



Republic of Macedonia

October 2008

OVERVIEW OF ACTIVITIES FOR MEETING THE REQUIREMENTS OF THE EU VISA LIBERALIZATION ROADMAP FOR THE REPUBLIC OF MACEDONIA

I. BLOCK 1: Document Security

Passports/travel documents, ID cards and breeder documents:

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

Republic of Macedonia issues biometric travel documents, in accordance with ICAO and the EC standards. In April 2007, electronic travel documents were introduced, with two types of biometric data: first biometric data, photo of the travel document holder, that is personalized and protected with basic protection mechanism (BAC); and second biometric data, fingerprints (from the right and left hand) of the passport holder, that are kept in a data base, however personalization in the travel document will be introduced upon establishment of an appropriate security infrastructure in order to provide advanced protective mechanism (EAC). This activity is planned to be completed by the end of 2008 or at latest by June 2009, when the deadline for implementation of the second biometric data in the electronic travel documents of the EU member states expires.

Table 1. Personal documents issued according to the new standards

Type of document	Travel documents	Travel documents - official	Travel documents - diplomatic	Personal ID	Driver license	Travel documents foreigners	License for permanent residence	License for temporary residence
Total number	321.831	402	639	196.551	95.038	64	45	2742

Phasing out of old travel documents (passports): Old travel documents are valid until 01.04.2012 (five years after the entry into force of the new Law on travel documents).

Phasing out is planned as follows:

- In 2009: 384.493 old documents are still valid;
- In 2010: 296.066 old documents are still valid;
- In 2011: 189.141 old documents are still valid;
- In 2012: 86.542 old documents are still valid;

These numbers are at maximum, but in meantime citizens apply for new passports although their old ones are still valid.

The Mol will proceed with the following activities:

- o Monitor the utilization of the new personal documents system, on a continuous basis.

- Establish the PKI infrastructure, in order to set the implementation of the EAC mechanism, necessary for introducing fingerprints to the biometric travel documents, in compliance with the EC standards.
- Implement the changes in the new personal documents system in the area of personalization and control of the quality of the personalized documents and provide communication with the new PKI infrastructure.

2. Implement appropriate administrative measures ensuring the integrity and security of the personalization and distribution process

Personalization of the new personal documents is performed on a centralized level within the Ministry of Interior. Security of the personalization process is governed by security measures, which are determined in a Rulebook and implemented by employees of the Section for personalization that are trained in security. The logistic concept implemented in the Center for personalization includes: controls, separation of duties, and four eyes principle. The integrity and security of the process of personalization are already implemented, in the phase of designing the system, and includes: safe, encrypted communication between the elements of the system, personalization with minimum human intervention in the automatic continuous process, technology of laser engraving polycarbonate, digital signature, biometric identification while presenting the System of all persons involved in the process and using cards for access with defined roles and privileges. Therefore, the infrastructure necessary for complete monitoring of the implemented changes in the system is being provided.

Mol is responsible for ensuring security of the document distribution process, which is done by internal delivery to the police stations with armed service vehicles. This process is monitored administratively by an appropriate documentation, confirmed with signatures of the persons involved.

The personal documents application process is in administrative procedure implemented in a secure manner. When delivering the document, the administration has to verify the existence of the person's data in the Central evidence book of matriculation, and if the data is valid the procedure continues. The automatic administrative procedure and its two-level structure (upon submitting an application, there is procedure for its approval or rejection), as well as the registration of every activity of the authorized officer, provide for the necessary controls be completed by the responsible persons.

3. Establish training programs and adopt ethical codes on anti-corruption targeting the officials of any public authority that deal with visas or passports

Several organizational units within Mol deal with issuance of travel documents: Sections for administrative affairs - Sections for travel documents within the Sectors for internal affairs and the External offices for administrative affairs within the Police Stations of general competence - authorized for the travel documents issuance of the Macedonian citizens; and Sections and units for foreigners within the Regional centers for border affairs - authorized for travel documents issuance for foreigners. Also, the Unit for personalization of the personal documents within the Sector for information technology is processing all submitted requests for issuance of travel and other personal documents.

The Ministry of interior, through the Sector for internal control and professional standards implements the programs and provisions of the Government against corruption in the public administration. Mol for the first time in 2006 prepared an Anticorruption Program, which was implemented until December 2007. At the end of 2007 the Anticorruption Program for 2008 was adopted, together with an Action Plan.

With the Anticorruption Program, series of measures and activities are anticipated in order to decrease the corruptive behavior of the MOI officers and to provide conditions for appropriate control, detection and sanctioning of such behavior. The program includes trainings on anti-corruption.

During 2008, there will be trainings on integrity and the code on behavior for all state officials from the area of administrative affairs. The 2008 Annual Plan will be amended and will include trainings on countering corruption for the employees in the mentioned services.

Statistical data

During 2007, criminal charges were submitted against three employees in the department for issuance of driving licenses: 2 employees in the Sector for Internal Affairs in Prilep for misuse of the service and one employee in Sector for Internal Affairs in Veles for evasion.

The Anticorruption program defines the phenomenon of corruption within the police with an intention to make it easier for identification and elimination. The objective of the Program is to create proactive policy of the Ministry in the field of corruption suppression, to narrow down the possibilities for corruptive behaviour and to install mechanisms for duly and adequate reaction to every corruptive behaviour recognised. This program particularly emphasises the aspect of police management and the management within the Ministry in general.

Regarding the travel documents issuance, visa and movement and residence of the foreigners in the Republic of Macedonia the legal provisions are harmonised with the EU acquis. Standards and procedures are prepared in order to restrict the possibility for discretion or arbitrary decision-making by the officers working on this issue. There are 2 levels of control of the work of these services: control carried out by the management and control performed by the Sector for Internal Control and Professional Standards.

The Sector for Internal Control and Professional Standards continuously implements its Anticorruption Program:

- The career promotion system in the Police is in a phase of adjustment, based on the principles of expertise, competence and results from the performance, and it will become functional upon the adoption of the new Law on Internal Affairs.
- The activities for reducing the discretion rights for each working post are being carried out permanently (precise standards and procedures are defined for each working post, eliminating the possibilities for arbitrary action or decision making);
- several seminars were held on "Permanent strengthening of the mechanisms and capacities of the Ministry with an aim of efficient fight against the corruption and the corruptive behaviour" for the employees within the Sector for Internal Control and Professional Standards and the Organised Crime Department. The material-technical situation has improved within the organisational units having competences in the fight against this type of criminality. The established cooperation with the other respective institutions continues to be extended (with the Public Prosecution Office, Courts, the Customs Administration, the Financial Police Office and the Money Laundering and Financing of Terrorism Prevention Office).
- Deepening of the cooperation with the Ombudsman and NGO sector – the cooperation with the Ombudsman has significantly improved and is realised on a daily basis.
- The Ministry of Internal Affairs took active part in the OSCE Project on establishing an external control mechanism for the police performance. In close cooperation, the Ministry of Internal Affairs will proceed with the activities, focused on the transparency and the fair performance as prerequisites for creation of partnership with the citizens.

The Ministry of Internal Affairs provided funds for realisation of the projected activities from the Action Plan.

Adoption of Annex to the Annual training Plan for the Ministry of Internal Affairs is planned foreseeing anticorruption training for the public officials within the Ministry working on the passports and visas. The implementation of the aforementioned training is foreseen to last until November 2008.

Training programs and the application of the Anticorruption Code of Ethics for all public officials working with visas and passports are determined by Sector for internal control and they cover correlation between the Anticorruption Program of the Ministry of Internal Affairs and the Code of Police Ethics.

An Anti-corruption Training Program was adopted by the MoI (2.9.2008), further information on this program could be found in the text of Requirement No.8 on page 18.

4. [Report to Interpol/LASP data base on lost and stolen passports]

Information on stolen/lost travel documents is regularly placed into the central ASF data base in Interpol for stolen/lost travel documents by NCB Interpol Skopje, based solely upon request of the Section for foreigners.

Upon request from the national police authorities or other national bodies involved in the fight against organized crime, NCB Interpol Skopje carries out necessary security checks in the ASF Interpol base and provides reports, respectively. Implementation of the Project financed by the Stability Pact, and coordinated by the General Secretariat of Interpol, is underway, where certain authorities (police authorities in most cities in RM, Organized Crime Department, the Section for foreigners, the administrative services for issuance of the travel documents and vehicle registration services, duty services at the regional centers of the border police, etc) will have direct approach to the ASF bases of Interpol (for persons, stolen vehicles, stolen/lost travel documents and stolen works of art and cultural inheritances). This will ensure access to direct, quick and prompt information.

The Republic of Macedonia currently participates in the ASF base with approximately 40000 travel documents. The data base includes information on the type of the travel document, date of issuance, validity period, country of issuance, data whether it is stolen or lost, "blank" or issued document, but not information on the travel document holders.

Contact person at the Interpol NCB – Skopje is Mr. Branko Velkov: Tel. + 389 2 135 966; branko_velkov@moi.gov.mk.

