

Table Macedonia

Explanation:

In its 18 May 2009 assessments of progress in roadmap implementation by the five Western Balkan countries, the European Commission used six distinct phrases to describe progress with regard to meeting the requirement in each of the four blocks (document security; illegal migration; public order and security; external relations and fundamental rights). ESI has allocated numbers from 1 to 3, as well as colours (green, yellow, red), to these phrases and applied them to individual requirements:

Commission's assessment per block: "meets the benchmarks" and "generally meets the benchmarks", applied to an individual requirement:

"meets the benchmark" and "generally meets the benchmarks" ("1" and colour green)

Commission's assessment per block: "meets a large majority of the benchmarks" and "meets the majority of the benchmarks", applied to an individual requirement:

"meets a large majority of the various aspects of the benchmark" and "meets a majority of the various aspects of the benchmark" ("2" and colour yellow)

Commission's assessment per block: "on the right track, but..." and "does not yet fully meet

"on the right track, but..." and "does not yet fully meet the benchmark" ("3" and colour red)

Sources and abbreviations:

- The main source for ESI's evaluation was the 18 May 2009 assessment by the European Commission (the "Commission") of Albania. All sentences below the title "**Commission Assessment**" are direct quotes from the 18 May 2009 assessment; the quotes are otherwise not marked and no quotation marks are used."
- On occasion the European Commission's first assessment of Albania's progress from 24 November 2008 has been quoted. These quotes are identified as "**2008 Commission Report**".
- Especially in cases where Albania received particularly critical evaluations by the Commission, or where particularly important visa roadmap requirements were examined, the reports of the EU National Experts were considered. Again, all information used from these reports is direct quotes and they are identified as follows: "**EU National Experts**". There is one EU expert report on Albania's performance regarding the requirements from *block 1* of the roadmap, three reports regarding different requirements from *block 2*, three reports regarding the country's performance regarding *block 3* requirements, and one meeting report on *block 4* requirements (abbreviated in the table as "**Block 4 Meeting Report**". While the EU experts examined the state-of-affairs as regards Blocks 1 to 3 on the ground, the Block 4 requirements were discussed in a meeting."
- In order to make reading easier, ESI has marked critical remarks by the Commission or by EU National Experts as follows: "[**criticism:**]" Sections where the reports *explicitly* requested further action from BiH are marked as: "**To do**".
- ESI has summarised its own evaluation regarding individual requirements under the heading: "**ESI evaluation**".
- In the column on the right, we estimate the time it will take to fully implement the requirement, provided the political will and resources are there:
 - Short-term** = until approx. autumn 2009
 - Mid-term** = early 2010
 - Long-term** = mid-2010 and later

No.	Roadmap requirement	Assessments	ESI evaluation	Estimated time to implement
I. Requirements related to the correct implementation of the Community Visa Facilitation and Readmission Agreements				
	A. Readmission Agreement: Macedonia has to take the necessary measures ensuring effective implementation of the Community Readmission Agreement	<u>Commission Assessment:</u> “Implementation of the readmission agreement between the European Community and Macedonia is now underway and bilateral readmission agreements have been concluded or are being finalized with the main neighbouring countries of transit. “	[1]	
	B Visa Facilitation Agreement: Macedonia shall closely cooperate with the European Commission to support the EU Member States' implementation of the Visa Facilitation Agreement	Not evaluated in Commission Report.		
II. Requirements on Document Security, Illegal Migration, Public Order and Security and External Relations				
1	BLOCK 1: Document Security	<ul style="list-style-type: none"> • “The former Yugoslav Republic of Macedonia has made very good progress towards the fulfilment of the block 1 benchmarks in the last two years.” • “Between April 2007 and April 2009, more than 417,000 new biometric passports, 330,000 ID cards and 140,000 driving licences were issued. The security specifications of the new biometric 	1	

		<p>documents (photos) are in line with ICAO and EU standards.”</p> <ul style="list-style-type: none"> • “The issuing of the new biometric passports is centralised, managed and supervised by the Ministry of Interior in Skopje. The authorities of the former Yugoslav Republic of Macedonia put in place the appropriate infrastructure in order to ensure an efficient and secure production process and personalisation and distribution procedures. The replacement of the old travel documents with new biometric passports will be completed by 1 April 2012.” • “The staff involved in the whole passport production process is carefully selected and receives appropriate training. Legal and organisation measures have been strengthened to effectively fight corruption. It has been reported that no cases of corruption regarding document security have occurred.” • “Regarding breeder documents, the system in place is based on a central data base and a PIN system (in place since 1981); the matricular procedure, issuance of certificates, storage and protection have been found efficient and secure in line with European and international standards.” • “It appears that the former Yugoslav Republic of Macedonia <u>meets the benchmarks set under Block 1</u> of the roadmap.” 		
1.1	Continue to issue machine readable biometric travel documents in compliance with ICAO and EC standards and gradually introduce biometric data, including photo and fingerprints	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “<u>The phasing of the old travel documents will be completed by 01.04.2012.</u> [...] No problems or difficulties during the first period of implementation of the new system have been 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).” • “<u>Between April 2007 and April 2009, 417 000 biometric travel documents have been issued.</u> Macedonia estimates that by the end of 2010, over 90% of all old travel documents will have been phased out. In addition, 330 000 identity documents 140 000 driving licences, and 5000 resident permits have been issued, all of which correspond to European and international standards in terms of security specifications.” <p><u>The EU national experts:</u></p> <ul style="list-style-type: none"> • “In general: <u>The overall procedures for the issue of travel and identification documents - including card-format residence permits and driving licences — are well developed and have been deployed from 2007.</u> These documents meet all of the standards set out in the ICAO and EC regulations.” • “The e-passport is now being made ready for the next generation security features; by the end of 2009 the Ministry of the Interior will have completed the STARCOS® 3.3 Passport Edition project with the passport producer company (Giesecke & Devrient GmbH. / http://www.gi-de.com/). At that point the e-passports will meet the latest international standards (e.g. Extended Access Control, the secondary biometric identifier /fingerprints/, etc.). The ordinary passport validity is five or 10 	1-	

		<p>years depending on the age of the holder.”</p> <ul style="list-style-type: none"> • “Since the new documents were first issued more than 380 000 e-passports, 270 000 ID cards, 120 000 driving licences and 5000 residence permits have been personalised and issued to individuals.” • “Conclusion: According to the information received during the mission and the assessment the new travel and identity documents issued by the former Yugoslav Republic of Macedonia meet EU and ICAO standards. Very substantial progress has been made in this area. There are on-going and future projects to improve document security still further. As a further step, the necessary measures should be taken to make it possible to read the content of the chip in biometric passports at the border crossing points.” <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • (1) travel documents are in accordance with ICAO and EC regulations, (2) issuance is ongoing, [<i>criticism:</i>] (3) old travel documents will only be fully phased out in 2012. 		
1.2	Implement appropriate administrative measures ensuring the integrity and security of the personalisation and distribution process;	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “Specific information was provided on the personalisation procedure followed (including a detailed description of all aspects in the process). <u>An appropriate security infrastructure is being developed for the introduction</u> of the Extended Access Control advanced protective mechanism to improve the personalisation process in the travel documents. • To do: “Further verification is needed on the efficiency of all administrative steps in the issuing procedure [of passports and ID documents].” • “<u>The personalisation and distribution system for travel documents meets relevant EU and international standards.</u>” • “All blank documents are stored exclusively in a secure facility within the personalisation centre in the building of the Ministry of Interior in Skopje. Procedures for personalisation are clearly defined and the number of documents personalized in each shift is carefully monitored.” • “All steps of the distribution process are centrally monitored by the distribution centre, and follow strict security procedures.” • “New documents are only issued to applicants in person, following an identity check using previously recorded biometric identifiers.” <p><u>The EU national experts:</u></p> <ul style="list-style-type: none"> • “In general: The overall procedures for the issue of travel and identification documents - including card-format residence permits and driving licences — are well developed and have been deployed 	1	

from 2007. [...] The centralised issue of the e-passport and the ID cards are based on the passport and identification document issued previously, and in parallel they use the PIN (Personal Identification Number) database and the National Central Database, which was established in April 2007. Personal appearance is mandatory both for the application and for the issuing process. The whole personalisation and issuing procedure is managed and supervised centrally by the Ministry of the Interior.”

