

DRAFT Assessment of the implementation by the former Yugoslav Republic of Macedonia of the roadmap for visa liberalisation

BLOCK 1 Document Security

General assessment of block 1:

Very good progress has been made in the area of security of documents. The former Yugoslav Republic of Macedonia is now issuing machine-readable biometric travel documents, driver's licenses and temporary and permanent resident permits. Since April 2007, 321,831 travel documents corresponding to the new standards have been issued. The former Yugoslav Republic of Macedonia has therefore demonstrated the political will to complete the task of ensuring that all travel documents comply with ICAO and EC standards.

The country's readiness report provides detailed information regarding the issuance of new passports and ID documents. In order to verify that policies are being correctly implemented at central and regional level, the organisation of a field mission is required 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)

According to the relevant law, the phasing out of old travel documents will be completed by 01.04.2012. The Ministry of Interior is monitoring the use of the new personal documents system, and no problems or difficulties during the first period of implementation of the new system were reported. Verification is now required on experience so far in this field, in particular regarding potential difficulties experienced with use of biometric passports at border crossing points (BCPs).

Information was provided on the security specifications of the new biometric passport. Specific information was provided on the personalisation procedure followed (including a detailed description of all aspects in the process). An appropriate security infrastructure is being developed for the introduction of the Extended Access Control advanced protective mechanism to improve the personalisation process in the travel documents. Further verification is needed on the efficiency of all administrative steps in the issuing procedure. The same verification is required for procedures related to the issuance of ID documents.

Regarding training programmes targeting officials dealing with visas and passports, since 2006 the Ministry of Interior is implementing the anti-corruption programme which has been revised in 2008 together with an action plan. Information about the substance of the anti-

corruption training (two levels of controls); in addition information was provided on cases of criminal investigation including officials at the border.

A reporting system with Interpol has been successfully established, with data on lost and stolen travel documents communicated electronically to the Interpol national bureau in Skopje. Statistical data on number of files reported was provided.

Regarding the issuance of breeder documents, good efforts have been made to improve the level of security of ID cards and breeder documents. Information is provided on the matriculation procedure, which is governed according to the Law on matricular evidence. Further information is submitted on the administrative system for keeping matricular books, and on security aspects of the certificates issued. Specific details are provided on identity cards, including the personalisation process and security features.

The Sector for administrative supervision affairs within the Department of civil affairs in the Central police services has responsibility for issuance of breeder documents and travel documents. Information was provided on staff involved in the process (305 employees), their tasks, the process for their selection and their training.

Information is submitted on the situation in terms of access to documents concerning vulnerable minorities (in particular the Roma) and Diasporas.

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, the Integrated Border Management (IBM) strategy and the action plans have been almost fully implemented. Activities to set up the information system for IBM have been intensified. However, not all BCPs are connected to the central database yet. Investment in infrastructure and equipment, upgrading and renovation of BCP facilities should continue. It is important that the capacities of the border police as regards human resource management, and in particular training are reinforced.

In the area of asylum, the legislative alignment with the EU acquis is advanced and a reception centre for asylum seekers is in place. Additional efforts are needed to complete the asylum system, taking into account European standards.

In the area of migration management there is good progress. The Law on aliens and relevant implementing legislation entered into force. A readmission agreement with the European Community was signed and is now being implemented, and the number of returned persons is rising. Further legislation on migration and integration policy still needs to be adopted and implemented to complete the legal framework, taking into account European standards. Although progress has been made with tackling illegal immigration, administrative capacity in this area should be further strengthened.

It can be concluded that substantial progress has been achieved in the policy areas covered under block 2. The country should make further efforts to ensure continued progress on the specific issues below which will be followed closely, including in the context of the visa dialogue, and on which further reporting is requested:

- strategic training plan for the border police;
- adoption of an overall strategy on integrated risk management;
- compliance with UNHCR recommendations on the principles of subsidiary protection;
- measures for the integration of migrants and refugees, in particular social support to legal migrants and their socio-economic rights;
- establishment of a central database on foreign citizens;
- number of return decisions issued and the number of removals carried out.