5. Ensure a high level of security of breeder documents and ID cards and define strict procedures surrounding their issuance

A. Matricular Certificates

The basic personal data of the citizens in the Republic of Macedonia are stored in the matricular books for born, married and deceased persons. The Law on matricular evidence (official gazette of the Republic of Macedonia No. 8/95, 38/02 and 66/07) precisely foresees which personal data are inscribed in the matricular books, the competent body for its documentation, the deadlines for registering particular data, etc. The Guideline on the manner of documentation, protection and storage of matricular books and documents, the templates of matricular books, issuance of certificates, records, transcripts and copies on the basis of matricular books, on a procedure and compiling a record for the found child, reopening of destroyed, damaged or missing matricular books and registers of matricular books (Official gazette of the Republic of Macedonia no. 19/98), clearly explains the manner and procedures for inscription in the matricular books, the issuance of certificates, defines the templates of certificates and their protective features, the inscription of remarks in the matricular books, their storage and protection, storing registers ets.

Pursuant to the Law on matricular evidence, the matricular books, certificates and records issued on the basis of matricular books are public documents. The Ministry of Interior and other bodies determined by Law, are responsible for keeping matricular books. In the Republic of Macedonia, matricular books are stored separately for each area, according to the matricular regions determined by the Ministry of Interior. Currently, matricular books are stored for all areas in the Republic of Macedonia, and the books are located i.e. the inscriptions are made and certificates and records are issued in 30 cities, in the regional units of MoI, but 237 local offices are governed by the Ministry of Justice. MoI is responsible for monitoring of the matricular affairs.

Handing over of the legal competences for storage of matricular evidence from Mol to the Ministry of Justice is to be completed.

Administrative procedure

Data regarding birth, death or concluded marriage on the territory of the Republic of Macedonia are inscribed in the matricular books, regardless of whether the persons to whom these data refer are citizens of the country or foreigners, whether their residence is registered in the Republic of Macedonia or not. Data on birth, marriage or death of citizens of the Republic of Macedonia that occurred abroad and of persons that accepted Macedonian citizenship are also inscribed in the matricular books.

According to the Law on matricular evidence, the matricular books, certificates and records issued on the basis of matricular books for born persons are public documents with unlimited period of validity.

The certificate from matricular book is issued with the latest data inscribed in the matricular book during the issuance of the certificate; the certificate issued on the basis of matricular book contains separate data inscribed in the matricular book. A transcript or a copy can be issued from the inscription in the matricular books. The requests are submitted to the matricular services where the matricular book is maintained, where the data on particular birth, marriage or death is inscribed or in the diplomatic and consular offices of the Republic of Macedonia.

Template of the certificates

Article 31 of the Guideline on matricular books, precisely defines the security features (dimension, colour, security stamp) of the certificate of the matricular book. This certificate includes unique matricular number for every citizen, as sole identifier.

A new application for printing certificates from the matricular books was implemented governed by the Ministry of Interior, and certificates are printed directly from the database.

B. ID Cards

Republic of Macedonia has implemented new generation of ID card from 01.10.2007. ID card is obligatory document for personal identification for all adult citizens (over 18 year age). Legal framework for implementation of the new ID card is the Law on ID card (19.02.2007) and its bylaws which precisely define procedures and content of ID card.

All citizens of Republic of Macedonia are obliged to replace their ID cards until 1.10.2010.

Enrolment of data, administrative procedure, personalization, distribution and issuing of ID cards has been developed and implemented within the scope of the Project for New Personal ID document (together with passports, driving licenses, documents for foreigners).

ID CARD (quality and security features) - Quality of material

The card is laminated from several layers of films, all films being made of Polycarbonate (PC). The outside films are transparent and protect the layout printing and personalization data on the inner layers. All security and personalization features are hermetically sealed.

The physical characteristics of the card are compliant to the standards (card dimensions, bending stiffness, toxicity, resistance to chemicals, card dimensional stability and war-page with temperature and humidity, light, exposure, delamination, adhesion or blocking and light transmittance). The cards are suitable for laser engraving / laser personalization.

Dimensions of ID-1 card: 85.60 mm wide 53.98 mm high with tolerance

ID CARD Features:

- Guilloche Design and Rainbow Printing (the front and back of the cards are provided with a security background consisting of a fine structured guilloche). The card designs are made with guilloches using different principal color(s) for design of each document type.

- Micro Printing. This consists of line patterns or single lines on the front and back of the card containing micro printing that is undetectable by the naked eye, but can be read with the aid of a magnifying glass. Text: Republic of Macedonia (as repeated text lines)
- Softened Areas for Personalization Purposes, to provide for optimum visibility of the photograph and there is very little or no printing in the relevant areas of the card.

The transition between background print and printing void is not sharply defined, however, but gradual.

- Optically Changing Colours (OVI® feature). Optically Variable (changing) Colours is a printing feature that changes in colour depending on the angle of inspection.
- UV Printing. Special pigments added to colourless printing ink are used for special effects and enhanced counterfeit security. This effect only appears if the card is placed under an ultraviolet lamp (UV light). With colourless ink, a normally invisible printed feature will appear; otherwise a change in colour (Borderline of Macedonia, MKD) will occur.
- Inks with Infrared Security Elements. Headlines of documents printed with a special pigmented black ink, which shows a dark response to infrared illumination. The card body material itself and the printing colours which will be used for the design do not show that infrared illumination, because they are out infrared-transparent.

Administrative procedure

Administrative procedure (supported by SW applications) has been designed according to legislative and security concept and consists of few steps:

1. Identification of applicant in MOI Central citizen database (PIN database established since 1981)
2. Transfer of data from MOI Central database, enrolment of biometric data (photo, 2 fingerprints, and signature), acquisition of data related to the application process
3. Sending application record to approval (approval officer)
4. Approval of application, or sending to authorization process (authorization officer)
5. Authorization (optionally, authorization officer)
6. Personalization (centralized)
7. Issuing document to citizen
8. Prohibition management
9. Document management

Personalization process (according to ICAO)

Centralized personalization process is using laser engraving technology on polycarbonate, with minimum human intervention. After personalization process, quality assurance process is implemented (visual and data verification). Part of the QA is implemented in the laser engraving machine. Personalization centre is in secure environment, working process is organized with secure separation of duties, fully monitored with trained people. Delivery of personalized documents is done via armed police team. Each delivery is documented and delivery list is controlled and signed. Personalization is done according to ICAO recommendation for ID-1 documents (includes Machine Readable Zone).

Blank documents are produced by Giesecke & Devrient Company from Germany and delivered to MOI. Blank documents are stored in the vault built according to highest security standard. Stock management SW application is implemented as a part of the System.

Data concept

All data related to the enrolment, approval, authorization, data preparation, personalization, issuing, prohibition and document management are stored in the central database (relational). All events in the System are logged and part of the data model. Central system is separated from the personalization site and kept in MOI central computer room (IT Department). Data that are personalized on the ID card are personal name (name + surname), date and place of birth, personal identification number (PIN), permanent residence and address.

There are two types of ID cards: Type A (content is personalized on Macedonian and English) and Type B (content is personalized on Macedonian, Albanian, and English).

Concerning this requirement, Macedonia looks forward to receive from the European Commission a List of technical standards which should be achieved for breeder documents and List of EU countries that have implemented these standards (for reading purposes only).

Information on the personnel involved, selection mechanism, basic and additional (anti-corruption) training

The Sector for administrative - supervision affairs within the Department of civil affairs in the Central Police Services, performs tasks related to the procedure of exercising citizen's rights in the area of citizenship, civil affairs, travel documents, weapons, residence and address of the citizens, ID cards, matricular records, driving exams, driving licenses and vehicle's registration, as well as tasks of supervision and control.

The Sector for administrative-supervision affairs acts as an advisory, coordinative and supervising body for the regional units for administrative affairs in MOI. The total number of employees working on submission and issuance of personal documents is 305. The procedure of submission and issuance of personal documents is centralized. All activities are automatic, starting with the submission of the applicant's request until its approval, authorization, updating of the bans (where relevant), through the process of administration and issuance. All these functions take place at the base stations in the competent organizational units of MOI and each request must pass all phases of the systematic process of personal document production.

The procedure for recruitment and selection of personnel includes psychological, health and security checks. Pursuant to the Law on Internal Affairs, working status can be granted to a person who fulfills general and job-specific conditions, such as: to be a citizen of the Republic of Macedonia; adult; he/she is not issued a security prohibition for performing particular profession, tasks or duties; he/she has not committed any criminal or misdemeanor offences; healthy and psycho-physically capable, etc.; as well as to fulfil the basic preconditions for the concrete working post determined in the systematisation act; certain level of expertise, working experience, foreign language skills, computer skills, etc.

The control mechanism is standard one and involves vertical management structure and Department of internal control and professional standards. If there are information available on the possible misuse by the officials working on personal documents issuance, apart from the internal control, in the investigation the criminal police is engaged in order to provide evidence and to file adequate criminal charge.

In addition to the basic training provided for the newly recruited personnel and the practical training on the working process by the responsible Managers, trainings and seminars are conducted in cooperation with the Civil Servants Agency. Regional working meetings are held periodically with the employed in the matricular services, in cooperation between MOI, Ministry of justice and the State bureau for statistics.