- The Experts’ report Block 1 details the high security provisions during the delivery of blank passports to Skopje where they are stored at the MoI and from there to the issuance centres, always by police courier service.
- “The personalisation of the documents is centralised; only data acquisition and issue are available at the 30 regional offices. The applicant must be present personally twice during the whole process: for enrolment and for issue.” The report then details the procedure of obtaining an e-passport or ID card in various situations (normal procedure, people with disabilities, emergencies abroad etc.)
- “The entire personalisation process is centralised and fully automated.” “All staff responsible for the personalization process is selected carefully”
- “This building [where the personalization centre and the storage facility for blank documents are located] is highly protected, and all the security measures are designed to deny any surreptitious or forced entry by an intruder.”
- “Appropriate and satisfactory security measures are applied in connection with the overall infrastructure, organisation, staff and procedures [...]. That the whole security system, including regular checks, is applied and works well is confirmed by the fact that no incident concerning lost or stolen blank, personalised or rejected documents has yet been detected.”
- “Conclusion: According to the information received during the mission and the assessment all necessary administrative and security measures concerning the integrity and security of the personalisation process are being taken and are applied in a satisfactory way.”
- The report also describes the process of distributing the personalized documents from the personalization centre to the distribution centre next to it, and then of to the regional offices. “Conclusion: According to the information received during the mission and the assessment all necessary administrative and security measures concerning the integrity and security of the distribution process are satisfactory applied. The whole system is up to the relevant EU standards.”

ESI evaluation:

- (1) Macedonia appears to be compliant, (2) advanced security measure are now being implemented.

1.3	Establish training programmes and adopt ethical codes on anti-corruption targeting the officials of any public authority that deal with visas or passports	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “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 control); in addition information was provided on cases of criminal investigation including officials at the border.” • “Progress continued concerning implementation of anti-corruption measures.” • [criticism:] “<u>No specific anti-corruption programmes for persons involved in travel document issuance have been developed;</u>” • [positive:] “<u>however the overall extensive anticorruption training programmes have included Ministry of Interior officials responsible for passport issuance, except for those involved in the personalisation procedure.</u> Out of the 1148 cases of corruption investigated in 2008 none concerned the issuance of travel documents.” <p><u>EU National Experts (Hauck, Komesz, Kurti, Vinolas and Conduche):</u></p> <ul style="list-style-type: none"> • “Two official documents that deal with the issue of corruption in the Ministry of the Interior. They reflect the degree of willingness of the political and administrative authorities to fight corruption” (1.) The Code of Police Ethics (Dec. 2003) “determines globally the standards of behaviour and the action of the police in complying with the basic principles of the European Code of Police Ethics of the Council of Europe (12/19/2001).” (2.) In December 2008, the Code was strengthened with a specific anti-corruption programme, which “affirms as a strategic priority of the MOI the fight against corruption and corrupt behaviour, with zero tolerance, among the police and all employees.” The responsible body is the Sector for Internal Controls and Professional Standards (SICPS), which is located in the MoI. Their members “showed a real determination to tackle corruption.” • “Conclusion: The former Yugoslav Republic of Macedonia authorities have strengthened their legal and organisational means of fighting corruption with enhanced efficiency. Obviously this phenomenon lasts, but it is reasonable to think that while the measures taken should be sustained, they will be effective in the long run.” • “In 2008, the anti-corruption training programme ran from 12.11.2008 till 29.11.2008, and 139 civil servants, most of them involved in issuing travel documents, attended it. Those dealing with the personalization of travel documents didn’t, and the experts recommend that they should in the future.” • “The Experts’ report Block 1 also lists 11 points of the anti-corruption action plan for 2009, including responsible bodies, deadlines and success indicators.” 	2+	
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		<ul style="list-style-type: none"> • “As regards legal and administrative provisions on integrity and anti-corruption regarding travel documents issuance, the Block 1 experts state that there are different, very detailed rulebooks that apply. “The former Yugoslav Republic of Macedonia chose a very mechanical approach to the work organisation of employees of the MOI. Anti-corruption programmes, measures and activities correspond, as described earlier, to the same kind of choice. It is a guarantee of a reliable process in issuing travel documents by very formal provisions.” • [As regards investigation, prosecution, sanctioning of public officials,] “statistics from the past five years show that the former Yugoslav Republic of Macedonia police and judicial authorities have decided to treat the problem of the corruption very strictly.” • “In the course of 2008, the Sector for Internal Control and Professional Standards inspected 1148 cases of possible overstepping of authorisations and abuses of official position, which is an increase of 18% in comparison to the same period in 2007. [...] Of the 1148 cases which have been checked, 919 (from citizens and internal MOI) produced these findings: 612 were unfounded, 137 founded, 33 partially founded, 104 with insufficient evidence, 20 beyond the competence of the SICPS and 9 required additional measures. The checks for 257 cases found irregularities in the work of members of MOI and the SICPS, resulting in different measures being proposed in respect of police officers acting in an unprofessional and illegal manner: reduction in salary; warning; re-assignment to another position; suspension; isdemeanour procedure. When irregularities indicated criminal acts (70 cases), SICPS submitted 67 criminal charges ... no case was concerned with the use of travel documents.” • [In summary:] “steady progress in the work of the SICPS and the administrative willingness, supported by the political will of the former Yugoslav Republic of Macedonia authorities, to achieve the set aims in the anti-corruption programme.” <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • General provisions are good. Macedonia appears to have taken a clear anti-corruption position. However: no targeted anti-corruption training programmes for officials involved in the personalisation of travel documents. Probably the most crucial part is missing! 		
1.4	Report to Interpol/LASP data base on lost and stolen passports;	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “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.” • “The system for reporting data on lost and stolen passports to Interpol functions smoothly and efficiently. In 2008, 2062 documents were reported lost or stolen.” 	1	

		<p><u>EU National Expert (Hauck, Komesz, Kurti, Vinolas and Conduche):</u></p> <ul style="list-style-type: none"> • “Information on lost and stolen travel documents is regularly fed into the central ASF database in Interpol for lost and stolen documents by the National Central Bureau of Interpol Skopje. ... The precise chain of responsibilities in the process was explained to the EU experts.” • “A new project aims to give direct access for consultation purposes to various services of the police force in order to check travel documents in case of doubt without having to go through the NCB in Skopje.” • “FYROM currently has approximately 40 000 travel documents in the ASF base. For 2008, 2062 documents were introduced into the database.” • “Conclusion: Further to the visit to the NCB and the border crossing points, and according to the information provided, no major point of criticism can be raised on the system in place in the former Yugoslav Republic of Macedonia concerning the reporting of lost and stolen passports.” <p><u>ESI Evaluation:</u></p> <ul style="list-style-type: none"> • Macedonia appears to be compliant. 		
1.5	Ensure a high level of security of breeder documents and ID cards and define and implement strict procedures surrounding their issuance.	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “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.” • “Information was also provided on the situation in terms of access to documents concerning vulnerable minorities (in particular the Roma) and Diasporas.” • “<u>The issuance procedure for breeder documents and the matricular procedure are efficient and secure.</u>” • “The security level of breeder documents is good, and each ID card, driving license and certificate clearly mentions the holder's unique PIN (Personal Identification Number).” <p><u>EU national experts (Hauck, Komesz, Kurti, Vinolas and Conduche):</u></p> <ul style="list-style-type: none"> • Registers: “According to the Block 1 experts, there are registers of births, of marriages and of deaths in Macedonia, in addition all the information is stored in an overall electronic database. The 	1	