In order to have a complete picture of the relevant aspects on the ground, the organisation of (a) field mission(s) is planned covering the following policy areas:

- border management;
- migration management, including asylum.

Detailed comments on block 2 by policy area:

Border management (benchmarks 6-9)

The legal basis for the border police's activities is the Law on police, which entered into force in 2007, the Law on state border surveillance, in force since 2007, and the Law on foreigners, in force since 2008.

In line with the Integrated Border Management Strategy (IBM), competence for border management has been transferred from the Ministry of Defence to the Ministry of Interior. Following the adoption of the Law on police, the Sector for border affairs and migration within the Bureau for public security of the Ministry of Interior was established as the highest strategic body of the border police. The director of the Bureau for Public Security has a direct command link over the four regional commanders (Skopje, Delcevo, Kavadarci and Ohrid). Within each regional command, there are border crossing posts of different categorisation and border police stations for the surveillance of the green border.

The National Coordination Centre for Border Management (NCCBM) was established in March 2007 and its coordinator appointed in November 2007. The centre will undertake activities such as monitoring and coordination of border activities, realising exchange of information, and conducting risk assessments. The NCCBM has both a strategic and operational coordination character. The tender procedure for equipping the NCCBM with an IT system allowing access to databases of ministries has been launched. The new IT system will allow also for risk analysis. To date, the most important border crossing points are linked with the NCCBM with remote video cameras, fax, and telephones.

A Memorandum of Understanding between the customs and the border police was signed in December 2006 envisaging joint cooperation on various issues such as risk analysis, joint controls, data and information exchange, (joint) training and education and joint working groups. The country developed a project for implementation of a single window system for import and export and a one stop shop control.

According to the national IBM Strategy on categorisation of the border crossing points, local BCPs cover the crossing points opened for border traffic with an option for specific limitations. At these BCPs, border control may be performed only by the border police or by the customs, without regular assistance from other authorities.

In March 2008, the standard operative procedures for state border surveillance were adopted in accordance with the Schengen Border Guards Handbook, containing instructions referring to checks on conditions for entry of aliens. The Law on foreigners establishes the presentation of travel insurance at the BCPs as an entry condition. The revision of this provision is ongoing. Comprehensive dissemination of a manual on 'Basic operative police procedures' has been ensured, while a manual on 'Practical Operative Police Procedures' has been drafted with EU support and is ready for printing and further dissemination. Both of these will define standard procedures in areas related to border work, including profiling of individuals, border surveillance, detection of illegal immigrants, methodology for checking travel documents, and conducting risk analysis.

A system of integrated risk management is in place. However, the country should prepare an overall strategy on risk management for the border police.

Activities to set up the Information System for IBM enabling centralised connection of BCPs with headquarters have been intensified, with the system now fully implemented at the five most frequently used BCPs. However, currently not all BCPs are planned to be connected to the central database in 2009. The complete integration of all BCPs into the data communication network should be a priority.

Detailed information is available on technical equipment at the BCPs and the facilities. Border control capacities were strengthened through upgrades and renovations in line with the 2008 Program for BCPs. The TETRA police radio system is currently being prepared. Coverage of approximately 90% of the territory is planned for 2012. The OSCE donated six VISPEC2 appliances for detection of forged documents which have been installed at six of the most frequently used BCPs. However, several BCPs and border police stations, in particular the smaller ones, are not yet adequately equipped. Further efforts are required to ensure that BCP facilities and available technical equipment are adequate to ensure that an efficient, high and uniform level of border control prevails.

The Ministry of Interior will adopt a strategy for human resources management and career development as well as an action plan covering the border police. It is important that this strategy is based on an in depth analysis of the staffing situation. Improvements were made regarding the planning and conducting of training for border police. Information was provided regarding the annual training plan for 2008, according to which 28 trainings have been conducted for 716 border police members. Furthermore, an anti-corruption training programme has been adopted for 2008 together with an action plan. More specific trainings should be provided to persons transferred from the Ministry of Defence to the border management authorities to ensure that all border officers receive a uniform level and type of training.