Specific issues with certain categories of persons (Roma, minorities, diaspora)

Roma: There are cases when applications are not filed for registration of newly born children in the Book Registries, which causes them problems afterwards when applying for identity documents. Without a birth certificate, there is no legal opportunity to obtain ID document as a proof of identity or to obtain citizenship of the Republic of Macedonia. This is a global problem and Republic of Macedonia is willing to participate in the solution finding process, but not making its own identity management procedures weak to the threats of making false identities, with security, social and financial implications. Training programs are conducted for the Roma community and there is an increase in the number of on-time registration of births. We estimate minor number of individuals filing inappropriate claims for ID documents.

Minorities: According to the statistics, the Albanian community does not have an appropriate rate of registered deceased citizens, which gives indication that there is no on-time registration of deaths. With the on-going implementation of the biometric ID documents, the influence of such problems on identity management procedures will be overcome.

Diaspora: The main problems are related to the length of the procedure for obtaining personal documents, where applications are filed at the diplomatic and consular missions of the Republic of Macedonia. With the establishment of secure network infrastructure, the Ministry of Foreign Affairs plans to speed up these processes, avoiding erosion of the security. As the diaspora is mostly interested in applying for passports, preparations are ongoing to implement a procedure for obtaining biometric data via mobile enrolment stations operated by the Ministry of Foreign Affairs officials. Back-office administrative procedures, according to the law, are the same for all citizens.

BLOCK 2: Illegal migration, including readmission

Border management

6. Implement the legislation governing the movement of persons at the external borders, as well as the legislation on the organisation of the border authorities and their functions in accordance with the 2003 national Integrated Border Management strategy

Within the Ministry of Interior the Border Police is an organizational structure competent for the control of the border crossing points (BCP) and the state border, countering illegal migration and cross border crime and cross border cooperation.

The legal basis for the Border Police activities in the Republic of Macedonia is the Law on police which entered into force on 11.11.2007, the Law on state border surveillance, in force as of 1.4.2007 and the Law on foreigners in force as of 1.1.2008.

The Law on state border surveillance regulates the surveillance of the state border, the cooperation between the state bodies with competences in border management, the role of the police in the internal affairs and in the international police cooperation.

In accordance with the Law on state border surveillance the police is authorized - for the needs of the state border surveillance and other issues in accordance with this law – to keep records on: persons subjected to border control; identity confirmation procedure; entry approvals issued for uniformed members of foreign security bodies; weapons and vehicles; records on border incidents; persons reported hunting along the border line and personal data of employees performing economic activity in the BCP area.

The following bylaws to the Law on state border surveillance are adopted:

- Rulebook on the manner of providing state border security and control of crossing of the state border;
- Rulebook on the manner of badge issuance to the employees who perform economic activities at BCP, as well as the form and content of the request for badge issuance and the template of the badge;
- Rulebook on the manner of defining and solving border incidents;
- Rulebook on the shape, content and manner on placing boards, signs and other signalization at the borders;
- Rulebook on the manner of installing and using technical devices and photographing, recording and video surveillance of the BCP and the state border;
- Regulation on the standards and normative on planning, construction and arranging the objects used by the Mol at BCP.

According to the *Integrated Border Management Strategy*, on 1.5.2004 the process of transfer of competence from the Ministry of defence to the Mol-Border Police started, first at the border with Greece (01.09.2004), Bulgaria (20.12.2004), Serbia (7.05.2005) and Albania (29.08.2005).

In line with the envisaged police reforms related to the state border security and control of the BCP, in July 2005 Regional centers for border affairs were established:

- Regional center South, with its headquarters in Kavadarci
- Regional center East, with its headquarters in Delcevo,
- Regional center North, with its headquarters in Skopje,
- Regional center West, with its headquarters in Ohrid,

In the regional centers for border affairs, police stations for state border security and police stations for border control were established. There are 20 police stations for border control, 30 police stations for state border security and 2 mixed police stations.

With the adoption of the Law on police a new organizational structure within the MoI was established - the Bureau for public safety, with a Sector for border affairs and migration, as the highest strategic body of the border police.

By Governmental Decision on categorization of the BCP (7.6.2006), categorization is based on the basic criteria stated in the National IBM Strategy, i.e. their strategic significance in respect of commercial, social and domestic traffic, as well as the trade movements. All BCP are categorized in three groups: strategic, regional and local.

Strategic BCP cover the biggest border crossing points in Macedonia, with already constructed objects, infrastructure with high standards, material technical means and equipment, continuously open for international traffic and with provided participation of personnel from all state bodies with competences in border management.

Regional BCP cover BCP opened for international traffic – movement of individuals, transport means and goods, with an option for specific limitation and/or bans. At these BCP there is presence provided of the Border Police and the Customs, while the other state bodies involved at the BCP are present constantly or temporarily.

Local BCP cover the BSP opened for border traffic with an option for specific limitations. At these BSP the border control may be performed only by the border police or by the customs, and due to the other limitations there is no need for other border authorities to be present there.

In March 2008 the Standard Operative Procedures for state border surveillance were adopted, in accordance with the Schengen Border Guards Handbook, containing directions for border checks and elaborating on the specifics of performing border control at the land borders, lakes and airports. More specifically, it contains guidelines and instructions referring to: border checks; checks on conditions for entry of aliens; basic border control; thorough border control; consultations of the information system; affixing stamps on passports; lenience of the border control regime; refusal of entry; issuing visas at border crossing points; cancelling, revoking and reducing the validity of the visa duration; procedure concerning asylum seekers and seekers of temporary protection; registration of information and data; cooperation with other services; specifics of in-land border control; checks on road traffic; checks on rail traffic; local border traffic; characteristics of the air traffic border control; airport checks; inspection in airports which do not have the status of international airports (such as sports airports, heliostroms etc.); checks on private flights; characteristics of lake border control; general procedures of lake traffic inspection; cruise-ship inspection; leisure boating checks; coastal fisheries checks; surveillance of national borders; organization of border surveillance; risk assessment – analysis; border surveillance methodology; apprehended and detained persons; smuggling items, goods and illegal trafficking of migrants over the national border; procedures in cases of border incident; report by the shift head; handover of duty; preparation and duty call; cooperation with the border police; cooperation with the border population.

A Manual for policing - “Standardization for basic police procedures” is adopted, which is sublimated of the priorities of the basic operative police procedures from the General, Border and Security of road traffic policing. See more information in Requirement No.15, page 37.

It aims to assist police officers in the practical implementation of the most important elements of the new Law on Police and the Rulebook on the Manner of performing police

duties. The Manual offers clear-cut and short instructions on taking actions in particular cases. In the area of border policing, this document elaborates procedures on: evaluation of the situation by the border police officers, profiling of victims and perpetrators of human trafficking, basic control of the validity of the passport, detecting persons using forged documents while crossing the state border, checks of buses, trains, overloaded freight vehicles, persons detected in the vicinity of the border line, dealing with illegal migrants, detecting other type of cross-border crime, suspicious luggage and acting in cases when radioactive materials are detected.

The amendments of the Law on state border surveillance are ongoing in the line to comply with the provisions from the Schengen border code.

The Human Resources Management Strategy has been adopted in July 2008, in cooperation with police experts from EAR. This Strategy is made according to the principles of equality, openness, transparency, referring to the requirements of the staff (from police officers to authorised officers), without any political influence and in compliance with the common European standards.

The Strategy sets out plans to ensure the recruitment, development and retention of the best quality staff in all staff groups, in order to fulfil the MoI Mission and thereby meet its strategic aims and objectives. It defines the job profile for all job positions, the recruiting procedure, the approach of giving training/education (generic and continuous training), managing the employees, establishing a career system and the manner of keeping and managing the personal file.

The Border Police Guards and the employees in the Sector for the border affairs are included in all segments of training/education and development, according to curricula for advanced and specialised trainings on the development of the IBM system, EU legislation and national legislation, operative training and operative assets, applied methods of work - practical skills, IT training, physical training and special trainings are carried out and they are conducted for all three levels of personnel.

Within the initiated cooperation with FRONTEX, the newest edition of the Joint Curriculum for border police training was provided, prepared by the FRONTEX Agency, on the basis of which, the basic police training curriculum would be harmonised with the one for the border services of the EU countries. The curriculum for the border police training focuses on two main points:

- developing an integrated training program, and
- improving certain professional qualifications for border police for each activity in the MoI, knowledge and skills upgrading, including awareness-raising for the trainings.

The activities for training developed and conducted by Frontex will be carried out.

The MoI adopted an Action plan for implementation of the Human Resources Management Strategy. The Action plan defines five strategic goals: Organization, recruiting and selection, the career system, the personal files and the training. In the same time, activities have been defined, realization period, authorized institution for their realization, realization costs and risks and conditions are determined. The fiscal implications of the Action Plan are mostly covered by the Balance of MoI, and for certain activities a support from OSCE, CIVIPOL and foreign donors will be given.

Strategic priority is the functioning and complete operability of the National Coordination Centre for Border Management (NCCBM), established by Government Decision on 13.03.2007. Material-technical equipping was carried out with the financial support of the European Agency for Reconstruction. The NCCBM Coordinator was appointed in November 2007. In July 2008 a Book of rules was adopted for the Centre. With the Rules of procedure, the organization and the work manner of the NCCBM has been closely fortified, as well as the manner of preparation, invitation and conducting the sessions, the manner of fortifying opinions and suggestions and other questions significant for the NCCBM work.