		<p>registers are held in 137 regional administrative offices within the police administration. Responsibility is shared by the MoI and the Justice Ministry, but will shift to the latter in the near future. ... The report further describes in detail how registrations are carried out and which documents are necessary.”</p> <ul style="list-style-type: none">• [Common to all registers is:] “Insight into the books is only allowed to persons with entries and specified officials. The responsible registrar has to do all the necessary reports (especially those for the national database) immediately. [...] All the registers are duplicated and the security copies are stored in a different building. The buildings are under video surveillance.”• Breeder documents: “According to the Block 1 experts, certificates are issued based on the data in the books. They are documents with security features, and handed out after an ID check and possibly a second check based on the Personal Identity Number (ID), which every citizen has been allocated since 1981. All identity documents and driving licences are produced centrally.”• “Conclusion: Matricular procedure, issue of certificates, storage and protection seems to be efficient and in accordance with the European and International standard. We found that employees in the registration offices are well trained, have knowledge in detecting document fraud and are aware of the corruption issue. The matricular books are correctly processed. There are no doubts as to the integrity of the issuing process of breeder documents. Nevertheless security could be increased by printing a serial number on blank certificates.” <p><u>ESI Evaluation:</u></p> <ul style="list-style-type: none">• Macedonia appears to be compliant with this requirement.		
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2	BLOCK 2: Illegal migration, including readmission	<ul style="list-style-type: none"> • “Significant and continuous progress has been made in the fields of border management, asylum and migration.” • “On border management, the legal framework was further improved (Law on State Border Surveillance) in order to ensure compliance with the EU standards. The implementation of the IBM Action Plan is completed; the organisation of the border police is in line with EU standards; good inter-agency cooperation has been reported.” • “The human resources allocated are sufficient and staff is professional and highly motivated. Further improvements in this area are expected by the adoption of the new law on Internal Affairs. Operational risk analysis needs to be improved. The training actions for the border police have been organised but continued efforts are needed in this area.” • “Further improvements and modernisation of the infrastructure and of technical equipments at all Border Crossing Points (BCPs) are necessary for ensuring a good level of border control and surveillance. Practical co-operation on border issues with neighbouring countries and international organisations has been developed. A working arrangement with Frontex has been signed.” • “The asylum system is functional and efficient. The recently adopted amendments to the legislative framework ensure alignment with the EC standards; appeal procedures are functioning. A reception centre for asylum seekers is in place and conditions are adequate.” • “Significant progress has been made in the area of migration management. Legislative alignment is advanced and in almost all areas corresponding policy frameworks and rulebooks have been developed, or are in the process of elaboration. Trainings should now continue at central and local level to ensure efficient implementation of the new measures. The creation of a computerised central database on foreigners and implementation of the recently adopted strategy for integration of refugees and migrants are challenges which are still to be overcome. Cooperation between authorities involved in the fight against illegal migration functions smoothly, and return procedures are efficient and in line with European standards.” • “Implementation of the EC-former Yugoslav Republic of Macedonia Readmission Agreement is proceeding smoothly.” • “The former Yugoslav Republic of Macedonia has made substantial progress on migration-related issues and <u>appears to generally meet the benchmarks set under Block 2 of the roadmap.</u>” 	1-	
2.1	<i>Border management</i>			
2.1.1	Implement the legislation governing the movement of persons at the external borders, as well as the	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “<u>The Law on state Border Surveillance was amended in April 2009</u> in order to bring it further in line with the Schengen Border Code, in particular regarding definitions and terminology used.” 	1-	

	<p>legislation on the organisation of the border authorities and their functions in accordance with the 2003 national Integrated Border Management strategy</p>	<ul style="list-style-type: none"> • “The Law on Foreigners no longer establishes the presentation of travel insurance at the BCPs as an entry condition for citizens of EU Member States” • “Strategic coordination for border management is provided by the National Commission for IBM, which also has responsibility for implementation of the Action Plan for IBM.” • “At this level there is a strong willingness to develop border management towards EU standards and an awareness of current challenges.” • “Operational coordination of inter-agency cooperation is provided by the National Coordination Centre for Border Management (NCCBM).” <p><u>EU national experts (Piiroinen, Janc, Vas):</u></p> <ul style="list-style-type: none"> • Implementation of legislation: the <u>relevant laws are the Law on Internal affairs, the Law on State Border Surveillance, the Law on Foreigners, the Law on the Police, the Law on Asylum and their relevant by-laws.</u> All of them appear to be implemented, although the experts do not state this. They write that the Law on State Border Surveillance is presently going through major amendments in order to bring it in line with the Schengen Borders Code (SBC). • To do: The experts stress the need to implement the SBC in full. • [criticism:] As regards the Law on Foreigners, the experts criticise that foreigners who cannot obtain travel documents from any other country and are residents in Macedonia are issued travel documents (recognised by 3 EU MS). • [criticism:] [The experts also criticise that Macedonia accepts family passports according to the Law, due to obligations towards neighbouring countries,] “but it should also be taken into consideration that the EU follows the one person one travel document principle.” • “Several initiatives to enable local population to cross the border in accordance with the EU Regulation on local border traffic are in place.” • Implementation of IBM Strategy and Action Plan: “the former Yugoslav Republic of Macedonia has adopted its IBM National Strategy in 2003. The IBM Action Plan has been adopted in October 2005 and since then it has been applied.” • To do: “It should, however, take into consideration the changes in Europe and the region as well as the development of the Schengen acquis (e.g. new Schengen Catalogues) and should regularly be adjusted to the new requirements.” • “A new initiative for further developments for the period of 2009-1011 [sic] has been prepared, including further harmonisation of the legislation, development of the interagency cooperation, reconstructing of BCPs, development of the IT system and enhancement of the international cooperation.” 		
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		<ul style="list-style-type: none"> • Border checks: “The former Yugoslav Republic of Macedonia has four Regional Centres for border affairs, 20 BCP’s, amongst them 2 airports (Skopje, Ohrid) 28 Police Stations for border surveillance and 2 mixed Police stations (responsible for general police matters and border surveillance). The workload at the BCPs varies significantly. 5 BCP’s proceed with 80 % of the total passenger traffic of the former Yugoslav Republic of Macedonia.” • [criticism:] <u>The experts were critical of the checks at the BCPs they visited</u>, particularly those that they monitored unseen (via CCTV) because there were no regular checks and known persons were not checked at all. Even when they were checks, they were limited to the identification of the person and a passport check against databases. • <u>Not all officers were familiar with profiling</u>, the rulebook focuses only on profiling of victims of human trafficking. Emphasis was more on exit checks than entry checks, but it should be vice versa. <u>The number of detected false travel documents is low</u>, and so is the number of detected stolen vehicles. Both should be investigated. • Border surveillance: [Done by police, on foot and in vehicles, no technical surveillance.] “There is an integrated system for border surveillance based on patrolling, observation, cooperation and risk assessment.” • Shifts are 12 hours, with overlaps. No direct access to databases. The experts critically mentioned the lack of night vision devices and more vehicles. Not enough cooperation between police and nearby BCPs. • Interagency cooperation at the borders: “At strategic level [National Commission for IBM and National Coordination Centre for border management (NCCBM)] at central level) there is a strong willingness to develop border management towards the EU standards and the members of the Commission are very much dedicated to complete this task. The Commission has clear ideas on what should be done and what sources could be involved.” • There are also liaison officers from the MoI, Customs Administration and Ministry of Agriculture at the NCCBM. However, the experts describe a lack of knowledge of the different roles and tasks; too restricted competencies of the border police and lack of vehicles to carry out inland checks; and lack of cooperation between the border police and customs at the green border. • Operational effectiveness and the powers of the border authorities to prevent and combat cross-border crime: “It seems that the combination of Border Police and Regular Police powers are adequate to prevent and combat cross-border crime. In legal terms, Border Police has the powers on the whole territory.” • MoI/Border Police: [concerning HR management, career development, action plan:] “There are currently 2938 planned posts and 2394 border guard officers (responsible for border checks and border surveillance – among them 1408 from the army). <u>There is no human resource strategy</u> 		
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		<p><u>especially in case of the Border Police.</u> The general human resource strategy will be completed with the adoption of Law on Internal Affairs.”</p> <ul style="list-style-type: none"> • To do: [Experts recommend additional training of former military staff.] <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • The Commission report is very factual without evaluations. It mentions (1) effective coordination, (2) willingness for further improvements; <p>The expert report on the other hand, is critical with regard to Macedonia’s preparedness: the expert notes a number of shortcomings, (1) regarding the Law on Foreigners, (2) the administrative planning of border police (e.g. lacking HR strategy); (3) technical preparedness, (4) performance of duty (e.g. at BCPs), (5) capabilities.</p>		
2.1.2	Take necessary budgetary and other administrative measures ensuring efficient infrastructure, equipments, IT technology at the external borders	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “16 of the 20 BCPs have been connected to the central database of the Ministry of Interior, and plans exist to connect the remaining four by the end of 2009. All BCPs are under video surveillance, however technical equipment available at BCPs should be improved, and there is a need to increase availability of integrated document readers and equipment for detection of persons hiding in vehicles” <p><u>EU national experts (Piironen, Janc, Vas):</u></p> <ul style="list-style-type: none"> • “IT systems and access to databases, as well as the lack of modern technical equipment, in fact, is the most critical part of the border management in the Republic of Macedonia. This is the field where still a lot has to be done in order to ensure modern and effective border management according to the EU standards.” • “The central database of the MoI is called HOST. “HOST includes database on own citizens, issued and lost travel documents, driving licence, registered motor vehicles, issued approvals possessing weapons, temporary and permanent residence of foreigners, personal files – operative material, wanted persons, motor vehicles and weapons). BCPs are using SCPV (System of controlling passengers and vehicles) in the control booth only. HOST and Interpol are only available at the duty office.” • “Police stations responsible for border surveillance do not have access to any database.” • “BCPs and Police Stations for border surveillance are communicating via telephone, fax, internet and analogue radio communications.” • [The recommendations are:] 	2+	

