks 1-5)

Bosnia and Herzegovina foresees the introduction of a new passport issuing system in July 2009, with biometric passports being issued from January 2010. As an important first step to prepare for the introduction of biometric passports, a new Law on passports has been adopted. Its further implementation is of crucial importance. A tender for the setting up of a biometric passport issuing system was finalised in February 2008 and a tender for the production of passport booklets was published in July 2008.

Only very general information is provided on the compliance of the new passports with ICAO and EC standards and on the security features of the new passports. Non-biometric passports issued until the end of 2009 are to remain in circulation until the end of their five-year validity period. It is important to ensure that passports issued before the establishment of the new passport issuing system foreseen in July 2009 will be phased out.

There are currently no training programmes in place targeting officials dealing with visas and passports. Bosnia and Herzegovina intends to specifically recruit officials for the operation of

the new biometric passport issuing system. Recruitment and training of the officials is foreseen between January and June 2009.

Reporting to the Interpol database on lost and stolen passports is currently ineffective and irregular. It is foreseen that the introduction of the new biometric passport issuing system foreseen for July 2009 will entail automatic transfer of data on lost and stolen passports to Interpol.

There is currently no central oversight of civil registers and breeder documents. The Agency for Identification Documents, Registers and Data Exchange of Bosnia and Herzegovina (IDDEEA, formerly Civil Identification Protection System (CIPS)) was designed to secure the personalisation of identity cards. Bosnia and Herzegovina intends to expand the IDDEEA's scope to serve as a basis for the introduction of biometric passports and to ensure the security of breeder documents. The IDDEEA's functioning and security is therefore an essential precondition for the introduction of the new biometric passports and the integrity of their personalisation. Sufficient human and financial resources must be allocated. Bosnia and Herzegovina's report did not provide information on the security of other breeder documents.

Further information is requested on:

- security features of new passports and their compliance with ICAO and EC standards;
- legal framework and administrative procedure for the personalisation and distribution of new passports;
- legal framework and administrative procedure for the phasing out of old passports;
- future plans to establish training programmes targeting officials dealing with visas and passports;
- plans to introduce systematic and automated reporting of lost and stolen passports to Interpol;
- procedures and facilities regarding breeder documents, storage facilities, security standards, and issuance procedures, in particular on methods in place for verifying that all personal data entered into relevant databases is authentic;
- the IDDEEA, in particular the legal framework, financial and human resources and their ability to ensure the secure and efficient functioning of the system.

BLOCK 2 Illegal migration, including readmission

General assessment of block 2:

Good progress has been made in the fields of border management, asylum and migration management. In the area of border management, new laws have been introduced to align existing laws and regulations with EU standards and the Border Police services have been reinforced. Nevertheless, further steps must be taken in several areas. Measures are needed to optimise human resources in the Border Police, to reduce the number of Border Crossing Points and improve their management as well as to establish functional databases.

Asylum procedures in Bosnia and Herzegovina are largely in line with international standards. In the area of migration management, steps were taken to adopt required legislation in this field, with the Law on Movement and Stay and Asylum adopted in April 2008. A National Returnee Reintegration Strategy is in place. Further efforts are required to provide a sustainable migration management structure and improve coordination between relevant administrative bodies.

In some areas the country's readiness report does not provide a complete picture of the situation, in particular regarding the implementation of policies, results, priorities and timing for their implementation as well as structures and responsibilities. In order to assess the existing and planned measures in more detail, a request for further information is made (see below the information per policy area) and organisation of one or more field missions is planned covering the following policy areas:

- border management;
- migration management including asylum.

Detailed comments on block 2 by policy area:

Border management (benchmarks 6-10)

Bosnia and Herzegovina has made some progress as regards the implementation and update of the national Integrated Border Management (IBM) strategies and the related action plans in line with EU standards.

Significant efforts have been made regarding the introduction of new laws and regulations taking into account EU standards. The new Law on the movement and stay of aliens and asylum, the Law on Border Police, the Law on supervision and control of crossing the state border and the Law on police have been adopted. The new Law on border control is in the parliamentary procedure.