By the end of September, all procedural rules have been adopted referring to monitoring and coordination of border activities, realization of mutual exchange of information among the services involved in IBM, providing evaluation of the eventual risk and coordination of

the first phases activities in terms of establishing international cooperation, realization of mutual exchange of information, providing risk evaluation, etc. except Standard procedures for coordination of activities arising from the first phase of the international cooperation in the border management (This regulation would be developed if the Coordination centres for border management were established in the neighbouring countries or in the region).

In September 2008, Duty Center of NCCBM has been opened. The Duty Center is situated in a separated room for that purpose, with 24 working hours, organized in shifts. Collecting of information is performed in the center respectfully to the situation on the state border and is delivered to the National coordinator. Daily report is being prepared and concerning the necessity, other authorized institutions are being informed. Within the Duty Center, urgent reports are prepared regarding significant security situations. Through the Duty Situation Center communication and cooperation is realized with Duty Operative Center of Mol, Border police and the Duty Centers of the other Ministries.

The activities for connecting the Visa center of the Ministry of Foreign affairs with diplomatic – consular missions in the Republic of Macedonia, as well as with the border crossings, have been intensified. The Visa center has been connected with 16 diplomatic – consular missions of the RM abroad and with the Section for foreigners and readmission in Mol. At the moment activities for connecting of other 28 diplomatic – consular missions and 8 most frequent border-crossing points are ongoing.

Inter-agency cooperation is performed on the basis of Memoranda of Understanding signed between all ministries and institutions involved in the IBM system, covering exchange of information, joint meetings, trainings, etc. With the adoption of the contingency planning procedures and the specification of procedures and control mechanisms of the relevant institutions involved in the IBM system, an integrated system of action, coordinated approach and exchange of information is set up; more efficient surveillance and legitimacy of entry and exit of individuals, specifically transport of substances endangering the security of people and goods; etc.

Activities to set up *Information system for integrated border management* have been intensified, enabling flow and exchange of information between the bodies and institution having competencies in the IBM system. The National IBM Commission composed of IT experts from the institutions involved in the IBM system prepared “Study on IT system for IBM”. An external consultant prepared “Feasibility study for the information-communication system in IBM”. According to the concept of establishing information system for IBM the *second phase of an international tender for procurement of IBM software is underway.*

Trainings (completed and planned)

During 2004 the training of the personnel transferred from the Ministry of defence to the Mol started. It covered 1487 persons and contained training on laws and bylaws relevant for the police work and the border policing.

With the 2007 Annual Plan for advanced and specialized trainings, train the trainers programs were carried out on the implementation of the Law on state border surveillance and the Law on police, covering 71 first level border police officers (commanders of police stations and higher), who provided trainings for the remaining employees in all regional centers for border affairs. With the conducted trainings in 2007, 982 border police officers were covered.

With the 2008 Plan for border police training, 28 trainings were conducted for border police members of all levels, on different topics and areas, covering 716 border police members.

Agreements for cross-border police cooperation

In March 2006, Agreement for cross-border police cooperation with Bulgaria was concluded that is enforced as of April 2007. As of 01.10.2007, the Plan on joint coordinative state border security has started with its implementation and respectively joint actions on the border crossings are planed. Direct phone lines have been established between the three

border crossings with Bulgaria (Deve Bair, Novo Selo and Delcevo) and the activities for opening of joint office in the border crossings Deve Bair and Guesevo have started.

Macedonia is a party to the Southeast Europe Police Cooperation Convention and has concluded the following implementing documents:

- Protocol on conducting regular meetings with the border services of Serbia
- Protocol on conducting regular meetings with the border services of Albania
- Agreement with the MOI of Albania on joint patrols along the state border.

Interim Agreement on operational procedures between the Macedonian Mol and KFOR was signed. The harmonization of the working version of the Draft Agreement for cooperation with the UNMIK Border Police is underway.

The cross-border cooperation between KFOR and the Border Police, i.e. the Regional Center for Border Affairs and Migrations North is performed on the basis of the TOPA Agreement, which entered into force in September 2007, and with the application of the SOFA Agreement. On the basis of TOPA Agreement, in the area of certain Police Stations for State Border Security joint coordinated patrols are successfully carried out with the KFOR units, while in others such coordinated patrols are not carried out due to the inaccessibility of the terrain. Regular meetings are held on local (twice a month) and regional level (once in two months), and when necessary, extraordinary meetings are convened both on local and regional level.

The cooperation with UNMIK is carried out pursuant to the Memorandum on Understanding between the Republic of Macedonia and UNMIK and the Protocol on Cooperation between the Ministry of Internal Affairs of the Republic of Macedonia and UNMIK from 27.11.2002. To institutionalize the data exchange and promotion of operative coordination and problem solving, an Annex to the Protocol was adopted, establishing 2 joint Sub-Committees. The objectives of Sub-Committee 1 refer to the border issues (particularly in view of illegal crossings, smuggled goods and seized weapons), public security information exchange (concrete areas: vehicle theft, perpetrator's pursuit), as well as serious offences from the area of blood and property crime (murders and burglaries), issues related to the traffic and personal and travel documents. The Sub-Committee 2 encompasses coordination and cooperation in the fight against serious forms of organized crime (trafficking in human beings, drugs, weapons, money laundering and terrorism suppression).

In February 2008, the Agreement mutual travel of citizens was concluded with Albania, with a Protocol for local border traffic between the two countries.

A text of Memoranda of Understanding is being prepared for establishing a system for exchange of statistical information on illegal migration and participation in the regional system for early warning. Signing Parties of the above mentioned Memoranda are the Mol of R. Albania, Bosnia and Herzegovina, R. Croatia, R. Macedonia, Montenegro and R. Serbia.

The aim of the Memoranda of Understanding is to establish an efficient system for data exchange between the authorities of the signing countries. The exchange of statistical data on illegal migration would lead towards a common cooperation between the Signing Parties, supporting the planning and implementing the national and international activities related with the fight against illegal migration and human smuggling and will lead towards joint or individual risk analysis. The regional system for early warning will lead towards timely exchange of the information between all signing parties, without previous request, to permit the receiver/s to undertake preventive measures before conducting some illegal act. The Memoranda are planed to be signed in the forthcoming period.

Statistical Data

During 2007, the frequency at the BCP's increased by 8,3% in comparison to 2006, while in 2008 for 0,73%. In 2007 there were 11.058.364 passengers at all BCP's in the Republic of Macedonia, while in 2008 - 2.920.070 passengers. In 2007 entrance was refused to 6.565 foreign citizens, while in 2008 - 986 persons.

Future activities

The project National Visa Information System (NVIS) and Visa Centre at the Ministry of Foreign Affairs is planned to be completed in 2008, connecting all diplomatic and consular representations, as well as the 8 most frequent border crossing points in the Republic of Macedonia.

It is foreseen by the end of November 2008, a Proposal of the Law for amendments and supplements of the Law on state border surveillance to be delivered to the Government of the R. Macedonia.

Taking into consideration that the National strategy for IBM (Integrated Border Management) and the National action plan for IBM are in a final phase of realization, the National Commission decided that after the full implementation of the current Strategy for IBM and the Action plan, to prepare a new National strategy for IBM and National action plan for the period 2009-2010. The new Strategy for IBM would cover the following areas: compliance of the legislative in accordance with the European standards, strengthening of the capacities and promoting the inter agency cooperation between the institutions which have authorities in the IBM system, building and reconstruction of the border crossing points and upgrading of the infrastructure and the IT support of the system.

7. Take necessary budgetary and other administrative measures ensuring efficient infrastructure, equipments, IT technology at the external borders.

In view of establishing IT connection of the border crossing points with the central database, during 2006, an implementation started of a new interconnected central system for control of passengers and vehicles, with a so called central user for entering data in the stop-lists, and an advanced search system. This system enables centralized connection of the BCP with the Mol headquarters, i.e. with the central server where data bases are updated. Currently, this system is fully implemented at the five most frequent BCP (Airport Skopje, Airport Ohrid, Tabanovce–land, Dolno Blace and Bogorodica).

The new IT system has implemented automation of the working procedure of the travel documents checking with the following roles:

- Primary - BCP officer that checks the travel documents on the BCP (includes enrolment of live photo, travel document scanning)
- Secondary - BCP officer in charge for the shift, who performs the procedure if some traveller is identified as a person from the stop list (includes fingerprint scanning)
- Central - in charge to maintain the stop list
- Administrator - the technical person in charge to define roles for each

System architecture is based on local server complete autonomy. Data is stored locally and then replicated with the server on the central site through WAN. Replication is bi-directional, central site server is simultaneously receiving data from all local servers and send all received data to each local server. The full database is replicated on every server, so each local data base contains all travellers' records from all BCPs. The stop list is also replicated, but only in one direction from central to local servers, as the stop list can be created and updated only on the central server by the central user.

If the connection with the central server is broken, local server is operational with no limitations. The replication will be buffered and will go on without data loss after establishing the connection. UPS system installed is capable to keep the servers up for 30 min. Every workstation is also equipped with small UPS capable to keep the workstation up for 30 min. All servers have the same hardware configuration: Two redundant Dell power edges 6800 with RAID 10 disk system with 1.5 TBytes HDD capacity and 8GB RAM; Redundant power supply APC 3000; Operating system on the servers is Linux and DBMS is Oracle. At maximum data transfer was more than 150 Mbytes per day and average data transfer of 35Mbytes per day.