A meeting took place with FRONTEX representatives in Skopje, on 30 March – 1 April 2008, when a draft Working Agreement for operative cooperation between FRONTEX and the Ministry of Interior was submitted.

Asylum (benchmarks 11-12)

The Law on asylum and temporary protection is largely in line with European standards.

Asylum applications are processed by the Ministry of Interior (asylum section) within two months from the date of the application or within 15 days in urgent procedure, if the application is manifestly unfounded or lodged by a juvenile person or a person with a mental disorder.

According to the latest amendments adopted in November 2008, asylum seekers may appeal the administrative decision to reject their application before the competent administrative court within 30 days from delivery. In an urgency procedure, an appeal may be lodged within three days from delivery. In both cases, the appeal suspends the execution of the decision. The procedure before the administrative court is regulated by the Law on administrative disputes.

The country should ensure compliance with UNHCR recommendations on the principles of the subsidiary protection. The human resources of the asylum section should be strengthened through trainings, and further financial investments are required for the provision of adequate financial and material assistance for asylum-seekers. Further amendments to the Law on asylum and temporary protection have been prepared and submitted to Parliament.

A reception centre for asylum seekers in the vicinity of Skopje has been opened. The centre is staffed with 10 employees. To date there are 19 asylum seekers.

Migration management (benchmarks 10, 13-17)

The new Law on aliens (01.01.2008) is meeting EU standards, although there are certain gaps. The National Plan for the Adoption of the Acquis (NPAA) foresees short and medium term measures to address these gaps.

The Law on Foreigners contains provisions on family reunification rules and permanent residence rights for third country nationals as well as provisions on carriers' responsibility and sanctions and takes into account EU standards.

An interservice group was charged with the development of migration policies in August 2008. The group comprises experts from the relevant national administrations and four representatives from the international community (IOM, ICMPD, UNHCR and MARRI). One of the priorities for the group in 2008 is to prepare a strategy for the integration of migrants and refugees. Basic information (statistics, existing legislative framework) regarding the strategy is provided but there is no indication yet on the main principles or concrete actions.

Data on legal and illegal migration flows are collected and analysed both at the central level, by the statistical bureau, and at regional level, by the regional centers for border affairs. As concerns data collection methods, the statistical bureau collects statistics on a monthly basis. The relevant categories of migrants foreseen in Council Regulation 862/2007/EC on data collection are considered but full harmonization has not yet been achieved. On central level, four persons carry out statistical evaluation, data analysis received from regional centers as well as following of migration flows. On regional level, 44 employees are in charge for measuring of migration flows and prevention of illegal migration. Regarding legal migration, 64 persons are employed in total. On regional level, there are also 19 employees in the analytics unit, who are tasked with statistical processing of data related to both legal and illegal migration.

A feasibility study on a central database for foreigners providing a communication network between ministries with migration related competences is currently being finalized with the assistance of Norwegian experts and funds from the state budget have been allocated.

The 2007 amendments to the Law on social protection introduced a new article providing that asylum seekers, refugees and persons enjoying temporary humanitarian protection have a right to social protection. Further amendments are being prepared and planned for adoption in 2009 to align the regime for legal migrants with the one for refugees.

Regarding prevention and suppression of illegal migration, the regional centers for border affairs include sections responsible for prevention of illegal state border crossing and the

detection of illegally residing persons. As described above, these sections collect and analyse relevant data on illegal migration flows on which measures to fight illegal immigration are based. However, further efforts are required to ensure that border police at BCPs are provided with risk information to effectively combat illegal migration.

Training of officials involved in inland detection and the fight against illegal migration is currently being conducted according to the 2008 annual program for advanced and specialized training of the border police. In this context, 28 regular trainings were held on asylum, the fight against trafficking in human beings, the smuggling of migrants and forgery of documents.