The Border Police (BP), established in 2000, is an administrative organisation within the Ministry of Security. The BP performs its tasks pursuant to the Law on Border Police of 2007.

In April 2008 the Head of the Border Police formed a working group in order to amend the Rulebook on internal organisation of the Border Police. This group will make a proposal for the institutional implementation of risk analysis in the BP, including the formation of a Joint Risk Analysis Centre.

Regarding human resources, a particular problem is the lack of BP staff in particular in terms of police officers. A State Commission for Integrated Border Management (IBM) has been established comprising four working sub-groups (legal affairs, joint risk analysis, management/organisation and procedures and infrastructure). The number and categories of Border Crossing Points (BCPs) and their infrastructure have an impact on border security that needs to be clarified.

According to the report, only 12 BCPs in BiH meet EU standards regarding infrastructure. There is no agency established in BiH to manage BCPs, their building and maintenance. Functional databases have not been established yet and the key problem is currently the lack of direct database access from the BCPs to the central database. Further efforts in improving BCPs to ensure an efficient, high and uniform level of control are necessary. There is a project concept for a Border Police Central Database, an integrated system for border checks uniting all existing databases used by the BP and automated information management at all organisational levels.

In the area of interagency cooperation, improved links between the BP and the Indirect Taxation Authority can be noted. But overall, systematic information exchange and cooperation between agencies are not ensured.

The Border Police adopted an Ethical Code and all employees have been briefed on it. However, the Border Police has no specific anti-corruption training programme.

Discussions are currently ongoing between the Ministry of Security of BiH and FRONTEX for a Working Arrangement regulating mutual cooperation between FRONTEX and the competent authority of BiH.

Further information is requested regarding:

- the Border Police, in particular the adequacy of its powers for efficient border control and possible territorial or other restrictions of power that may diminish BP efficiency to combat illegal immigration and other border related crimes, human resources and training systems, plans to fill vacancies, risk analysis and exchange of information, and anti-corruption measures;
- integrated Border Management Strategy, in particular regarding implementation of planned activities, priorities, actors and deadlines;
- number and categories of BCPs and their facilities, technical equipment and IT system.

Asylum (benchmarks 12- 13)

Asylum procedures in Bosnia and Herzegovina are largely in line with international standards. A new Law on movement and stay of aliens and asylum entered into force in May 2008. Its full implementation is of particular importance.

It is a positive step forward that the roles and tasks of the Ministry of Security and the Ministry for Human Rights and Refugees, both of which are responsible for dealing with asylum-seekers and refugees, have been clarified.

Regarding the provision of adequate infrastructure, in particular in the area of asylum procedures and reception of asylum seekers, Bosnia and Herzegovina still lacks an appropriate permanent asylum reception centre.

Further information is requested on:

- administrative and legal measures foreseen to implement the Law on movement and stay and asylum;
- plans to create a permanent asylum reception centre;
- data on types of decisions on asylum requests and the length of the procedures;
- existence of an independent judicial appeal body;
- financial support and basic socio-economic benefits provided to asylum seekers.

Migration Management (benchmarks 11, 14-18)

The adoption of the Law on movement and stay and asylum in April 2008 represents a major step forward by Bosnia and Herzegovina in the development of a global approach to migration policy development. Its full implementation is of particular importance.

The Law on movement and stay and asylum contains provisions on carriers' responsibility, whose implementation needs further monitoring.

A national returnee reintegration strategy is developed, which covers key areas of returnee reintegration such as housing, property restitution, infrastructure, health care and employment.

Regarding the fight against illegal immigration, the relevant administrative structures have been established: the Border Police (BP), the State Investigation and Protection Agency (SIPA) and the Aliens Affairs Service of the Ministry of Security. Further information is required on the division of competences and cooperation mechanisms between these services. A framework for cooperation between the authorities and the victims of human trafficking is established.

Bosnia and Herzegovina has developed an integrated return management policy. The aforementioned Law on movement and stay and asylum contains provisions on return including detention and the possibility to issue an entry ban. A detention facility was established near Sarajevo in May 2008 with a capacity of 40 places and its enlargement is foreseen.