All BCP not covered with the passenger control system, have installed Lotus clients with access to the Mol e-mail system and to the central server of the Ministry.

The BCP have telecommunication connections with a central database in MOI, enabling transfer of data from the BCP to the central data base and vice versa.

The operationalization of the first phase digital police radio system TETRA is underway. The procedure for evaluation has been finalized, the most favorable bidder has been selected and the system is expected to become operational in the following few months, latest by the end of 2008. Delivery of the parts of the equipment for the system is underway, completed as well as the bigger part of the construction work for installing the telecommunications equipment. Activities related with the provisional acceptance of the provided equipment are ongoing.

Concerning the technical equipment at the BCP, during 2007-2008, a donation was received by the OSCE of six VISPEC2 appliances for detection of forged documents, installed at six most frequent BCP. Procurements were made to strengthen the border control capacities, specifically: mini-sets to detect drugs with mini-laboratories availed for usage at all BCP, all BCP have carbon dioxide detectors, one endoscope with its own source of light installed at the BCP Bogorodica. Detailed information on the infrastructure and equipment of the BCP is presented in *Annex 1*.

A Study was prepared for minimal/optimal standards for technical equipment of the police stations and the police sections for border control, police stations for state border security and the mixed police stations.

On 19.08.2008 a Law for amendment and supplement of the Law on customs administration was adopted in which the organization, managing and the maintaining of the border crossing points for road traffic in R. Macedonia was transferred under the authority of the Customs administration. Until now, the organization, managing and the maintaining of the BCPs was regulated only with the Conclusion of the Government of the R. Macedonia dated 22.05.1995 where the same issue was administered by the Ministry of urbanism and construction then (Ministry of transport and communications now). This Ministry with its own act administered the Public enterprise for maintaining tenement and commercial capacities of the R. Macedonia (in the following text JPSSDP of RM) to manage and to maintain all the border crossing point on the territory of RM. This law produced in an unique way and within the legal frames to conduct all the activities related with the road traffic border crossings in the area of promoting the objects in the border crossing points, as well as the maintaining of these BCPs.

The above mentioned activities will be performed based on an annual program which should be adopted by the Government of RM.

A new digital video management system is being installed at the BCPs for **video surveillance**, to resolve the problem with functioning of the existing analogous system for VHS video recording. The system provides the possibility for cooperative usage of the equipment by the police and the customs administration, as well as the other subjects through the IBM National Coordination Centre. The surveillance of smugglers suspects is being simplified automatically, in the same time facilitating the work of the border police officers, increasing the efficiency. This system is seen as a basic tool in the work of the BCPs, and as a tool to increase the security at the BCPs themselves. The implementation of the video surveillance system was completed and, the system started functioning in September 2008.

Within the frames of the Project financed by the Stability Pact and coordinated by the General secretary of INTERPOL under the name "Enlargement of the Interpol services", the activities for connecting of the BCPs with the information system of Interpol started, which will give a direct access to the ASF Interpol data bases, as a secondary control, besides the first control which is made through the system of passenger and vehicles control. With this system a direct access to the Interpol data bases (data on searched persons, stolen vehicles and lost/stolen passports) will be provided. Within the project, 77.479 euros has been donated, as technical equipment, which is made of: 3 servers, Cisco firewall device, 40 personal computers, 40 printers and UPS components. This equipment shall be installed on the locations where the technical equipment is not enough and on the locations where

technical equipment already exists, the access to the Interpol bases shall be realized through the current equipment. It is expected for the system to be fully established by the end of 2008. Beside installation of the needed equipment it will include a training of the persons who will have access to this database.

Future activities

The construction and reconstruction of the BCP proceed in accordance with the 2008 Program for BCP and the adopted Categorization of the BCP. Budget resources and World Bank funds are used to arrange the construction land, construction of facilities, procurement of equipment, maintenance of infrastructure, etc.

Regarding the provision of appropriate information technology at the borders, the results from the OSCE assessment mission in June 2008, have been provided, aimed at defining a project for implementation of IT infrastructure and inspection equipment at the borders, compatible to the European standards and interoperable with other information systems (Interpol, ICAO, Schengen.).

OSCE Expert Assessment in Republic of Macedonia:

Data Requirements and Interoperability of Systems for Border Control

In order to continue to improve and to expand its efforts as broadly as possible within the arena of enhanced border control, the Ministry of Interior expressed formal and official interest to the Organization for Security and Co-operation in Europe (OSCE) in building a greater capacity in border control measures on an integrated and cohesive foundation.

To assist in this, a team of international experts was assembled by the OSCE, calling upon the International Civil Aviation Organization (ICAO), INTERPOL, the International Organization for Migration (IOM), representatives from the private sector, others from relevant multilateral sources of expertise and a cross-section of the countries Government subject matter professionals. This team met as a group during the week of July 14, 2008 in Skopje in order to reason collectively on current issues and, of particular concern, recommendations for enhancement.

The OSCE's Action against Terrorism Unit (ATU) serves as the central point of coordination for travel document security related efforts in the OSCE. In this assistance programme, the ATU addresses a wide and varied spectrum of overall objectives, all coming generally within the framework of enhanced and more effective border control inspection technologies and techniques and highly secure travel documents.

The ATU together with the OSCE Spillover Monitor Mission to Skopje assembled a team of experts to recommend improvements. The team used a solid foundation of international standards on which to base both its findings as well as its recommendations.

Primary among these baselines are the ICAO Document 9303 specifications for travel documents, European Union (EU) standards including i2010, Schengen SIS II requirements and other relevant standards and guidelines. As an EU member aspirant, acknowledgement and adherence to these requirements was among the team's guiding principles.

The team of experts spent an intensive in-country period of time, reviewing planning documents, listening to and questioning numerous substantive presentations, visiting border inspection and headquarters personalization facilities and interacting as a cohesive body to assess and formulate recommended conclusions. In order to focus its attention most effectively on those areas that would yield the most useful mix of recommendations for the Mol, the team divided itself into three work groups: I) Border Inspection Requirements; II) Central System Matters and Databases; and, III) Interpol Connectivity.

Short Overview of given recommendations:

- Implementation of fingerprint in e-passport - EAC

Given indications at present that EAC will be available for issuing use by the EU timeframe, the use of EAC for inspection will take much longer to be reliable. Therefore, the work group

recommends, to let the EAC product mature, let it become more solid, and that Macedonia should not be a “first adopter”.

- PKI/PKD

The team recommends that the country join the ICAO PKD which will provide access to that central repository, particularly for Certificate Revocation Lists (CRLs), will have positive political effects and, from a monetary standpoint, come at relatively little cost.

- Central Database for Border Management

- Building an Integrated National Border Control System is the main requirement. This system will have full coverage of all 20 BCPs and will incorporate all elements of consistent and interoperable centrally available data.
- To allow the new system to continue to collect information and build upon that; to not tear down what is working adequately.
- To plan accordingly in terms of SIS II requirements, but not to delay or deter the deployment of a comprehensive and central integrated border control system while effecting those measures; there will be time after EU admission to develop and carry out an action plan how to enter the Schengen zone.
- In all the above, it is very desirable to build up (and build upon) the country’s own national network in order to communicate without “undue partnerships” from the international community.
- In all of these endeavours, there are no overwhelming technical issues to overcome; however, it is critical to weigh national priorities with the myriad of external factors and develop a logical balance of the two.
- The strategy is to plan and execute this project under the INFOSEC for NATO and EU in order to consider adequately and accommodate the longer-term feasibilities for the external organizational measures of which the country will want to avail.
- This will demand from Day One the top-level commitment of the Republic’s top-level policy officials.
- Full compatibility and interoperability of the systems deployed with international data sharing requirements, such as those of INTERPOL. These alternatives revolve around the new system having its focus in the model of the central database concept. As noted, however, this will likely require modifications to the new system that could be problematical. Another approach could be to install the new system at all border crossings as quickly as possible, recognizing that in due course technical corrections and modifications would be necessary as dictated within EU and other start-up negotiations. Ideally, this will involve other international partnerships to balance and support the initiatives. In order to proceed as urgently and as efficiently as possible, it is the second approach that is recommended. This “single window interfaced model” will allow the new system to be deployed while building in the measures needed to integrate with INTERPOL, SIS and other international systems.

8. Establish training programmes and adopt ethical codes on anti-corruption targeting the border guards, customs and other officials involved in the border management

Training of border police members

Mol prepared “Program for basic training of a police officer” covering the areas of public order and peace, road traffic security and the border police, i.e. the parts referring to border checks and state border security.

As a segment of the Curriculum for basic police training, a module was prepared for basic training of the members of the Border Police. This module covers newly recruited police officers performing tasks in the Border police.

The basic police training is currently conducted within the Police Academy and covers 9 months of theoretical lectures and 3 months of practical exercises. The program started its realization on 01.12.2007.

According to the 2007 *Annual training program*, advanced and specialized trainings were conducted for the employees in the Sector for Border Affairs. The trainings covered first level personnel (police station commanders and higher) second level (team leaders, shift managers and assistant police station commanders) and third level (police officers).