The criminal investigation manual for the police within the Ministry of Interior defines the methodology for performing criminal investigations regarding smuggling of migrants, as well as the cooperation between regional centres and the Organized crime department. However, in addition, legislation is required to develop a clear framework for cooperation between the authorities involved in the fight against illegal migration. The manual on practical operative police procedures defines the standard operative procedures in the area of migration, especially the procedures for detection of illegal migrants.

A recent priority has been the definition of a framework enabling cooperation between the authorities and the victims of human trafficking. A reception centre has been established within the Ministry of Interior to accommodate victims of human trafficking.

The country has a relatively well elaborated integrated return management policy. Expulsions have to be carried out in accordance with the Law on foreigners and the rulebook on foreigners, the contents of which appear to comply with EU standards. However, the number of expulsions carried out decreased from 656 removals in 2006 to 400 removals in the year 2007.

Implementation of the readmission agreement between the European Community and the former Yugoslav Republic of Macedonia is now underway and bilateral readmission agreements have been concluded or are being finalised with the main neighbouring countries of transit.

BLOCK 3 Public order and security

General assessment of block 3:

Over the years important efforts have been made in the area of public order and security. The country has an extensive legislative framework in place in the area of organised crime - notably as regards cross-border aspects- and anti-corruption, by-laws have been adopted in the different policy areas and policy strategies and action plans are being implemented. Operational procedures, manuals and guidelines are in place. Specific bodies have been set up although the associated human and financial resources are not always sufficient. Frameworks for national and international law enforcement and judicial operational co-operation have been established. Continuous training and familiarisation of personnel with latest legal and operational developments is addressed. The country has strengthened the cooperation between the law enforcement agencies and the judiciary, as well as inter-agency cooperation at field level. Progress was also made in preventing and suppressing corruption notably in the police, border police and other services of the Ministry of Interior, as well as in the judiciary and the customs administration. There has been some progress in prosecuting crimes related to organised crime, trafficking in human beings and money-laundering. The developments in the area of protection of personal data are overall positive.

It can be concluded that substantial progress has been achieved in the policy areas covered under block 3. The country should make further efforts to ensure continued progress on the specific issues below which will be followed closely, including in the context of the visa dialogue, and on which further reporting is requested:

- continued strengthening of national and international law enforcement and judicial operational co-operation, including the set up of the national intelligence database ;
- continued training of personnel in all relevant crime policy areas with cross-border implications;
- implementation of further anti-corruption measures targeting the relevant public bodies, including further strengthening of the role of the State Anti-Corruption Agency in this regard;
- adoption and implementation of the draft law on confiscation of assets, including the provisions addressing cross-border aspects;
- proper implementation of the new legislative framework on special investigative means and interception of communications;
- clarification of the limited application of the Law on protection of personal data in the area of state security and defence and the role of the Directorate for personal data in this regard;
- ratification and implementation of the 2d additional Protocol to the European Convention on Mutual legal Assistance in Criminal Matters and report on the average timing for replying to mutual legal assistance requests and on the use of legal bases;
- ratification and implementation of the Council of Europe Convention on Action against Trafficking in Human Beings.

In order to have a complete picture of the relevant aspects on the ground, a law enforcement field mission is planned with a view to covering the following policy area:

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

As regards protection of personal data, a specific regional expert seminar will be organised in order to build further expertise on the requirements under the benchmark in question

Detailed comments on block 3 by policy area:

General/Overall policy on preventing and fighting organised crime and terrorism (benchmarks 18, 23)

The 2003 action plan on the fight of organised crime has been implemented. The achieved priorities include the establishment of special sections for fighting organised crime within the administration and law enforcement structures (i.e. in the Ministry of Interior and Public Prosecution Office). Furthermore, the administrative and operational capacity of the responsible authorities, including the judiciary, has been strengthened by specialised training on organised crime.