		<ul style="list-style-type: none"> ○ “The SCPV system could be upgraded in order to automatically check the duration of stay of foreigner.” ○ “SCPV should be available at all BCPs as a centralised system (to enable check on entry and exit at any BCP).” ○ “In addition to SCPV, HOST system should be available in the control booths and it should be integrated with the SCPV. According to the IT Department there are plans for the integration but no exact dates have been set.” ○ “Police Stations responsible for border surveillance should also have direct access to all databases.” ○ “A central database on the specimen of the genuine and false/falsified documents should be created which should be available for all BCPs via the border control IT system. At present some BCPs have their own limited databases consisting of forged documents they detected themselves.” <ul style="list-style-type: none"> ● Overall strategy on risk analysis, intelligence and data-flow management: “The Border Police has started its new model in December 2008, therefore as a first step the collection of data is acceptable, but more work should be done to carry out real risk analysis.” ● “The appropriate data flow from the central level to regional and local level is missing (e.g. forged documents are send to central level but the central level does not transmit this information to all BCPs).” ● “Airports are focal points in irregular immigration and border crossing crimes. Passenger profile is also often wider than on land borders. Co-operation and information exchange with foreign border authorities are basic routines. However, no document alerts made by foreign border authorities were seen at the airports. We invite the Border Police to join information exchange network with other international airports.” ● “NCCBM currently is not involved in elaboration of risk analysis products. In the future the plan is to draft strategic risk analysis for the Government involving all relevant authorities working at the border. According to the role of the NCCBM, it should be considered to draft more operational risk analysis to be used by different authorities at all levels as well.” <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> ● Macedonia’s preparedness is not bad, but more needs to be done, regarding technical equipment. Significant improvement might be expected towards the end of the year. 		
2.1.3	Establish training programmes and adopt ethical	<u>Commission Assessment:</u>	1-	

	<p>codes on anti-corruption <u>targeting the border guards, customs and other officials involved in the border management</u></p>	<ul style="list-style-type: none"> • “Since 2006 the Ministry of Interior is implementing the <u>anti-corruption programme</u> 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 <u>information was provided on cases of criminal investigation including officials at the border.</u>” • “<u>Progress continued concerning implementation of anti-corruption measures.</u> Various <u>rulebooks have been created defining correct procedures</u> in each step of travel document issuance, and clearly listing prohibited practices. “ • “<u>A specific anti-corruption programme was adopted in December 2008.</u> No specific anti-corruption programmes for persons involved in travel document issuance have been developed; however the overall extensive anticorruption training programmes have included Ministry of Interior officials responsible for passport issuance, except for those involved in the personalisation procedure. Out of the 1148 cases of corruption investigated in 2008 none concerned the issuance of travel documents.” • “<u>Information was provided regarding the annual training plan for 2008, according to which 28 trainings have been conducted for 716 border police members.</u> Furthermore, <u>an anti-corruption training programme has been adopted for 2008</u> together with an action plan. • To do: “<u>More specific trainings should be provided to persons transferred from the Ministry of Defence to the border management authorities</u> to ensure that all border officers receive a uniform level and type of training.” • “<u>Training of the border police is provided in the Training Centre</u> (which has adequate facilities) and at the regional level. The annual training plan is ambitious and sufficiently covers all elements of basic training. There is however a need to develop curricula for middle-and higher-level border police officers, and continue basic trainings for border police officers who were transferred from the Ministry of Defence.” • “Further efforts are required to develop risk analysis units at central and regional level, to promote specialised trainings for intelligence officers and to efficiently disseminate risk analysis products” • “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” <p><u>EU national experts (Piironen, Janc, Vas):</u></p> <ul style="list-style-type: none"> • Training: “It seems that there are no problems in recruiting personnel and the training system is adequate for the purpose. We would invite the Training Centre to put attention to curricula for 		
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		<p>middle level and higher level training.”</p> <ul style="list-style-type: none"> • Anti-corruption training programme and action plan in the area of border management: “The authorities of the former Yugoslav Republic of Macedonia authorities at central level are well aware of the importance of suppressing the phenomenon of the corruption. “The Ministry of Interior has adopted an anti-corruption program on 19 December 2008. This introduced zero tolerance within the Ministry of Interior including the Police. The Programme is proposing wide variety of measures in order to prevent and detect corruptive behaviour within the Police [...]” • “Each Regional Centre has 4 officers specially trained for fight against corruption,” and they train the others. • “The Police have its own Ethical Code which is available at all BCP’s and Police Stations. At local level officers are aware of the anti-corruption programme and familiar with the duty rules.” • “The sector for Internal control and professional standards has dealt with 173 disciplinary cases within the Border Police in 2008. [...] 1148 corruptive behaviour cases have been investigated, and there were 53 criminal charges against Border Police officers. In most cases abuse with official position has been established. The majority of cases were detected by internal controls upon own initiatives.” • “A free telephone number 199 is operational for the citizens to report corruption and other illegal action of the Police.” • “The Republic of Macedonia is taking considerable efforts to suppress corruption and the experts would encourage them to continue along this way. On the other hand, the authorities of the Republic of Macedonia themselves cannot estimate the magnitude of the phenomenon on an everyday basis.” <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • Macedonia’s preparedness is good. (1) The overall training appears to be adequate, (2) there is targeted training on anti-corruption for border guards, (3) allegedly there are cases of anti-corruption investigations against officers (always a positive sign that the country takes its policies seriously!); (4) there appears to be a gap in the system regarding targeted anti-corruption training for officers that are directly transferred to border police from other sections of the MoI. 		
2.1.4	Conclude a working arrangement with FRONTEX	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “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.” 	1	

		<ul style="list-style-type: none"> “In general, practical cooperation with neighbouring countries is efficient and Coordination of border surveillance activities occurs. A working arrangement with FRONTEX entered into force on 20 January 2009.” <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> The requirement appears to be fulfilled. 		
2.2	<i>Carriers' responsibility</i>			
2.2.1	Macedonia should [adopt and] implement the legislation on carriers responsibility defining sanctions	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> “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” <p><u>EU national Expert (Garamvölgyi):</u></p> <ul style="list-style-type: none"> “The Law on Foreigners regulates the carrier's responsibility in line with the EC rules. The experience is rather limited on this area.” “The rules set out in the Law and Rulebook on foreigners are sufficiently detailed. There are two pending cases brought against air companies but the officials we met have no information on the state of play of these litigation procedures.” <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> There is adequate legislation, but little practical experience with the implementation of the law. 	1	
2.3	<i>Asylum policy</i>			
2.3.1	Implement the legislation in the area of asylum in line with international standards (1951 Geneva Convention with New York Protocol) and the EU legal framework and standards	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> “The <u>asylum system is fully functional.</u>” “The Law on Asylum and Temporary Protection was modified in November 2008 and will be further improved to ensure full harmonisation with European standards by mid-2009.” “The status of subsidiary protection has been introduced by recent legislative amendments. Transitional provisions ensuring that those currently benefiting from humanitarian status receive the new subsidiary protection status once the former has expired have been adopted (i.e. 	1-	

		<p>administrative guidelines of the Ministry of Interior of February 2009).”</p> <p><u>The EU national experts (Milek):</u></p> <ul style="list-style-type: none"> • “The Law on Asylum and temporary Protection (LATP) was initially adopted in 2003 and twice amended in 2007 and 2008. The last amendment from November 2008 stated inter alia changes in the appeal procedure and gives up the category of persons granted humanitarian protection. Regarding the appeal procedure the administrative court is now the competent body and guarantees an independent appeal procedure.” • Social protection and integration of persons under humanitarian protection and (recognised) refugees: “<u>after the last amendments on the LATP and LSP, there is no legal basis for social protection for persons granted humanitarian protection.</u> It is necessary to fill this legal loophole as soon as possible.” • “The relevant regulations defining the rights granted to asylum seekers including access to education, the labor market, access to material reception conditions and health care, as well as issuance of identity documents to asylum seekers are “in line with Council directive 2003/9/EC.” • [LATP is not fully in compliance with the Council Directive 2004/83/EC. More precisely] “according to Art. 41 LATP the person under humanitarian protection is obliged to apply for an identity card. This identity card will be issued with a validity of up to one year. This rule is not in compliance with the Council Directive 2004/83/EC (Art. 24) which is stating that the residence permit must be valid for at least one year.” • [Furthermore] “the absence of temporary regulations for the change from humanitarian to subsidiary protection causes legal loopholes and legal uncertainty” • “Currently the LATP is under review again.” <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • (1) according to the Commission report, the asylum system is fully operational. (2) The expert report notes a gap regarding social protection of individuals under humanitarian protection. 		
2.3.2	-provide adequate infrastructure and strengthen responsible bodies, in particular in the area of asylum procedures and	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “Since November 2008, appeals against first instance asylum decisions are handled by the Administrative Court. However, this appeal procedure includes only an examination of whether the Asylum Office has respected relevant procedural rules. Future legislative amendments should ensure that the Court also has the competence to provide independent judicial review of the substance of asylum decisions” 	1-	