Bosnia and Herzegovina is facing a slight decrease (- 15 %) of refusals of entry with 7.829 refusals in 2006 in comparison to 6.618 refusals in the year 2007. At the same time, the number of aliens apprehended increased (+ 45 %) from 565 in 2006 to 822 in the year 2007. The number of forced returns carried out also increased (+ 141 %), although overall levels of forced returns remain low on a still quite low level from 31 forced returns in 2006 to 75 in the year 2007.

Bosnia and Herzegovina has signed readmission agreements with its neighbouring countries. Further readmission agreements with some of the main countries of origin are under negotiation.

Further information is requested on:

- administrative and legal measures foreseen to implement Law on movement and stay and asylum, deadline within which these will be completed, and administrative and technical capacities of authorities charged with implementation;
- mechanism to monitor migration flows, in particular administrative capacity and resources, structural cooperation and communication between agencies, methods used in collecting and producing statistics, the putting into operation of the planned Information System for Migration (ISM) and plans to update migration profile;
- implementation of national returnee reintegration strategy and achieved results;
- applicability of returnee reintegration measures to persons returned under EC-Bosnia and Herzegovina readmission agreement;
- division of competences and cooperation mechanisms between BP, SPIA and Aliens Affairs Service of the Ministry of Security in fight against illegal immigration;
- authorities involved in measures assisting victims of human trafficking;
- conditions in detention facility near Sarajevo;
- statistical information concerning the relation between return decisions taken and removals carried out.

BLOCK 3 Public order and security

General assessment of block 3:

The general framework for the fight against organised crime and corruption appears to be in place. A number of strategy documents are being drafted or implemented in these areas, including also a number of training activities. Furthermore, law enforcement bodies report some achievements in the operational field in the fight against organised crime.

However, considerable additional progress is still required in most policy areas of this block: the main obstacle to effective repressive activities appears to be the lack of inter-agency coordination and information exchange. Implementation of the existing legal and policy framework needs to be considerably improved, including in the area of anti-corruption. The improvement of the domestic legal and policy framework and its alignment with European and international standards also need to be pursued, in particular in the areas of anti-corruption and money laundering. The personnel, technical and financial capacities of responsible authorities are not fully ensured, for example as regards the application of special investigative techniques. In the area of personal data protection, some progress in setting up the oversight body is noticeable, but the proper implementation of the legal framework is not yet ensured.

The readiness report does not provide a complete picture on the situation in certain areas, in particular regarding policy implementation, results, priorities and timing as well as structures and responsibilities. In order to assess the existing and planned measures in more detail, a request for further information is made (see below the information per policy area) and organisation of a law enforcement field mission is planned covering the following policy areas:

- *organised crime* (including law enforcement co-operation at national and international level, trafficking in human beings, drugs and confiscation of criminal assets) *and anti-corruption policy.*

Detailed comments on block 3 by policy area:

General/Overall policy on preventing and fighting organised crime and terrorism (benchmark 19, 24)

The strategy for combating organised crime and corruption (2006) together with the only action plan adopted as a follow-up (for prevention and combating vehicle related criminal offences, 2007) are being implemented. No additional action plans are planned for the time being. The announced revision of the strategy is currently under preparation but no further indications are provided on this matter. The reporting on the implemented results of the strategy and action plan is very partial and shows very limited achievements.

The harmonisation of the different parallel criminal law frameworks as well as the alignment of the domestic legislation with relevant UN and Council of Europe Conventions needs to be further pursued. The absence of inter-agency cooperation in the area of law enforcement constitutes a major obstacle to the effective fight against organised crime. Nevertheless, it is a positive development that a recent successful investigation of the State Investigation and Protection Agency has led to dismantling certain organised crime groups in the country. The national statistical instruments measuring crime rates need to be improved.