The establishment of a central intelligence structure as a last remaining issue in the action plan, is being addressed. In this context, a detailed separate plan (2008-2010) including a financial implications study, an implementation project plan with timetable, responsible bodies and resources, has been approved by the government. The establishment of the sector for criminal intelligence and the national intelligence database is of outmost importance for efficient crime prevention, for fighting crime and for effective law enforcement co-operation. In particular standardized data collection and functional, interoperable databases lead to ensure smooth information exchange for operational activities. The preparation of the necessary legal framework and relevant infrastructure is a time-consuming and resource intensive procedure and the timely and efficient implementation of the project is important. In the meantime, ongoing crime data management has to be handled to the best standards. Electronic data storing is to be introduced in the different existing databases as much as possible. Curricula for training of staff on data management and the use of the new system need to be prepared.

Figures provided indicate a good number of high level cases and convictions in the fight against organized crime and corruption. Efforts need to be maintained in order to continue this positive trend and to achieve significant repression of crime on the ground as well as corruption in the public bodies in charge of implementing policies covered by the roadmap for visa liberalisation.

Policy on preventing and fighting trafficking in human beings (benchmarks 19, 23)

The national strategy and action plan are being implemented proactively and administrative structures have been strengthened in the area of preventing and fighting trafficking in human beings. Overall coordination was improved greatly with the appointment of a National

Coordinator against trafficking in human beings in 2007. At field level, improvements in cooperation between the police, the public prosecutors and the courts are reported.

Efforts are under way to ensure that the needs of victims of trafficking, especially the vulnerable groups, are reflected not only in the legislation but also in administrative structures and in the types of assistance services available. The government has decided to provide complete financial support for existing shelters managed by NGOs. The country is undertaking training of experts both in the governmental and non-governmental sphere, by providing focus on victim identification and prevention. Legislation has been amended in order to accommodate international standards in witness protection. The witness protection programme itself has been activated for over a dozen witnesses. There are still shortcomings however in the logistics and funding of the departments for witness protection. There is a positive development as regards the number of investigations and severe prosecutions and convictions in trafficking cases.

A reinforced legal framework, including changes to the criminal code introducing harsher penalties, is in place. Standard operational procedures for proactive victim identification have been adopted and are effectively implemented resulting in a significant increase in the number of victims identified. In its policy, the country takes into account new crime developments and ensures updates of legislation to align with relevant international standards. However, the Council of Europe Convention on Action against Trafficking in Human Beings is yet to be ratified and implemented. Focused bilateral co-operation agreements contribute to regional co-operation at operational level to fight this cross-border crime phenomenon and these efforts need to be maintained.

Policy on preventing and fighting financial crimes (money-laundering, terrorist financing, confiscation of assets) (benchmarks 20, 23)

The 2005-2008 national strategy to combat money laundering and financing of terrorism has been implemented and a new update for the period 2009-2011 is being prepared. This new strategy aims at further developing the anti-money laundering and financing of terrorism system and builds on the results achieved on the basis of the previous one.

The criminal law and special legislation in this field is being aligned with the relevant international standards and the EU acquis. A law on the prevention of money laundering and financing of terrorism was adopted in January 2008. Further modification and adoption of by-laws is planned for full harmonization in the areas of money-laundering, terrorist financing and confiscation of assets. Inter-agency cooperation in this area has steadily improved. The creation of the administrative and law enforcement capacity for the implementation of the legal measures has progressed well over the last few years, in particular, providing access to the Office for prevention of money-laundering to specific state databases, has improved the investigation and prosecution capacity of the law enforcement agencies. Similarly, the financial police gained legal status and has been empowered by being given the right of criminal prosecution for defined criminal acts. The number of reports of suspicious transactions is increasing even if it is still low. There have been three final convictions for money laundering and some ongoing cases with indictments.

The Law on management of confiscated property, property gain and items seized in criminal or misdemeanour proceedings is under preparation. The law foresees the establishment of an

agency for managing confiscated assets. Adoption and implementation of the law should be given priority.