	reception of asylum seekers	<ul style="list-style-type: none"> • “The Asylum Office, currently employs 10 persons is sufficiently staffed. Technical equipment at the Office was also recently upgraded.” • “Trainings on asylum-related issues have been organised for members of all relevant bodies (including border guards and the police), and will continue in 2009.” • “The reception centre (operated by the Ministry of Labour and Social Affairs) is in good condition, well managed and properly staffed and provides asylum seekers with language training, schooling for children and psychological and social care.” <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • Macedonia appears to have fulfilled this requirement. 		
2.4	<i>Migration management</i>			
2.4.1	Set up and start to apply a mechanism for the monitoring of migration flows, defining a regularly updated migration profile for the former Yugoslav Republic of Macedonia, with data both on illegal and legal migration, and establishing bodies responsible for collection and analysis of data on migration stocks and flows	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • To do: “Regarding the monitoring of migration flows, <u>further efforts are required to improve the database system. Several databases exist within various ministries on legal and illegal migration, and many are non-computerised</u> and cannot be easily consulted by other authorities (e.g. police stations).” • [positive:] “Nevertheless, the database of the National Visa System (N-VIS) and the Database on Residence Cards are electronic, and the latter can store biometric data.” • “<u>The forms for data collection were harmonised by a recent ministerial decree and are almost fully in line with European standards</u> (Council Regulation 862/2007).” • “<u>The structure of analytical units is clear and efficient.</u>” • “<u>The system for gathering data on illegal migration was substantially improved by the adoption in February 2009 of a Guidebook</u> which defines the appropriate levels and methodology of data collection and introduces standardised terminology.” • “In January 2009, the interservice group for the creation of migration policies completed an <u>updated migration profile</u> for the former Yugoslav Republic of Macedonia. A new migration profile will be produced annually by the Mol.” <p><u>EU national experts (Garamvölgyi):</u></p> <ul style="list-style-type: none"> • “...a Resolution on Migration Policy was adopted in December 2008.” • “...An inter-ministerial group finished the updating of the Migration Profile of the Country by January 2009”. 	2+	

		<ul style="list-style-type: none"> • “The Migration Profile contains more adequate and more complete data on legal residence and work of foreigners, as well as on people enjoying international protection.” However “the discrepancy between the different methodologies of data collection, thus the difference between yearly figures prevails in the document” • “The updated work contains not only figures, but general analysis on all major issues. The most revised part concerns the phenomena of emigration. The Country put a lot of effort into the updating the Migration Profile.” • [Regarding the data collection and analysis] “the Ministry of Interior has several databases which comprehend data on foreigners concerning legal and illegal migration but only few are IT based and quite outdated. The collection of data are basically manual. The only sophisticated IT databases are the National Visa System and the Database on Residence Cards, which is operational from the beginning of 2009.” • “The MoI is aware of the need to install a modern, central database on foreigners and we were informed that – as it is envisaged in the Resolution on Migration Policy - the preparations for such Registry has started. The databases – except the N-VIS and the ID and residence card registry – in their current forms cannot store biometric data. The plans cover the inclusion of such data in the new future registries.” <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • Significant progress has been made recently. (1) most elements are satisfactory, (2) however, a key element, a relevant database-system, is still not adequate. 		
2.4.2	Adopt and implement the integration policy for migrants including sustainable financial and social support	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “Regarding integration policy, legislation currently grants substantial rights to legal migrants, • To do: “but further efforts are required at the policy level.” • “The strategy for the integration of refugees and migrants has been adopted in 2008 and is currently being translated into an action plan.” • “It identifies measures ensuring access to social housing, employment, education and health protection as key future activities. Plans exist to create a central Integration Office to coordinate integration measures.” <p><u>EU national experts (Garamvölgyi):</u></p> <ul style="list-style-type: none"> • “There are no tailor made integration programs for immigrants although the Resolution on Migration Policy envisages a unified Integration Act. Meanwhile the Strategy for integration of 	2+	

		<p>refugees and foreigners serves as a basic cornerstone. The Integration Action Plan is expected to be ready by April 2009 with a foreseen Government approval by June 2009.”</p> <ul style="list-style-type: none"> • “According to plans a central integration office should be set up, that would supervise integration activities addressing foreigners.” • “Based on the information got in the Ministry of Labour and Social Affairs a Scheme of risk assumption of returnees exists, but no institutionalized activity was performed on reintegration.” <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • Macedonia is only partly compliant. An action plan for the integration of refugees is only now being drafted. 		
2.4.3	<p>Define and apply a methodology for <u>inland detection</u> and take measures improving the capacity to investigate cases of organised facilitated illegal migration</p>	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “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.” • To do: “However, in addition, <u>legislation is required to develop a clear framework for cooperation between the authorities involved in the fight against illegal migration</u>. 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.” • “The investigation and detection of organised forms of illegal migration is coordinated by the organised crime unit of the Ministry of Interior and functions in a satisfactory manner.” • “A proactive approach is adopted, with risk analysis and identification of priorities conducted on a regular basis. A wide network of cooperation with the liaison officers in the neighbouring countries (especially Albania, Bulgaria and Serbia) is established and efficiently used to prepare international investigations and actions.” • “Illegal migration is generally transitory in nature, and data suggests that the majority of detected illegal migrants are intercepted at or near the border.” • To do: “In conducting inland detection capacity to detect illegal workers should be strengthened by reinforcing cooperation between police authorities and the employment agency both at local and central level.” <p><u>The EU national experts (Garamvölgyi):</u></p> <ul style="list-style-type: none"> • “The responsibility to prevent, detect and investigate in illegal migration crimes or misdemeanour 	2	

		<p>offences is divided by scale/number of the perpetrators.”</p> <ul style="list-style-type: none"> • “Normal scale and “petit” criminal offences are tracked down by normal or border police forces, while the organized crimes dealt by the Organized Crime Department from the start or after shifting the case from the Police.” • “The discovering and tracking of illegal migrants based on previous situation analysis and on risk analysis. This later method was only introduced recently, thus the use of it is in an immature phase.” • “Continuous trainings are organized in this matter”. However “there is not special rulebook or manual on the detection, apprehension of illegal migrants.” • “National risk analysis on illegal migration has not been performed, yet. ... The risk analysis is drafted at the BCPs and Regions and mainly focusing on document forgery and illegal border crossings.” • “The major actor concerning fight against organized crimes facilitating illegal migration is the Organized Crime Department of Ministry of Interior. Inside the Department, the Unit for Trafficking in Human Beings and Smuggling of Illegal Migrants (hereinafter: Unit) is tasked with prevention, detection and investigation.” • “The Unit has 16 officers.” • “It has good working relations with all neighbouring country’s similar authorities, as well as with the Bucarest based SECI. The major collaborator in the investigation is the public prosecutor’s office.” <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • The Commission report is not entirely clear on this requirement. It would appear however, that inland detection has not be given the priority it deserves. Cooperation and coordination between relevant agencies, border police and police, also needs strengthening. Lastly, as the EU national expert notes, equipment of inland detection also needs upgrading. 		
2.4.4	Implement a law on the admission and stay of third country nationals, defining rights and obligations for the persons concerned (including family members of third country nationals)	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “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.” <p><u>The EU national experts (Garamvölgyi):</u></p>	1	

		<ul style="list-style-type: none"> • “The Law on Foreigners has been in operation for a year. Based on this and the executive rulebooks the admission of foreigners can be considered non-problematic. The system -despite the not very advanced IT background – can follow the paths of foreigners from the entry to the territory until the end of permitted stay.” • “The National Visa System is in operation since February 2008 and accessible by the Sector for Border Issues and Illegal Migration. Currently 95 % of the consular missions are connected to the system. 2 airports and the BCPs with the most frequent border traffic are connected to the system. The Visa sticker has a high security feature.” <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • The requirement appears to be sufficiently fulfilled, though further improvements are possible. 		
2.4.5	Ensure effective expulsion of illegally residing third country nationals from its territory	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “The procedure for expulsion of illegally residing <u>third country nationals is functioning</u>. The removals process is coordinated by the Regional Centres for border affairs, who enjoy <u>good cooperation with neighbouring countries</u>, in particular Albania.” • “Most removals are conducted by land. In 2008, the <u>number of successfully completed removal procedures substantially increased to 1301</u>. During the first three months of 2009, 234 persons were returned.” <p><u>EU national experts (Garamvölgyi):</u></p> <ul style="list-style-type: none"> • “The return procedure builds up gradually, well elaborated and resembles the regulation of EU MSs and that of the Return Directive.” • “Based on the official data the efficiency of removals are very good, due to the good bilateral relations with the neighbouring countries where most of the illegal migrants come from. The general length from expulsion decision to execution of deportation is 1.5 month.” • “The vast majority of removal is executed on land. The removals are processed in a speedy manner especially with Albania.” <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • Macedonia’s preparedness appears to be adequate. 	1	