During 2007 parts of the trainings were performed with support and instructors from partner organizations (OSCE, Federal Ministry of Interior of the Republic of Austria, Federal Criminal Police of Germany, US Embassy, IOM Vienna). The training in 2007 covered 982 members of the Border Police. The training for the implementation of the Police Ethics Code covered all members of the border police.

The Mol Annual training plan for 2008 covers programs for advanced and specialized training for the members of the border police at all levels and areas of their work (Development and promotion of the IBM system, EU laws and national legislation, Operative training and operative means, applied methods of work – practical skills, information training, physical training and special training).

In 2008, in accordance with the Annual border police training plan, there were 59 trainings conducted for border police members at all levels, covering 2597 participants - border police members.

The Mol Strategic Plan for 2008-2010 provides realization of the *program "Public Security"* which determines the strengthening of the state border control and illegal migration prevention as one of the priorities and envisages specialized trainings for the Central Police Services, the regional police stations and the Border Police.

In June 2007, *the Police Ethics Code* was adopted, aimed at implementing the basic principles and recommendations contained in the European Code of Police Ethics. Train the trainers programs on the implementation of the Police Ethics Code were conducted with OSCE support for 40 police officers, who provided trainings within their organizational units.

As for the members of the border police, during 2007 there were several trainings conducted for implementation of the Police Ethics Code covering 8 second level instructors (team leaders, shift managers and assistant police station commanders) and 2464 border police members at all three levels.

Training on anti-corruption

The Mol through the Sector for internal control and professional standards implements the programs of the Government of the Republic of Macedonia against corruption in the public administration.

The Mol prepared the first anti-corruption program in 2006, whose deadline for implementation was December 2007. The Mol Anti-corruption Program for 2008 was adopted with an Action Plan, containing summary of anti-corruption activities, stakeholders, implementation indicators, deadlines and financial implications. The activities include:

- Setting up career promotion system in the police work based on the principles of expertise, competence and work results (to be realized by adopting new Law on internal affairs);
- Full implementation of the Code of Police Ethics (by reducing the number of disciplinary procedure);
- Establishing a new system of values and new system of police officer's responsibility (through the adoption of a new Law on internal affairs);

- Further reducing the discretionary rights at a level of an exemption or necessity (introducing precise procedures and standards for action for all services, including the administrative services issuing travel documents);
- Further narrowing of the arbitration in the police work at a level of an exemption or necessity (by procedures for action);
- Permanent strengthening of the mechanisms and capacities of the Ministry for efficient fight against corruption and corruptive behaviors (by procedures for action);
- Deepening of the inter-institutional cooperation in the fight against corruption and crime with all law enforcement institutions (operability of the signed Memoranda for Understanding);
- Deepening of the cooperation with the Ombudsman and the non-governmental sector;
- Building mechanisms for civil control and monitoring of the work of the Ministry and the police;
- Trainings in fighting corruption.

An Anti-corruption Training Program was adopted by the MoI (2.9.2008). According to the program, trainings will be provided in the period from October until December 2008. Representatives from the Sector for internal control and professional standards in MoI, as well as representatives from the State commission for preventing corruption will instruct the trainings. Several issues will be part of the trainings: Procedures for issuing travel documents; Code of Ethics and Rules of manner in committing work; Control and control mechanisms in work; What is corruption and means for fight against it; How to recognize corruption and measures for handling corruptive phenomena; Aspects of managements role; Activities of the State commission for preventing corruption and the reference of Republic of Macedonia towards the corruption phenomena. Financial implications are provided by the Budget of the RM.

MoI Annual training plan for 2008

The Annual training plan for 2008 is aimed to establish a systematical approach in coordination, planning and delivering the trainings, as well as to ensure improvement of professional qualifications of all police officers, and therefore it sets out the training priorities as defined by the responsible organizational units in the Ministry.

The Annual Plan covers trainings of police officers, within the following organizational units in MoI:

- *Sector for Border Affairs and the Regional centers for border affairs*, will have trainings in development and improvement for the IBM system, EU law and national law, operative means, applied working methods – practical know-how, physical trainings, specialized trainings and computer work;
- *Sector for public law and order*, will provide trainings on police work in the democratic society, legal and normative area, first aid rules and principles, learning foreign languages and computer proficiency;
- *Sector for criminology*, will provide trainings in legal and normative area, common criminology, minors delinquency, organized crime, economic crime, illegal trade with weapons, drugs and narcotics, learning foreign language and computer proficiency;
- *Sector for NATO cooperation and classified information* will cover trainings in management with classified information, training for NATO, EAPC and PfP activities, trainings for the personnel to be deployed in international missions and organizations including human rights, international penalty code, the work system of the peace operations such as NATO, EU, OECD, UN, military-police cooperation, rules and procedures of behavior, negotiations, practical skills, etc.

In April 2008, with supplementary Annex to the Annual Plan, trainings were anticipated for the civil servants in the following MoI units:

- *The Unit for civil matters* – trainings on the relevant legislation, such as Law on administrative procedure, Law on personal data protection, Law on free access to public information, Law on classified information, Law on citizenship, Law on registration of domicile and residence of citizens, Law on weapons, Integrity and codex on behavior, effective communication, identity and personal documents verification, breeder documents verification, computer proficiency, administrative work monitoring;

- *The Unit for helicopters and the Sector for management with human resources* –generic training on the work of the Sector, civil servants data base, personnel development and development of the carrier system, financial career system, and professional evaluation of the personnel.

In 2008 a supplement to the Annual Plan will be prepared, including a training program for fighting corruption, targeting the members of the Border Police.

The financial costs for realization of the Annual training plan for 2008 are covered by the MoI budget, as well as by donations and other available sources.

Information regarding the recruitment and selection system and training

The recruitment i.e. the deployment of the police officers to the Border Police is carried out in one of the following manners:

- by accomplishing the basic training for police officers and deployment in the Border Police
- based on the internal announcement (for managing positions: assistant director, Head of Regional Center and Police Station Commanders)
- based on personal motivation request (appeal) filed by the police officer (due to accomplished high level of education or training, personal will, out of economic reasons, if the place of residence is far from the place of deployment) if this contributes to more efficient performance of the function within the Ministry
- when necessary for more efficient performance of the function within the Ministry

For every deployment of the police officers the following is taken into consideration: the fulfilment of the basic preconditions for the concrete working post determined in the systematization of the working posts document, level of expertise, preparedness, working experience, foreign language skills, computer skills and so on.

In the first half of 2008 within the border police total of 212 persons were deployed from other organizational units from the Ministrz of Internal Affairs. In the same period there were no new employment agreements signed for persons coming outside the Ministry.

In December 2007 an Annual Plan for Training of the MoI for 2008 was adopted. Within the mentioned plan, training is provided in view of familiarisation with the contents of the Law on Police and the bylaws, in all the structures of police work within the MoI: border police, public order and peace, criminal police. The Annual training plan provides training for police officers from the following organisational units: Sector for border affairs, Sector for public order and peace, Sector for criminal affairs (in the area of general crime, juvenile delinquency, organised crime, financial crime, illegal trafficking in weapons, drugs and narcotics) and the Sector for NATO cooperation and classified information.

The Annual training plan of the MoI will be extended with anti-corruption training of the members of the Border Police.

An Action Plan on dissemination/information campaign on the new Policing Rulebook was adopted. It envisaged training of instructors for implementation of the Rulebook and training of police officers (from police stations with general competence) on practical application of the Rulebook in 6 phases. All six phases were completed. 3034 police officers were trained, out of whom 40 police officers were trained as trainers.

1 Phase: Training the instructors for successful implementation of the Rulebook on the manner of performing the police work. The Training was realized in cooperation with OSCE - Department for police development and it was realized at the Police Academy (February 2008). Within this phase were trained 10 instructors.

2 Phase: Training the police officers from 10 police stations for practical use of the Rulebook on the manner of performing the police work. The Training was conducted by the instructors which were trained in the first phase for effective conduction of the Rulebook. This training was realized in the period from 3 to 9 of March. Police officers from the following organizational units were trained:

- Police Station Gazi Baba - 67 police officers trained
- PS Bit Pazar - 69 police officers trained
- PS Kumanovo - 137 police officers trained
- PS for security on the road and traffic Kumanovo - 40 police officers trained
- PS Shtip - 115 police officers trained
- PS for security on the road and traffic Shtip - 52 police officers trained
- PS Strumica - 81 police officers trained
- PS for security on the road and traffic Strumica - 29 police officers trained
- PS Tetovo - 203 police officers trained
- PS for security on the road and traffic Tetovo - 32 police officers trained

3 Phase: Training of the instructors for successful implementation of the Rulebook. The Training was provided by the instructors from the first phase. Within this phase 16 instructors were trained.