Further information is requested on:

- progress with (planned) priorities regarding the revision of the strategy on organised crime;
- national implementation measures with the UN Protocol against illicit manufacturing and trafficking of firearms;
- organigrammes reflecting the institutional set-up as regards the fight against organised crime (MoI, judiciary, etc.), including for each specific policy area (trafficking, economic crime, drugs, anti-corruption) providing details also on the number of allocated and filled posts;
- curricula of training and education that have been recently introduced and "relies mainly on international assistance";
- statistics for 2004-2008 on trends in organised crime, including investigations, indictments and convictions (data provided is not in a harmonised manner - e.g. differences between the data of the Ministry of Security and of the High Judicial and Prosecutorial Council- HJPC).

Policy on preventing and fighting trafficking in human beings **(benchmarks 20, 24)**

The action plan to combat trafficking in human beings for 2008-2012 was adopted and the Council of Europe Convention against trafficking entered into force, both in May 2008. The country achieved some results in implementing the preceding action plan for 2005-2007. It is a positive trend that after the putting in place of basic legislation and administrative structures for preventing and fighting human trafficking, the new action plan has victim identification and victim assistance at its centre. In this way, previous efforts to protect victims of trafficking are continued and improved by tackling also their protection as witnesses. It is positive that the plan also foresees the further development of the repressive measures of the phenomena.

Bosnia and Herzegovina seems to rely to a large extent on donor contributions for the implementation of the action plan. It is not clear if sufficient human and financial resources for the implementation of the plan are secured. The repressive measures against trafficking in human beings do not seem to increase: the numbers of indictments and convictions have decreased in 2007.

Further information is requested on:

- timing for planned preparation and adoption and details on substance for implementing measures of the recently ratified Council of Europe Convention against trafficking in human beings;

- details on training for governmental and non-governmental actors with responsibility in anti-trafficking;
- outline the division of responsibilities between the respective bodies in anti-trafficking.

Policy on preventing and fighting financial crimes (money-laundering, terrorist financing, confiscation of assets) (benchmarks 21, 24)

A working group for analysing existing legislation and drafting the national strategy for the prevention of money-laundering and terrorist financing was set up in July 2008. However, in the absence of an agreement between the state and entity level on harmonising laws on the confiscation of illegally acquired property, the non-harmonised application of state and entities' criminal procedure codes is an obstacle to an effective fight – among other crimes - of this phenomenon. The state-level strategy for preventing and fighting money laundering and financing of terrorism remains to be drafted. The timing for a number of planned activities, such as amendments to the criminal code and the law on prevention for money laundering, reinforced regional law enforcement cooperation and increases in open and completed cases, is unclear.

Legislative measures on money laundering and confiscation of assets of criminals, including on storing and managing temporarily seized assets as well as disposal of confiscated assets would need to be adopted. Legislative practice should make more use of the instrument of confiscation of illegally acquired material gain. Confiscations of criminal proceedings from organised crimes during 2007 are low.

Only limited improvements in the operational activities and cooperation of the different law enforcement authorities can be noted. This is partly due to the fact that the law enforcement authorities in charge dispose of insufficient human resources and also mechanisms for cooperation need to be stepped up. The Financial Intelligence Unit in the State Investigation and Protection Agency needs to be significantly reinforced both in terms of personnel and expertise in order to be able to carry out its responsibilities at national level and participate efficiently in international cooperation with its partners.

Further information is requested on:

- the outcome of the analysis of existing legislation and announced drafting of a national strategy on money-laundering and terrorist financing and the changes in legislation;
- implementation of the standards foreseen in the recommendations of the Financial Action Task Force (FATF) and relevant Council of European Conventions in the area of money-laundering and terrorist financing;
- plans to reinforce the administrative capacity for the fight against money-laundering (staff increase, budget, training, awareness raising etc.);
- the work of the recent multi-agency Working Group for prevention of money-laundering and funding of terrorist activities;
- plans to improve capacity for enforcement of legislation (training on special investigative techniques, technological equipments, databases etc.);
- the division of responsibilities between the relevant bodies

Anti-drug policy (benchmark 22)

A draft national drug strategy has been prepared by the Commission on narcotic drugs, a body that was established in November 2007. The priorities for the announced strategy are adequate but determined implementation is missing at this stage. The need for alignment with the EMCDDA information collection standards were assessed and remain to be achieved.