3	Block 3: Public order and security	<ul style="list-style-type: none"> • “The former Yugoslav Republic of Macedonia has made significant and continuous progress towards the fulfilment of the benchmarks of block 3.” • “The country's extensive legislative framework has been further enhanced in the area of organised crime, notably as regards trafficking in human beings, fight against drugs and fight against financial crimes.” • “Strategies and action plans continued to be implemented. Administrative capacity of the established bodies has been strengthened and further efforts were made to ensure that the necessary human and financial resources are available. Training of personnel in all relevant crime policy areas continued.” • “The country has strengthened the cooperation between the law enforcement agencies and the setting up of the national intelligence database is underway. It is important that once the database is operational, it is available countrywide to all law enforcement bodies. Progress was also made in the area of corruption notably by the improvement of cooperation between key stakeholders. Special investigative techniques are increasingly used in corruption cases and capacity building of relevant actors is underway. There has been some progress in prosecuting crimes related to organised crime, trafficking in human beings and money-laundering, but efforts should be maintained in this regard. The legal framework concerning judicial cooperation in criminal matters was improved; efforts should be maintained to setting up an efficient mechanism on mutual legal assistance.” • “It appears that the former Yugoslav Republic of Macedonia <u>generally meets the benchmarks</u> set under block 3 of the roadmap.” 	1-	
3.1	<i>Preventing and fighting organised crime, terrorism and corruption</i>			
3.1.1	Complete implementation of the 2003 Action Plan for the fight against organised crime (in particular cross-border aspects) and ensure sufficient human and financial resources	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “The remaining measure of the Action Plan, namely the establishment of the central intelligence structure, is on track.” • “personnel in the relevant authorities is highly committed and well trained. • “A significant number of investigators have received international training and are involved in the training of other staff.” • “new Criminal Procedure Code is currently under preparation.” • “The positive trend has continued as regards convictions in cases related to organised crime and corruption as well as repression of crime on the ground and corruption in the relevant public bodies.” • “Department of Organised Crime at central level is well-organised and staffed.” • To do: “It is important that once functional, the database is available countrywide for all law 	2+	

		<p>enforcement bodies.”</p> <ul style="list-style-type: none"> • To do: “Continued training efforts are necessary as regards management skills, new legislation, special investigative techniques and data management.” • To do: “Some vacancies need to be filled” <p><u>EU national experts (Ribic):</u></p> <ul style="list-style-type: none"> • “The Action Plan is completely fulfilled” (p. 3). Regional prosecutors network exists and “seems that is working very well;” • “good cooperation with police and court. Mission report lists all the relevant departments in the MoI. States that of a total of 352 employees planned, 252 posts are filled, the remaining will be filled when qualified staff are found.” • [Information flow between departments and units is “good” and with other authorities (customs, ministry of justice, ministry of health)] “is running well.” • [Few international operations, but infrastructure is in place, cooperation mostly through SECI. However,] “Criminal investigation database is not yet running”, [but should do so in the course of 2009, though] “there are still a lot of technical questions that need to be resolved.” • [criticism:] Sector for special investigative techniques lacks staff (69 posts out of 113 employees planned), but is operational. Necessary amendments for application of special investigative techniques, of the Law on Criminal Procedure, and the Law on Interception of Communication, have been adopted. <p><u>ESI Evaluation:</u></p> <ul style="list-style-type: none"> • Macedonia has achieved a very high level of compliance with regard to this very difficult requirement. Nevertheless, further work is necessary, in particular regarding the full implementation of the criminal investigation database, filling remaining vacancies and training. 		
3.1.2	Implement the 2006 Strategy for Combating Trafficking in Human Beings and the 2006 Action Plan and ensure sufficient human and financial resources	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “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.” • “Good coordination in this area has continued and training of regional and local police services in preventing and fighting trafficking in human beings is a clear priority.” • “Parliament adopted the Law on the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings in April 2009.” 	1	

		<ul style="list-style-type: none"> • “Further efforts ... in the area of protection of victims of trafficking with the modification of the legislative framework on their social protection.” • “The Government has ... taken over the responsibility from international donors over victim shelters.” • To do: “implementation [of CoE Convention] into national law via by-laws needs to be pursued in the future.” • To do: “Victim shelters should be [managed by] NGOs and sustainable financial support [should be] provided to their work.” <p><u>ESI Evaluation:</u></p> <ul style="list-style-type: none"> • Macedonia has almost fully complied with this requirement. 		
3.1.3	Implement the 2005 National Strategy to Combat Money Laundering and Financing of Terrorism; adopt and implement a law on the prevention of financing of terrorism; implement relevant legislation on confiscation of assets of criminals (including the provisions addressing cross-border aspects)	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “2005-2008 national strategy to combat money laundering and financing of terrorism has been implemented” and • “new Strategy for Prevention of Money Laundering and Financing of Terrorism for 2009 -2011 was adopted in January 2009”; [responsibilities of implementation and reporting are defined!] • “A law on the prevention of money laundering and financing of terrorism was adopted in January 2008.” • “progress with [necessary] by-laws was made (e.g. requirements for the reporting institutions, software facilities of the IT banking systems, contents of the daily reports on the transactions concluded through the stock exchange).” • “Criminal Procedure Code and the amendments to the Criminal Code addressing extended confiscation, illicit enrichment and liability of legal entities are in preparation” • “The number of reports on suspicious transactions has been on further rise.” [Training of staff, investigations and convictions continue to improve.] • “The Law on management of confiscated property has been adopted.” • To do: “Continue with training for all relevant staff.” • To do: “ensure all the necessary human and financial resources to the Agency” [for Management of Seized Property.] 	1-	

		<p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • Macedonia has almost fully complied with this requirement. Only very few issues remain to be implemented. 		
3.1.4	<p>Implement the 2006 National Drugs Strategy; make the information on drug seizures and persons involved accessible at border crossing points; further develop cooperation and information exchange with relevant international bodies in the drug field</p>	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “The action plan on drugs covering 2008 -2012 is being implemented.” • “law on narcotic drugs was enacted in November 2008 and the legislative framework largely fulfils the acquis requirements and international standards.” • “The law on chemicals and the law on precursors are in force and by-laws adopted. • “Work on drug related information collection in line with European and international standards is ongoing as scheduled.” • “strong international and regional law enforcement cooperation in the anti-drug area and the numbers of seizures at borders are increasing.” • To do: [Seizures take place] “at the country's entry points. Mechanisms should be developed to have regular checks at border exit points and on the country's territory.” <p><u>EU national experts (Ribic):</u></p> <ul style="list-style-type: none"> • “No special remarks on legalisation and implementation of m2006 National Drug Strategy” • [New action plan for drugs 2008 -2012 adopted. Necessary legal amendments in accordance with EU legislation adopted. National Focal point fully operational. 11 methadone substitution centers. Law on Chemicals should be adopted in July 2009. First Macedonian National Report in line with EMCDDA (European Monitoring Center for Drugs and Drug Addiction) standards is prepared.] • [Unit against illegal trafficking with drugs and weapons has 17 of 19 planned staff.] • [Good cooperation with international bodies and counterparts in neighbouring countries, information exchange mainly through SECI; good cooperation with domestic bodies (customs, police). Officers have received international training. Mission report lists amounts of drugs confiscated in 2008, including 64kg of heroin and 1,637kg of cocaine, 122kg of Marihuana.] <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • Macedonia has achieved high level of implementation with only few issues remaining to be implemented. 	1-	