4. Phase: training of the police officers from 16 Police Stations of general competence. The training was provided by the instructors who in the third phase were trained for implementation of the Rulebook (April 2008). Police officers from the following organizational units were trained:

- PS of general competence Gorce Petrov - 57 police officers trained
- PS of general competence Bitola - 230 police officers trained
- PS of general competence Kriva Palanka - 82 police officers trained
- PS of general competence Negotino - 64 police officers trained
- PS of general competence Struga - 72 police officers trained
- PS of general competence Valandovo - 40 police officers trained
- PS of general competence Makedonski Brod - 59 police officers trained
- PS of general competence Berovo - 88 police officers trained
- PS of general competence Sveti Nikole - 74 police officers trained
- PS of general competence Resen- 49 police officers trained
- PS of general competence Veles -134 police officers trained
- PS of general competence Ohrid - 58 police officers trained
- PS of general competence Dracevo - 55 police officers trained
- PS of general competence Aerodrom - 41 police officers trained
- PS of general competence Prilep - 274 police officers trained, and
- PS of general competence Debar - 37 police officers trained.

5 Phase: Training of the instructors for successful implementation of the Rulebook. The training was provided by the instructors from the first phase. Within this phase 16 instructors were trained.

6 Phase: training of the police officers from 16 police stations of general competence. The training was provided by the inspectors who were trained in the fifth phase for implementation of the Rulebook. This training was realized during May and June. Police officers from the following organizational units were trained:

- PS of general competence Karposh - 60 police officers trained
- PS of general competence Kisela Voda - 54 police officers trained
- PS of general competence Centar - 93 police officers trained

- PS of general competence Cair - 87 police officers trained
- PS of general competence Vinica - 48 police officers trained
- PS of general competence Gevgelija - 27 police officers trained
- PS of general competence Delchevo - 65 police officers trained
- PS of general competence Demir Hisar - 25 police officers trained
- PS of general competence Kavadarci - 68 police officers trained
- PS of general competence Kicevo - 180 police officers trained
- PS of general competence Kocani - 124 police officers trained
- PS of general competence Kratovo - 50 police officers trained
- PS of general competence Krushevo - 68 police officers trained
- PS of general competence Probisthip - 32 police officers trained

The Sector for Border Affairs and Migration in the period from 17.12.2007 to 30.05.2008 conducted trainings on the new Policing Rulebook with 2356 participants from the Border Police.

The Mol within the twinning project for development of police educational system and in cooperation with experts from the Police Academy prepared "Basic training curriculum for police officers" which covers the areas of public order and peace, road traffic security and border police. As a segment of the Curriculum for basic police training, there is a module prepared for the members of the border police.

The training of 90 police officers according the Programme for Basic Training of Police Officers started 01.12.2007 and it will last until 01.12.2008 (9 months of theoretical and 3 months of practical education).

Within the initiated cooperation with FRONTEX, the latest publication of the Border Services Training Joint Curricula was provided. Police officers basic training program shall be adjusted to take into consideration the Curricula acquired through FRONTEX.

According to the Annual plan for 2008 for advanced and specialized training of Border Police Members, in the period January-September 2008, 59 trainings/seminars were conducted for all three levels of personnel. More concretely, the following trainings/seminars were performed:

1. Effective implementation of the Law on Police (78 participants from 1st level as front men who realized the training for total 1043 police officers from the Regional Center for Border Affairs – North, 413 police officer from the Regional Center for Border Affairs – East, 474 police officers from Regional Center for Border Affairs – South and 427 police officers from the Regional Center for Border Affairs - West)
2. International Protection and National Asylum System (14 candidates of the 2nd level)
3. Asylum Procedures (10 candidates from 1st and 2nd level)
4. Implementation of the Rulebook on Classified Information (117 candidates from 1st level)
5. Driving a motor sledge (4 candidates from 2nd and 3rd level)
6. Forged documents detection (54 candidates from 2nd and 3rd level)
7. Fight against Trafficking in Human Beings in Western Balkans (1 candidate from 1st level)
8. Motor Vehicle Crime (25 candidates from 3rd level)
9. Drugs Identification and Interviewing Skills (119 candidates from 2nd and 3rd level)
10. regional Exercise on Weapons for Mass Destruction Delivery Control (1 candidate from 1st level and 1 candidate from 2nd level)
11. Advanced English Language Course – Distance Instructors and Learning (13 candidates from 2nd and 3rd level)
12. Professional English Terminology (4 candidates from 1st level)
13. Fight Against Trafficking in Human Beings and Smuggling of Migrants (2 candidates from 1st level)
14. Implementation of the Law on Public Procurement (1 candidate from 1st level)

15. Firearms Shooting (30 candidates from 1st level)
16. Development of the Curricula for Forged Documents Identification (8 candidates from 1st and 2nd level)
17. Roma History and Culture/ Nondiscrimination (2 candidates from 3rd level)
18. Courses Management "Training in function of Improving Border Police Capacities" (60 candidates from 1st, 2nd and 3rd level)
19. Institutional Cooperation Focused on Border police 10 candidates from 1st and 2nd level)
20. Advanced Train the Trainers Course on Forged Documents Detection (11 candidates from 2nd and 3rd level)
21. Advanced Tactic Training on Reasonable Use of Force 12 candidates from 2nd and 3rd level)
22. International Investigations regarding Dual Use Goods and Mass Destruction Weapons (4 candidates from 2nd level)
23. Implementation of the Standard Operative Procedures for Dealing with Human Trafficking Victims (8 candidates from 1st and 2nd level)
24. Implementation of the Law on Police (4 candidates from 1st level)
25. Basic English Language course (38 candidates from 1st, 2nd and 3rd level)
26. Albanian Language Course for Instructors (6 candidates from 2nd and 3rd level)
27. Study Visit "Human Trafficking Suppression" (2 candidates from 1st and 2nd level)
28. Fight against Trafficking in Human Beings (6 candidates from 1st level)
29. Exercise: Communication system for joint actions on the Border (16 candidates from 2nd and 3rd level)
30. Train the Trainers Course on Human Trafficking and Smuggling of Migrants (13 candidates from 1st level)
31. Trace detection and Interception of illegal Activities at the State Border (30 candidates from 2nd and 3rd level)
32. Train the Trainers Course on Visa Issuance through the National Visa Center in the Visa Center of the Ministry of Foreign Affairs (5 candidates from 1st level)
33. Implementation of the Agreement of joint patrols between the Republic of Macedonia and the Republic of Albania (17 police officers from 1st and 2nd level from the Republic of Albania and 12 candidates from 1st and 2nd level from the Republic of Macedonia)
34. Basic Albanian Language Course (12 candidates from 1st, 2nd and 3rd level)
35. Training and Further Education (5 candidates from 1st level)
36. Handling with Equipment for Interception of illegal Activities at the Border (18 candidates from 3rd level)
37. Usage of Vessels – Scooters (17 candidates from 2nd and 3rd level)
38. Implementation of the NATO Agreement on Entry and Transit through the Territory of the Republic of Macedonia (226 candidates from 1st, 2nd and 3rd level)
39. Training on the Implementation of the Law on State Border Surveillance, Law on Aliens and the Criminal Code (1069 candidates from 1st, 2nd and 3rd level)
40. Training on the Implementation of the Law on Internal Lake Sail (83 candidates from 2nd and 3rd level)
41. Training on the implementation of the Agreement with NATO on entrance and transiting over the territory of the Republic of Macedonia (RC West - 79 candidates from 1st, 2nd and 3rd level; RC East – 40 candidates from 1st, 2nd and 3rd level; RC South – 117 candidates from 1st, 2nd and 3rd level)
42. Training for implementation of the Law on state border surveillance, Law on foreigners and Criminal code (RC West - 331 candidates from 1st, 2nd and 3rd level; RC East – 412 candidates from 1st, 2nd and 3rd level; RC South – 326 candidates from 1st, 2nd and 3rd level)
43. Training for implementation of the Law on internal lake float (RC West - 43 candidates from 2nd and 3rd level; RC South – 40 candidates from 2nd and 3rd level)
44. Seminar: Integrated training with the customs (3 candidates from 1st level)
45. Seminar: "Risk analysis" (4 candidates from 1st level)
46. Management on middle level – Camp of young leaders (5 candidates from 2nd level)

47. Training for identification of drugs and skills of questioning (30 candidates from 2nd and 3rd level)
48. Training for first aid (30 candidates from 3rd level)
49. Training of X-ray machine operators – Smite Rajmon (6 candidates from 3rd level)
50. Training for fight against human trafficking and trafficking of migrants (RC West - 8 candidates from 1st level and 30 candidates from 2nd and 3rd level; RC East – 130 candidates from 1st 2nd and 3rd level)
51. Study visit: Development and improving of the system for border control (6 candidates from 1st level)
52. Workshop: Training for discovering stolen motor vehicles (26 candidates from 2nd and 3rd level from Police Station for border control)
53. Preventing illegal trafficking with nuclear radioactive material (2 candidates from 2nd level)
54. Seminar: Personal data protection in the police and judicial procedures in the criminal system (4 candidates from 1st level)
55. Seminar: Border surveillance and the best practice in EU on the external borders (36 candidates from 1st level)
56. Improvement of trainees (1 candidate from 2nd level)
57. Course on investigations for export of technologies (2 candidates from 1st level)
58. Training for implementation of Law on public clarity (24 candidates from 1st level)
59. Seminar: Role of police and Mol representatives in different EU institutions (4 candidates from 1st level)

Regarding the training of the transferred staff from the Army to the Border Police (1487 persons), all of them underwent 3 month training which was carried out in the Police Academy with the assistance of the OSCE Mission in Skopje. Upon the finalized training, these persons were deployed in the Border Police, primarily in the Police Stations for State Border Security, the Regional Centers for Border Affairs, as well as the Sector for Border Affairs.