In general, the good co-operation in the area of financial and economic crime between the relevant national bodies and international counterparts, in particular with FIUs, needs to continue.

Anti-drug policy (benchmark 21)

The new law on narcotic drugs was enacted in November 2008 and the legislative framework largely fulfils the *acquis* requirements and international standards. The implementation of the national 2006 anti-drugs strategy is gradually being implemented, in line with the two action plans adopted in 2007. The national drug strategy is in line with the EU drug strategy for 2005-12. The reinforcement of the implementation capacity of relevant bodies and authorities in preventing of and fighting drugs has been advanced as foreseen in the action plan. Growing seizures of illicit substances are reported.

The establishment of the national focal point in 2007, mandated for data collection and monitoring in the drug field reinforces coordination among the national authorities. However, the technical and personnel needs of the office, including training, are not yet ensured. The reported growing seizure of illicit substances indicates the focused activity of the authorities.

The recently started project with EMCDDA on standards of information collection and capacity assessment is important with a view to a standardised information system on drugs. The project on a national intelligence database helps to improve the accessibility of information on drugs among all law enforcement authorities and to facilitate international cooperation.

The drugs strategy addresses the strengthening of international cooperation but result-oriented national and cross-border operational activities need to be reinforced in order to dismantle organised drug activities.

Policy on preventing and fighting corruption (benchmarks 22- 24)

The country has ratified the key international conventions in the anti-corruption policy area and to a great extent aligned its national legislation to these standards. The Code of criminal procedure and the law on monitoring of communications were amended to allow use of special investigative measures for cases where corruption is suspected.

Law enforcement agencies, in particular the Ministry of Interior and the public prosecution services, and also the customs administration, demonstrated a steady determination to cooperate and coordinate. There is an increasing number of corruption charges being initiated and an increasing number of convictions. A good number of cases has been initiated pursuant to the law on conflict of interests and a number of misdemeanour procedures were brought against officials who failed to submit asset declarations.

The Law on prevention of corruption was strengthened, in particular to allow the State Anti-Corruption Commission (SACC) to publish the asset declarations without prior approval. The

numerous legal acts in the area of anti-corruption make implementation and monitoring difficult however. A partial solution is provided by the Protocol for co-operation for prevention and repression of corruption and conflict of interest, concluded end 2007 among the key national stakeholders in the area of anti-corruption in order to ensure real co-ordination.

In 2008 the budget of the SACC was increased by 11%, five additional staff were allocated and new premises were opened. However, in order to ensure more efficient implementation of the different aspects of the anti-corruption policy, the capacity-building of the different authorities responsible for preventing and fighting corruption needs to be given further priority, in particular further strengthening of the SACC.

The OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions has not yet been signed and ratified. Measures are already planned for the implementation of the remaining GRECO recommendations of 2007. It is important that these initiatives are carried out as foreseen.

Judicial co-operation in criminal matters (benchmarks 24- 26)

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 and implemented. Nevertheless, one of the key documents, the 2nd Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters remains to be ratified and implemented. The general principle governing judicial cooperation in the country is that national rules regulate the procedure, unless a ratified international agreement regulates the matter.

Specific bodies are in place for judicial cooperation in criminal matters. The Ministry of Justice, through its International Legal assistance department, acts as central authority for incoming and outgoing requests of judicial cooperation, and forwards them to competent courts for judicial decision.

The procedure and the grounds for refusal of a request of extradition are explained and are consistent with international standards; figures and statistics are provided for. The country also has experience in transferring convicted persons, in accordance with the relevant European Convention on the Transfer of Sentenced Persons and its Additional Protocol. New means of judicial cooperation, such as videoconferencing, are used for Mutual Legal Assistance (MLA). Use of establishment of joint investigative teams and international protection of witnesses are not reported. While figures on MLA were provided, detailed information on the average timing for replying to incoming requests and on legal bases utilized (bilateral, Council of Europe or UN conventions) should still be provided.