3.1.5	implement legislation on preventing and fighting corruption and improve effectiveness of the State Anti-Corruption Commission	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “Code of criminal procedure and the law on monitoring of communications were amended” • 2008 Report: “numerous legal acts in the area of anti-corruption make implementation and monitoring difficult however.” So far only partial solutions to the problem; • “Law enforcement agencies ... demonstrated a steady determination to cooperate and coordinate.” • “There is a steady increase in the number of corruption cases in which special investigative means” • “Cooperation among key national stakeholders such as the State Anti -Corruption Commission, the Public Revenue Office, the Public Prosecutor's Office for prosecuting Organized Crime and Corruption and the similarly specialised judges has improved.” • PR measures for the State Anti-Corruption Agency: “capacity building of the relevant actors ... is underway” • “number of convictions in corruption, especially those in high level corruption, although still low, is improving” • To do: “Further efforts are needed to increase transparency of the decision-making process in public institutions.” <p><u>EU national experts (Neder):</u></p> <ul style="list-style-type: none"> • Action plan: “2007 – 2011 Government Action Plan for Combating Corruption, adopted on June, 26th 2007” • [Implementation of Action Plan monitored by Council headed by the President of the Government.] • “In March 2008 the government adopted the budget of the Action Plan, which is up to 642.7 million denars.” • State Commission for Prevention of Corruption (SCPC): “The SCPC is ... composed of 7 members” [part time employees] • “Work is done by the secreteriat with a total number of 14 employees”; [26 positions still need to be filled.] • “SCPC is responsible for implementation of the Law on Prevention of Conflict of Interests and • [SCPC] “has adopted in May 2008 a State Program for Prevention and Reduction of Conflict of Interests with an action plan.” • “70 cases of conflict of interest were reported to SCPC out of which only 5 cases with officials reporting themselves.” • “Art. 23 of the law stipulates the need to inform the public of the ... outcome of ... procedure for 	2+	
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		<p>determining the existence of possible conflict of interests.”</p> <ul style="list-style-type: none"> • “SCPC developed ... a Strategic Plan for promotion of public relation ... [the] implementation of this strategy [for PR is] ... crucial as there still seems to be a lack of public awareness of the role of SCPC.” • “According to Art. 33 of the Law on Prevention of Corruption every appointed civil servant, official or responsible person in a public enterprise or other juridical person managing state capital is obliged to report property ... to SCPC and the Public Revenue Office (PRO)” <ul style="list-style-type: none"> • “Also every increase in property” • [Information is] “crosschecked with data of the Public Revenue Office” • “there is an almost daily cooperation between SCPC and PRO • “in 2008 SCPC initiated 33 misdemeanour procedures against obliged officials for not having submitted the declaration” • However, screening is not no systematic • [Statistics show:] “in 2008, 317 new property declaration forms have been submitted (226 in 2007). In 2008, SCPC has submitted 17 requests to PRO for initiating procedures which may end in taxing 70% of the additional (not declared) income and / or in criminal charges for tax misdemeanour” • “cooperation [of SCPC] with the Public Prosecutor and the Public Revenue Office seems to be in place on a satisfying level.” • Anti-corruption investigations: “Conducted by “Unit against Corruption within the Department for Organized Crime in the Ministry of Interior” • [The Unit] “has a staff of 7 officers plus Head of Unit.” • [Currently investigations into 7 big cases] • [when necessary cooperation with regional offices – coordination then by Public Prosecutor; cooperation with PP is good] • “Special investigative means like secret surveillance, simulating bribery and simulating acceptance of the bribe” [can be] “applied in cases of corruption.” • “Public Prosecutor’s Office for Prosecuting Organized Crime and Corruption (POCC) [ordered such investigative means] in 10 cases” [in 2008 and 10 cases in 2007.] • “new Amendment on the Law on Interception of Communications from September, 2nd 2009” allows “to apply this measure to receiving (Art. 357 Criminal Code) and giving of bribe (Art. 358 CC)” [though it was not applied yet;] 		
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		<p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • Many very positive steps undertaken; trajectory is clearly positive; some areas are however still suboptimal; 		
3.1.6	Implement relevant UN and Council of Europe conventions, as well as GRECO recommendations and other international standards in the areas listed above and on fight against terrorism	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “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.” • “implementation of the remaining GRECO recommendations continued.” • “The OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions has not yet been signed and ratified.” <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • The trajectory is positive, though Macedonia still needs to undertake further important measures. 	2+	
3.2	Judicial co-operation in criminal matters			
3.2.1	Implement international conventions concerning judicial cooperation in criminal matters (in particular Council of Europe Conventions)	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • [All] “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.” <p><u>ESI Evaluation:</u></p> <ul style="list-style-type: none"> • Macedonia fully complies with the requirement. 	1	
3.2.2	Take measures aimed at improving the efficiency of judicial co-operation in criminal matters of judges and prosecutors with the EU Member States and with countries in the region	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • 2008 Report: “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.” • “The Basic Public Prosecutors Office for Fight against Organised Crime and Corruption has the main responsibility for [issues of] Mutual Legal Assistance in criminal matters” • “Amendments were made to the Criminal Procedural Code taking on board international standards in mutual legal assistance (will be in force from June 2009)” • [Increasing experience in the various forms of Mutual Legal Assistance (MLA)] 	1	

		<ul style="list-style-type: none"> • “Regional cooperation, at the level of the Public Prosecutor's Office, is well developed.” • “Training needs are addressed through the Academy for Training of judges and public prosecutors.” • “EU financed projects on exchange of experiences and support of networking ... aim to develop and improve direct contacts.” <p><u>ESI Evaluation:</u></p> <ul style="list-style-type: none"> • Macedonia appears to fully comply with the requirement. 		
3.2.3	Develop working relations with Eurojust mainly through the Eurojust contact point	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “The cooperation agreement with Eurojust has been signed in November 2008. The Law on Ratification of the Agreement was adopted on 15 April 2009 by the Parliament.” • “As regards Eurojust, a contact person has been appointed, and negotiations for a specific agreement on cooperation are ongoing.” <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • Macedonia is compliant. 	1	
3.3	<i>Law enforcement co-operation</i>			
3.3.1	Take necessary steps to ensure efficiency of law enforcement co-operation among relevant national agencies - especially border guards, police, customs officers through full interagency cooperation in the field of intelligence exchange -, as well as cooperation with the judicial authorities	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “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.” • “Cooperation among the units of the Organized Crime Department and with other authorities (Customs, Ministry of Justice, and others) is running smoothly.” • “The Manual for conducting criminal investigations was adopted in 2008, unifying the manner of operational activities.” • To do: “Human and financial resources of the recently established and reformed Police Training Centre need to be strengthened.” • To do: “Police coordination with regional and local level and their operational capacities should be reinforced.” 	unclear	

		<p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • Very good progress so far. The trajectory is clear. Some further capacity building is needed. 		
3.3.2	Reinforce regional law enforcement services co-operation and implement bilateral and multilateral operational cooperation agreements, including by sharing on time relevant information with competent law enforcement authorities of EU Member States	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • 2008 Report: “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.” • “The Sector for international police cooperation of the Ministry of Interior is the designated coordinating body for all assistance activities in regional and international cooperation and is also the contact point for the foreign liaison officers.” • To do: “The number of well-trained personnel needs to be reinforced in order to be able to cope with the increased number of assistance requests of all forms and to provide all around the clock service.” <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • Good progress made by Macedonia, further training and upgrading of human resources is, however, still necessary. 	2+	
3.3.3	Improve the operational and special investigative capacity of law enforcement services to tackle more efficiently cross-border crime	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “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.” • “The present legal framework concerning investigative means and the available technical capacities are satisfactory.” <ul style="list-style-type: none"> • To do: “Nevertheless, the ongoing reform of Criminal Procedure Law might require some modification of the special law on the use of interception of communications.” • To do: “In order to ensure efficient but controlled use of” special investigative means, ongoing 	1-	

		<p>training is also necessary”</p> <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • The requirement is basically fulfilled; minor reforms and improvements are still necessary. 		
3.3.4	Implement the action plan for the signature of an operational cooperation agreement with Europol	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “The cooperation with EUROPOL has been well progressing recently.” • “The data protection assessment will be finished soon by EUROPOL which can pave the way for the conclusion of an operational agreement.” <p><u>EU national experts (van der Stock):</u></p> <ul style="list-style-type: none"> • “The Europol department [is located within the Sector for International Police Cooperation within the MoI.] [It] consists ... of 2 persons.” • “The department is in the advanced preparation phase and counts to have an agreement next year 2010.” • “The Sector participated with Europol on the OCTA Europol and also for OCTA SE Europe. “ <p><u>ESI Evaluation:</u></p> <ul style="list-style-type: none"> • Macedonia is a very good achiever regarding this requirement. All other Western Balkan countries only needed to sign and implement strategic cooperation agreement, Macedonia is already at the operational level. Apparently it is now in the phase of final verification. 	1-	
3.4	<i>Data protection</i>			
3.4.1	Adopt necessary legislation on the protection of personal data and implement its provisions and ensure the independence of the Data Protection Directorate	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “An adequate legal framework is in place ensuring the protection of personal data, together with an independent data protection supervisory authority. “ • To do: “The Directorate for personal data protection need to continue to apply and enforce the rules effectively.” <p><u>ESI Evaluation:</u></p> <ul style="list-style-type: none"> • The requirement is nearly fulfilled. 	1-	