Further efforts are needed in order to achieve compliance with relevant UN conventions to which Bosnia is party and EU standards in the legal framework of the anti-drug policy.

Efforts to create the institutional framework can be noted but the general framework for the oversight of drug-related issues remains to be completed. The lack of personnel and of specialised equipment and training in the counternarcotics units of the different law enforcement bodies need to be addressed. It is an important step forward that the Ministry of Civil Affairs was designated as national drug information system focal point for European and international affairs. Regional and international cooperation however have to be strengthened. The drugs information system needs to be improved and available information needs to be made accessible at border crossing points.

Further information is requested on:

- development of the national strategy and action plan;
- plans to reinforcing capacity dealing with drugs trafficking (staff, budget, training, awareness raising, purchase of technical equipments, etc.);
- co-operation mechanisms among law enforcement authorities (databases available, access to information, exchange of information, joint action etc.);
- details on planned measures in order to meet the requirements of the EMCDDA;
- details on successful cases of joint international operations.

Policy on preventing and fighting corruption (benchmark 23-24)

In relation to the 2006 strategy against organised crime and corruption and the associated action plan, some results are reported, in particular regarding the promotion of codes of conduct and training.

The country has made some changes to the legal framework to align it with the UN Convention against Corruption but legislation needs to be further adapted to international legal instruments. The signature of the Additional Protocol to the Council of Europe Criminal Law Convention on Corruption is pending. The implementation of GRECO recommendations is partial. The OECD Convention on Combating Bribery of Foreign Public Officials in International Business is not yet ratified.

Formal inter-institutional cooperation arrangements are missing across the country which seriously undermines the fight against corruption. Neither an independent anti-corruption agency has been established. The lack of appropriate legal framework and of cooperation at national level also hamper efficient international co-operation.

The current framework fails to address difficulties in collecting and recognising evidence in anti-corruption cases. There is a low number of verdicts compared to the high number of acquittals.

Further information is requested on:

- timing for and substance of implementing measures of the UN Convention on corruption, the Council of Europe Civil Law and Criminal Law Conventions, pending GRECO recommendations and plans for signature of the Additional Protocol to the Council of Europe Criminal Law Convention on Corruption;
- plans to address the administrative weaknesses of the anti-corruption policy (e.g. establishment of specialised body; creation of specialised units in law enforcement; training of staff);
- breakdown of statistics on prosecution of corruption for 2004-2008 and examples of successful high level corruption investigations.

Judicial co-operation in criminal matters (benchmarks 25-27)

The main European and international Conventions in the field of extradition, mutual legal assistance and other forms of legal and judicial cooperation have been ratified. A Team for monitoring of criminal legislation of Bosnia and Herzegovina was established, aimed at continuous monitoring of the national law to align it to accepted international standards and to ensure implementation.

The country is party to the 2nd Additional Protocol to the European Convention on mutual legal assistance in criminal matters. In this respect, a special law on international legal assistance in criminal matters is under preparation to fully comply with the standards required. The country faces capacity problems related to dealing with new means of international cooperation, such as video-conferencing.

The Department for international legal assistance and cooperation of the Ministry of Justice needs to reinforce its human resources in order to cope with international cooperation requests in an efficient way.

Training of judicial authorities is carried out by the Entities judicial and prosecutorial training centers, monitored by the High Judicial and Prosecutorial Council. The country identifies the establishment of a domestic network for training as a priority. Specific training in international legal cooperation needs to be planned and implemented, and actions on developing direct contacts between judicial authorities should be foreseen. A contact person with Eurojust has been appointed, and the country is planning to open negotiations for a specific agreement on cooperation.

Further information is requested on:

- details of the work of the e Team for Monitoring the criminal legislation of Bosnia-Herzegovina in view of improving coordination between competent authorities;
- planned adoption of the special law on international legal assistance in criminal matters, timing of its adoption, problems under discussion and planned content;

- overview of responsibilities and human resources of authorities dealing with judicial cooperation;
- statistics on extradition and mutual legal assistance (including on period of compliance with requests) and information on legal bases used for these cases.