Regional cooperation, at the level of the Public Prosecutor's Office, is well developed. A number of memoranda of understanding were signed with homologue authorities and Prosecutor's offices specialized in the fight against organized crime, corruption, trafficking in human beings with several neighboring countries.

Training needs are addressed through the Academy for Training of judges and public prosecutors which has good international contacts. EU financed projects on exchange of

experiences and support of networking, and the recently started contacts with the European Judicial Training Network aim to develop and improve direct contacts with foreign judicial authorities.

As regards Eurojust, a contact person has been appointed, and negotiations for a specific agreement on cooperation are ongoing.

Law enforcement co-operation and operational capacity of law enforcement services (benchmarks 27-30)

In recent years, there has been good progress with the reform of the police. The necessary organizational arrangements and decentralisation for the implementation of the police law have been realized. The operational capacity of law enforcement authorities has been improved by providing latest technology equipments to staff. However, training has been a weak point over the last years and the potential of the police Training Academy was not fully used. It is hoped that the recent establishment of the so-called "training centre" will improve the situation. Several joint operations have been carried out with the participation of different national bodies and there is active involvement in regional and international missions against organized crime groups. Work is on the way for the implementation of the strategic agreement with Europol and for the conclusion of an operational agreement.

The present arrangement for inter-agency co-operation (method for information exchange, signed memorandums and protocols for cooperation) seems to meet the needs but a revision is required with the upcoming establishment of the national intelligence database. Given the increased request and broadened scope of activities for international co-operation, further training needs have to be covered in order to familiarise law enforcement officials with the relevant knowledge on international standards, special investigative methods, mastering of foreign languages etc.

As regards the operational and special investigative capacities of the law enforcement services, a section for interception of communications is in place within the Organised crime department in the Ministry of Interior. The amendments to the Law on criminal procedure and to the Law on interception of communications do strengthen the legal framework. Previous legal gaps and shortcomings that made effective use of special investigative measures cumbersome have now been addressed. However, some new elements, such as the role of the Minister of Interior and the wide conditions for recourse to interception, have been introduced. In this context, proper implementation will be crucial to ensure the primacy of the judiciary and to avoid a too wide interpretation of the law. The efforts made by the authorities to improve the legal framework now need to be followed by training to relevant officials and more effective use of special investigative techniques needs while ensuring the required judicial oversight.

Protection of personal data (benchmarks 31, 32)

Progress has been made in this field with the implementation of the Law on personal data protection. Amendments have been adopted that are intended to further align the law with the *acquis communautaire* and to strengthen the independence of the Directorate for personal data protection. The Additional Protocol to the Convention for the Protection of Individuals with

regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows (CETS No.: 181) was ratified in September 2008. The practical consequences of the limited application of the Law on the protection of personal data in the area of state security and defence (article 4 paragraph 2 of the LPDP), and the role of the Directorate for personal data protection in this regard are to be clarified.

BLOCK 4 External Relations and Fundamental Rights

General assessment of block 4:

An adequate legal framework is in place ensuring freedom of movement and access to personal documents. To ensure in practice access to documents for vulnerable groups, efforts are being made which vary according to the specificity of each group. Notwithstanding these efforts, in particular Roma and ethnic Albanians often lack personal documents and this remains a problematic issue.

There is an important number of constitutional guarantees as regards non-majority communities which have been addressed in practice through the implementation of the Ohrid framework agreement and which include specific legislation, structures and concrete actions. A Roma strategy and action plans are in place but their implementation is slow.

The country is encouraged to pay specific attention to the very low number of reported cases of individual complaints and discrimination, likely due to a lack of information or fear to approach authorities. The adoption of the general anti-discrimination law with implementation mechanisms and structures to ensure more effective protection of each citizen's rights should therefore be a priority.