3.4.2	<p>Ratify and implement relevant international conventions, such as the Additional protocol of the Council of Europe Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data</p>	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “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.” <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • Macedonia has fulfilled this requirement. 	1-	
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4	BLOCK 4: External Relations and Fundamental Rights	<ul style="list-style-type: none"> • “The former Yugoslav Republic of Macedonia is well advanced in the areas covered by the benchmarks of block 4.” • “It has an adequate legal framework ensuring freedom of movement of its citizens and access to personal documents. In practice, however, it is estimated that a significant number of Roma are lacking personal documents.” • “There is a high number of constitutional guarantees as regards non-majority communities which have been put into practice through the implementation of the Ohrid framework agreement and which include specific legislation, structures and concrete actions.” • “A draft general law on anti-discrimination is pending before Parliament. It aims to align with EC acquis on anti-discrimination and should further improve the level of legal protection against discrimination.” • “The rules on citizenship are in line with EU practice. Citizenship is primarily acquired on the basis of origin. Citizenship by naturalisation is subject to strict conditions.” • “The legislation sets a high level of protection of minorities. A Roma strategy and action plans are in place but their implementation is slow.” • “It appears that the former Yugoslav Republic of Macedonia <u>meets the benchmarks set under block 4</u> of the roadmap.” 	1	
4.1	<i>Freedom of movement of nationals of the former Yugoslav Republic of Macedonia</i>			
4.1.2	Ensure that freedom of movement of citizens of the former Yugoslav Republic of Macedonia is not subject to unjustified restrictions, including measures of a discriminatory nature, based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “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.” • “<u>The authorities recognize the problem of access to documents by Roma and other vulnerable groups.</u> There is <u>no reliable information</u> on the exact number of persons facing problems in this respect.” • “This situation is mainly due to the lack of information on how to acquire documents and to the poor financial situation of persons belonging to Roma ethnic community and other vulnerable groups. <u>Measures are being undertaken by the authorities in the area.</u>” • “All refugees, asylum seekers and persons under humanitarian protection have ID cards. As the category "persons under humanitarian protection" has been replaced by "persons under subsidiary 	1-	

	minority, property, birth, disability, age or sexual orientation	<p>protection", the issuance of the new IDs for persons under subsidiary protection will start in the first quarter of 2009."</p> <p>ESI evaluation:</p> <ul style="list-style-type: none"> • Legal provisions appear to be adequate. There is a significant lack of information regarding Romas. 		
4.2	<i>Conditions and procedures for the issue of identity documents</i>			
4.2.1	-ensure full and effective access to travel and identity documents for all citizens including women, children, people with disabilities, people belonging to minorities and other vulnerable groups	<p>Commission Assessment:</p> <ul style="list-style-type: none"> • "It has an adequate legal framework ensuring [...] access to personal documents. In practice, however, it is estimated that a significant number of Roma are lacking personal documents" • "Special efforts are made to ensure access to documents for specific groups." • "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." • [However,] "the authorities recognize the problem of access to documents by Roma and other vulnerable groups. There is no reliable information on the exact number of persons facing problems in this respect. This situation is mainly due to the lack of information on how to acquire documents and to the poor financial situation of persons belonging to Roma ethnic community and other vulnerable groups. Measures are being undertaken by the authorities in the area." <p>Block 4 Meeting Report:</p> <ul style="list-style-type: none"> • "There is no reliable information on the exact number of persons facing problems in this respect but NGOs estimate that between 3000 and 5000 persons are currently lacking personal documents. This situation is mainly due to the lack of information how to acquire documents and to the poor financial situation of persons belonging to Roma ethnic community and other vulnerable groups." • "Measures are being undertaken by the authorities in the area, including in the framework of a regional project managed by UNHCR and funded by the EU covering the <i>"Social inclusion and access to human rights by the Roma, Aeshkali and Egyptians in the Western Balkans"</i> and aiming, among others, to develop a methodology to solve problems related to access to documents." <p>ESI Evaluation:</p>	1-	

		<ul style="list-style-type: none"> The legal framework is sufficient. However, problems persist with regard to access to ID cards by Roma. 		
4.2.2	Ensure full and effective access to identity documents for [IDPs] and refugees.	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> “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.” “All refugees, asylum seekers and persons under humanitarian protection have ID cards. As the category "persons under humanitarian protection" has been replaced by "persons under subsidiary protection", the issuance of the new IDs for persons under subsidiary protection will start in the first quarter of 2009.” <p><u>ESI Evaluation:</u></p> <ul style="list-style-type: none"> Macedonia is almost fully compliant. 	1	
4.3	<i>Citizens' rights including protection of minorities</i>			
4.3.1	Adopt and enforce legislation to ensure effective protection against discrimination	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> “In addition to constitutional anti-discrimination stipulations and provisions in criminal, civil and administrative laws, a comprehensive anti-discrimination law is being prepared.” “The constitutional court has extensive powers to ensure that all rights including non-discrimination are implemented in law. The Ombudsman is required to pay special attention to discrimination against minorities.” [At the moment the draft law] “on anti-discrimination is pending before Parliament. It aims to align with EC acquis on anti-discrimination and should further improve the level of legal protection against discrimination.” “This framework law will help to ensure more effective protection of citizens against possible forms of discrimination.” “It would establish an equality body either by granting new powers to the Ombudsman or creating a new council for the prevention of discrimination.” <p><u>The EU national experts:</u></p> <ul style="list-style-type: none"> [There is no anti-discrimination law.] “A new anti-discrimination law is under preparation.” 	2+	

		<p>[Nevertheless, a list of legal documents that contain provisions referring to discrimination was provided for the purpose of the expert mission.]</p> <ul style="list-style-type: none"> “In this context, the Commission pointed out that the provisions of the labour code on discrimination on other grounds than gender should be reinforced. The new anti-discrimination law should cover the existing gaps.” <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> A comprehensive anti-discrimination law is only currently being prepared. 		
4.3.2	Specify conditions and circumstances for acquisition of citizenship	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> “The rules on citizenship are in line with EU practice. Citizenship is primarily acquired on the basis of origin. Citizenship by naturalisation is subject to strict conditions.” “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.” 	1	
4.3.3	Ensure investigation of ethnically motivated incidents by law enforcement officers in the area of freedom of movement, including cases targeting members of minorities	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> “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.” “In 2008 there were 64 complains from citizens concerning police use of physical force. There are about 30 complaints every year. Disciplinary measures have been taken against special police for excessive use of force against Roma. The mechanism for handling complaints against police forces is under review, and to date the administrative capacity of the Public Prosecutor's office to handle such complaints has been strengthened.” <p><u>Block 4 Meeting Report:</u></p>	1-	

		<ul style="list-style-type: none"> • “The Sector for internal control and professional standards in the MoI is responsible for investigating complaints from citizens regarding incidents with police forces (around 30 complaints per year). Disciplinary measures had been undertaken against special police for excessive use of force against Roma.” <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> • The situation is positive. Investigations are being undertaken. It would appear that complaints regarding police brutality are being taken seriously. 		
4.3.4	Ensure that constitutional provisions on protection of minorities are observed	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> • “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.” • “A high level of protection of minorities is enshrined in the Constitution and a number of laws. The country is also a party to all relevant international treaties, which are directly applicable in national law under Article 118 of the Constitution.” <p><u>The EU national experts:</u></p> <ul style="list-style-type: none"> • “A number of constitutional provisions protect equal rights for all citizens and provide for positive discrimination in favour of minorities. The constitutional court has extensive powers to ensure that all rights including non-discrimination are implemented in law. The Ombudsman (established under amendment XI of the constitution) is presumed to pay special attention to discrimination against minorities.” <p><u>ESI evaluation:</u></p>	1	

		<ul style="list-style-type: none"> Macedonia appears to comply with this requirement. 		
4.3.5	Implement the relevant policies regarding minorities, including Roma	<p><u>Commission Assessment:</u></p> <ul style="list-style-type: none"> “The Roma Strategy and the action plans for inclusion of Roma are slowly being implemented (2009 budget is 375.000 €). As of date, there are two projects in co-operation with NGOs: inclusion of Roma children in pre-school education and establishment of Roma Information Centres. In 2008, an additional action plan was adopted in order to improve the status of Roma women.” <p><u>The EU national experts:</u></p> <ul style="list-style-type: none"> “Policies and activities for inclusion of Roma are provided in the framework of the National Strategy on the Roma and the Decade of Roma Inclusion, i.e., under the corresponding National Action Plans and Operative Plans. Prepared in 2004 and 2005, these plans have been revised with the support of the OSCE Mission and are to be approved by the Government.” “A Unit for implementation of the Roma Strategy and the Roma Decade action Plans has been set up in the Ministry of Labour and Social Policy for coordinating the activities between all relevant institutions, NGOs and the National Coordinator for the Roma Strategy and Roma Decade.” “Two major projects are being implemented in close cooperation with NGOs: project for inclusion of Roma children in pre-school education and project for opening of Roma Information Centres. Last year an Action Plan was adopted for advancement of the status of Roma women.” <p><u>ESI evaluation:</u></p> <ul style="list-style-type: none"> Macedonia appears to be undertaking the right measures, though implementation seems to be somewhat slow. 	2+	