Law enforcement co-operation (benchmarks 28-32)

The two police laws adopted in April 2008 (Law on independent supervisory bodies of police structure of Bosnia and Herzegovina and Law on the Directorate for Coordination of police bodies and agencies) have the potential of strengthening police cooperation in the medium term. This is highly needed in order to overcome the fragmentation of the police.

At the same time, as acknowledged by the authorities, primarily informal and ad hoc cooperation and information exchange among law enforcement agencies and serious legal and bureaucratic obstacles to the effective prosecution of criminals remain a weak point. At present, the new police reforms laws do not address issues related to operational policing, such as the fragmentation of telecommunications systems, databases, computer-based investigation or criminal analyses systems. The preparation of the "Analyses of needs, institutional and legal background and long-term solution for the establishment of national registries and exchange of data for police bodies in Bosnia and Herzegovina" and other plans for legal and institutional changes to enhance cooperation and information exchange show the commitment to handle the issue as a priority. Such actions are however only likely to have an impact in the medium term. The planned timing and concrete implementation of the proposed solutions need to be developed further.

The country has started the implementation of the strategic agreement with Europol and is working on the conclusion of an operational agreement. Gradually bilateral law enforcement ties with neighbouring states are being developed; some regional police cooperation agreements are in place and others are planned. A limited number of data exchanges with EU Member States' authorities take place.

As regards special investigative capacities, their development is under way, in particular at the level of SIPA and the State border police but it has to be widened in order to cover the level of local law enforcement. Some regional police operations with the use of special investigative means are reported. To enable further progress, necessary bylaws, rules and training for use of special investigative techniques need to be in place.

Further information is requested on:

- the follow-up to the "Analyses..." document and on its implementation (e.g. responsible bodies for individual steps, timetable, budget);
- details on successful international operational co-operation with BiH law enforcement authorities;
- progress with creation of the 7 police structures at state level as announced in the recently adopted police laws, including the Department for international police cooperation in Directorate for the coordination of police bodies;
- concrete plans and timing for strengthening the operational capacity of all law enforcement agencies.

Protection of personal data (benchmarks 33 - 34)

No fully operational independent Data Protection Agency of Bosnia and Herzegovina has been put in place yet, even though the Director of the future Agency was appointed in June 2008. The by-laws required for establishing the Agency need to be adopted. Implementation of the law on the protection of personal data in all relevant areas is not yet ensured.

Further information is requested on:

- details on the applicable legal provisions for the protection of personal data for the activities of the Intelligence and Security Agency of BiH, and its supervision by the Data Protection Agency;
- details on progress made in setting up the supervisory authority and on measures taken to make it fully operational (human and financial resources, training);
- details on how the law on the protection of personal data in all relevant areas is implemented in the areas of the readiness report (including border controls, issuance of travel and breeder documents, exchange of person-related data for law enforcement purposes).

BLOCK 4 External relations and fundamental rights

General assessment of block 4:

Bosnia and Herzegovina appears to dispose of an adequate legal framework ensuring freedom of movement and access to identity documents, including for refugees and displaced persons. When it comes to implementation, some problems are being reported.

~~Rights of refugees and displaced persons appear well ensured from a legal point of view. The practical implementation could be improved in some points.~~

In general, minority rights seem to be well ensured, both via legal provisions as well as via institutional arrangements. ~~but in~~ Measures taken to improve the situation of Roma show limited results. A general anti-discrimination law is not in place.

In some areas the country's readiness report does not provide a complete picture of the situation, in particular regarding the implementation of policies, results, statistics as well as planning of improvements.

In order to assess the existing and planned measures in more detail, a request for further information is made (see below the information per policy area) and organisation of a specific meeting on block 4 is planned.