The country should make further efforts to ensure continued progress on the specific issues below which will be followed closely, including in the context of the visa dialogue, and on which further reporting is requested:

- reinforce efforts to ensure access to documents, in particular for Roma and ethnic Albanians
- improve the implementation and coordination of the Roma strategy
- adoption of the general anti-discrimination law

While there is no need, at this stage, for expert missions under this block, a specific meeting on bloc 4 is envisaged however.

Detailed comments on block 4 by policy area:

Freedom of movement and identity documents (benchmarks 33 - 35)

The Constitution contains the right to freedom of movement within the state and to leave the state and return for each citizen. This freedom can only be limited for reasons of protection of the security of the state, criminal proceedings and protection of health of people.

Mechanisms to deal with complaints include use of the regular courts or the Constitutional Court, use of the ombudsperson or a claims procedure. The country indicates that there are no official cases of complaints reported. The planned law on protection against discrimination will introduce more effective mechanisms for handling individual complaints for all kinds of discrimination.

As regards access to travel and identity documents, the Law on identity cards and the Law on travel documents set out the provisions for obtaining these documents. Special efforts are made to ensure access to documents for specific groups. The Law on travel documents provides that members of the Turkish, Vlach, Serbian, Roma and Bosniak communities can choose to have their name printed on the passport in their language. Citizens of the Albanian community can have their passport issued in two languages. Mobile units exist for disabled people and biometric data could also be obtained in hospitals. Exemptions for paying administrative taxes for obtaining a travel document exist for people benefiting from social protection. In order to encourage Roma citizens to register new born babies, awareness programs have been set up and there is an increase of timely registrations.

The Law on asylum and temporary protection settles the issuing of identity documents for refugees. Special documents are issued on an annual basis to people qualifying as Internally Displaced Persons.

Citizens' rights including protection of minorities (benchmarks 36 - 40)

In addition to constitutional anti-discrimination stipulations and provisions in criminal, civil and administrative laws, a comprehensive anti-discrimination law is being prepared. This framework law will help to ensure more effective protection of citizens against possible forms of discrimination.

The Law on citizenship (1992/2004) foresees the conditions for requiring citizenship (by origin, birth on the territory, naturalisation and international agreements). The law uses the definition of citizenship as foreseen in the European Convention on Nationality. Specific provisions were foreseen for citizens of former Yugoslavia. These persons had the possibility to apply for citizenship of the former Yugoslav Republic of Macedonia until 2006. As regards dual citizenship, a citizen of the former Yugoslav Republic of Macedonia holding citizenship of another state is considered to be exclusively a citizen of the former Yugoslav Republic of Macedonia unless otherwise stipulated by international agreement.

The Sector for internal control and professional standards in the Ministry of Interior undertakes controls on the work of the police with regard to human rights and freedoms. The sector is also responsible for investigating complaints from citizens regarding incidents with law enforcement officials. In 2007, there were six cases referring to discrimination and equitable representation but none in the area of free movement.

There are several constitutional guarantees regarding the members of non-majority communities (Albanian, Bosniak, Roma, Serbian, Turkish, Vlach). These include for instance the right to cultural identity, use of languages (any other language spoken by at least 20% of the citizens is also an official language), use of languages at local level and equitable representation. Efforts are made in different fields to implement the constitutional provisions. The Ohrid Framework Agreement is a crucial guarantee for the rights of the non-majority communities. A strategy for equitable representation was adopted in 2007. A Law on languages was adopted in 2008 as well as a Law on the advancement and protection of the rights of the smaller communities providing for a specialised agency to be set up. Committees for relations between communities have been set up at local level in nearly all municipalities required by the law as well in some with minority populations below the legal threshold of

20%. More efforts are needed to address the concerns of the smaller communities. In particular a rapid solution is needed for the problem of Roma and ethnic Albanians lacking personal documents such as birth certificates and medical insurance cards.

The Roma strategy and action plan for the Roma decade (2005-2015) have been allocated a budget of 327.000 €. Measures are focused on education, settlements, employment and children. However, progress on implementation is slow and hampered by weak inter-ministerial coordination and lack of commitment in the line ministries.