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Detailed Comments on block 4 by policy area:

Freedom of movement and identity documents (benchmarks 35 – 37)

The freedom of movement is guaranteed by provisions in the Constitution of Bosnia and Herzegovina. Unfair discrimination is prohibited in the Constitution. The legal framework foresees special provisions targeting the impediment of return of refugees and displaced persons. Citizens are required to report their place of abode and/or residence. As regards mechanisms for handling complaints, depending on the area (safety/freedom of movement, settlement/return to original place of abode, financial support for return/resolved property return cases) different first instance institutions are presented. In case of non-satisfactory treatment of a complaint, a second level of institutions is available.

The country reports on cases of complaints falling into four categories related to obstacles to freedom of movement to minorities during 2007. However, an overview of follow-up given to these cases is not provided. Information exchange between public institutions is not considered adequate in response to these complaints.

In the area of access to travel and identity documents, it is reported that difficulties exist for refugees, displaced persons, returnees, disabled persons and members of minorities. Measures to ensure easier access to the most vulnerable groups are being undertaken or planned,

targeting Roma (via more general registration of children), disabled persons (mobile teams delivering IDs), refugees, returnees and displaced persons (written recommendations to issuing institutions). The announced analysis of obstacles and development of improved issuing procedures for all citizens whilst ensuring a secure process should be pursued.

Displaced persons and refugees are obliged to possess an identification document, ID or passport. Relevant laws require displaced persons and refugees to register in order to receive their respective status and related rights. Obtaining these documents can be cumbersome for them (e.g. destroyed documents creating need for retroactive or secondary registration, security risks, need to obtain original documents issued at place of birth with limited validity). No facilitated procedures for displaced persons and refugees seem to be in place (e.g. issuance of identification documents at a location different from the issuing authority).

Further information is requested on:

- number of cases of complaints and follow-up given to cases/difficulties with special groups;
- concrete results of the listed positive actions (reinforced registration of Roma, mobile teams for disabled people, support to refugees, returnees and disabled persons);
- plans to facilitate undisturbed access to identity documents for disabled, displaced persons or refugees;
- statistics on access to documents for refugees (applications/documents issue);
- work to regulate access to identity documents for refugees from other countries.

Citizens' rights including protection of minorities (benchmarks 38 -42)

Anti-discrimination is currently prevented by the Constitution and provisions in criminal law (sanctioning unequal treatment between men and women). An anti-discrimination law has not yet been adopted. The country reports on few complaints on discrimination linked to the issuance of identity documents and criminal offences linked to ethnic tensions in the context of the issuing process. Most cases of discrimination recorded (270) relate to other areas like right to work or judicial protection. No information is provided on follow-up given to these cases.

In the area of citizenship, a law from 1997 is in place. The procedures in place are not further described, e.g. regarding obtaining and losing citizenship. References to dual citizenship agreements are provided, but no explanations on how problems related to former Yugoslav citizenship are tackled.

Regarding investigation of ethnically motivated incidents, the applicable procedures in the police administration are well described. Three related cases are reported to have occurred during 2007. Available reports by the ombudsperson/NGOs are presented. No indications are provided regarding the follow-up given by authorities to such reports.

The protection of minorities is beyond the Constitution ensured via a law on the protection of national minorities, at state level and in both entities. Rights granted to national minorities and related policy measures include the right for members of national minorities to councils of national minorities. A council of national minorities is operational at state level and in

Republika Srpska, but has not yet been established in the Federation. Members of national minorities also dispose of a right to be represented in local authorities. This right does not exist at state level. A Roma strategy and action plan on the educational needs of Roma and members of other national minorities are in place. Limited results in implementing the Roma strategy are reported, in particular regarding registration and schooling. Detailed results are not provided. Financing of related actions would need to be secured.

Further information is requested on:

- follow up given to listed cases of discrimination;
- progress with adopting the anti-discrimination law;
- description of procedures for obtaining and losing citizenship;
- measures taken to tackle problems related to former Yugoslav citizenship;
- follow-up given to ombudsman/NGO reports on ethnically motivated incidents by law enforcement officers in the area of freedom of movement;
- results of the implementation of the Roma strategy;
- results in securing financing of actions to implement the Roma strategy.