In the period since their deployment, pursuant to the annual programs for advanced and specialized trainings for these persons, numerous trainings were realized for acquiring continuous police knowledge and skills, primarily in the area of border policing. Apart from the trainings, these persons in the past four year period supplemented their knowledge and skills by performing regular working tasks relevant for their working positions. It is estimated that the ex-military personnel has already acquired the necessary police skills and is on the same level as the other police officers, hence there is no need to consider them as special target group within the continuous training. Out of these reasons, within the curricula and continuous training programs, these persons are eligible to attend trainings generally designed for the overall personnel of the Border Police.

MOI and the Police Academy

In relation to the activities to securing a coherent (in-service) system for police training and resolving the problem with the Police Academy the following can be reported:

- The amendments of the Law on Internal affairs were adopted by the Parliament. The Amendments introduce new provisions that ensure establishing a Unit for Training within the Ministry of Interior, which will conduct basic trainings for policemen, specialised trainings and trainings for management in the field of security.
- The Parliament adopted the draft Law on the Establishment of Faculty on Security within the University “St. Kliment Ohridski”. According to the Law (article 9 and 10) the Government will adopt a decision (decree) defining which buildings and equipment will be used for higher educational activities, (i.e will be under the property of the Faculty), and which will be used for basic, specialised and continuous training by the Training Centre within Mol (i.e will be under the property of Mol).
- During this process due attention will be taken to ensure that all EU investments will be properly used for police training.
- A Committee responsible for the establishment of the Training Centre within Mol was set up by a Decision of the Minister, and several meetings with the representatives of the Police

Academy, aimed at proper division of personnel and property, took place. Divided balance is being made and 69 persons are undertaken from the Police Academy to work in the Centre. The Training center started with operation on 01.08.2008.

Statistical Data

In 2007, out of 106 criminal charges filed against authorized officials, 70 were for employees in the Sector for Border Affairs and 3 for employees working on issuance of drivers licenses. In the first quarter of 2008, out of 12 criminal charges filed against authorized officials, 3 were for employees the Sector for Border Affairs.

If there is suspicion that a police officer acted against the rules and regulations of the Mol, disciplinary procedure will be initiated and he/she may be fined or dismissed from work. If his/her behavior contains elements of criminal act, criminal procedure will be initiated in the competent court, which is independent and different from the disciplinary procedure.

According to article 357 of the Criminal Code, an official requesting or receiving gift or other benefit, or receiving promise for a gift or other benefit in order to perform action that he/she cannot perform in the course of its official duty, or not taking action that he/she is obliged to take, shall be punished with a prison sentence in duration of one to ten years.

In 2007, the Dismissal Commission of the Sector for Border Affairs conducted 66 procedures to determine responsibility for violation of working discipline on different grounds.

In 2008, there were 24 disciplinary procedures conducted against border police members for violation of working discipline on different grounds.

Activities of the Customs Administration

To effectively implement the strategic goal for prevention of corruption, the Customs Administration adopted the Amended Arusha Declaration and the Strategy for integrity and fight against corruption, as well as an Action Plan for implementation of the objectives of this Strategy.

There were 25 trainings for raising the awareness of the customs officers for fighting corruption, covering 703 officers. At the same time, train the trainers anti-corruption programs were conducted.

In October 2007, the Customs Administration and the Labor Union signed the *Code of behavior*. The Code determines the basic principles of behavior in the every day work: personal responsibility, respecting the law, being impartial, behavior with the customers, receiving gifts, rewards and other personal gains, avoiding conflict of interests, political activities, behavior towards working with money, trust and utilization of confidential information, utilization of the official identity document and other official goods, behavior in private life and showing professional responsibility.

A data base of criminal cases against customs officers was established, together with investigative and disciplinary cases. In this regard, a practice was established on investigation of the complete activities of the employees, who performed abuse of their official duties, with sanctions but also with rewards for the employees who demonstrated outstanding results.

9. Conclude a working arrangement with FRONTEX

Upon Mol invitation, 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 MOI was submitted.

The Working Agreement with FRONTEX will cover cooperation in several areas: exchange of information, particularly on FRONTEX risk analysis preparation and participation of the Republic of Macedonia in the FRONTEX risk analysis network as an observer; exchange of

experiences; cooperation in training; technical cooperation in research and development; participation in FRONTEX joint operations as observer; participation in FRONTEX joint coordinated operations at borders between an EU member country and the Republic of Macedonia; designating liaison officers located at the external borders and participation in pilot projects initiated by FRONTEX.

The MOI working group for negotiations with FRONTEX undertakes preparations for conclusion of the Working Agreement. The final activities for adjustment of the text of the Agreement are ongoing and it is expected to be signed latest by the end of 2008.

Carriers' responsibility

10. Republic of Macedonia should [adopt and] implement the legislation on carriers responsibility defining sanctions

The Law on foreigners contains provisions on carrier's responsibility and provides sanctions. According to Article 22 of the Law on foreigners, physical and legal entity professionally dealing with transport of passengers may bring foreigner in the Republic of Macedonia by land, air or lake only if the foreigner has a valid and recognized travel document and, if necessary, a visa or residence permit. The carrier that contrary to this obligation, brings a foreigner who is not allowed to enter the territory of the Republic of Macedonia, is obliged immediately or in a period specified by MOI at its own expense to remove the foreigner from the Republic of Macedonia and to cover the expenses for his/her temporary detention and forceful removal.

According to Article 150 of the Law on foreigners, a fine in the amount of EUR 3.000-5.000 in denar denomination will be charged for violation if the legal entity brings or refuses to remove a foreigner from the territory of the Republic of Macedonia who does not possess valid travel document and if necessary visa or residence permit, or refuses to cover the expenses for return, temporary detention and forceful removal. The legal entity may also be sanctioned with work ban. A fine in the amount of EUR 600-1.300 may be charged for violation to the responsible person in the legal entity.

A fine in the amount of EUR 800-1.000 may be charged for violation to the private employer acting contrary to Article 22 of the Law and he/she may also be sanctioned with work ban.

According to the Rulebook on foreigners (bylaw to the Law on foreigners), the carrier that brings a foreigner whose entry is refused is issued a return order. The carrier is obliged to return the foreigner to the country of arrival, to the country issuing the travel document or to a country where he/she will be accepted. If the carrier cannot organize the return, the foreigner will be returned by other carrier, at the expense of the former.

In case the carrier cannot provide for immediate return, the foreigner is accommodated in special MOI premises at the border crossing points aimed for this purpose. The accommodation expenses are charged to the carrier.

Statistical data

In the period January-September, MOI pressed charges against two responsible persons in the legal entity "MAT", for which there is no final judgment received yet. MOI notes that there are no problems in implementation of the legislation on carriers' responsibility.

Asylum policy

11. 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;

The Law on asylum and temporary protection regulates the conditions and the procedure for awarding and termination of the right to asylum of a foreigner or stateless person requesting to be awarded right to asylum in the Republic of Macedonia, as well as the rights and duties of asylum seekers and persons granted the right to asylum in the Republic of

Macedonia. The Law is harmonized with several EU measures¹, as well as with dozen of international instruments ratified by the Republic of Macedonia². The amendments and the supplements of the Law on asylum and temporary protection made partial harmonization with the Council Directive 2004/83/EC of 29.04.2004 on the minimum standards for the qualification of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, introducing new category of international protection of persons to which the Republic of Macedonia will grant right to asylum, which is the category of subsidiary protection. The amendments entered into force in July 2008.

Within the Project “Strengthening of the Border Police operational capacities” an analysis was performed by a Hungarian expert, regarding the harmonization of the national legislation with the Directive 2004/83/EC, and the following was recommended:

- in view of the general provisions of the Law: to define the category of persons considered as vulnerable individuals (Article 20. -3 of the Directive), to define cases where the international protection should be “sur place” (Article 5 of the Directive),
- in view of article 16 of the Law: to regulate the deadline for submission of the application for family reunion (Article 23 .1. of the Directive),
- in view of article 29 of the Law: to explain the term perpetrators of criminal offences or serious damage, protected persons, types of criminal offences, reasons for prosecution (Article 6,7,9,10 of the Directive),
- in view of article 36 of the Law: to supplement the article in view of “the competent authorities should take into consideration the principle of non-refoulement in the procedure related to the expulsion order (Article 21.1 of the Directive).

The following recommendations were made by a Hungarian expert, Mrs. Monika Bishof, who made an analysis of the harmonization of the national legislation with the Directive 2005/85/EC:

- regarding the general provisions of the Law, and with special interest given to a child, to define unaccompanied minor (Article 2 from the Directive),
- regarding article 14 of the Law, in the interest of fair and efficient procedure for determining the right to asylum, to define the role of UNHCR (Article 21 from the Directive),
- regarding article 14 of the Law, to supplement the content of the clarification on the terms and the procedure for granting the right to asylum and the possible consequences if the obligations are not fulfilled (article 10 (1) a),
- regarding article 16 of the Law, to determine deadline for accompanying the asylum seekers (Preamble 11 from the Directive),
- regarding article 18 of the Law, explicitly to define that the request for granting the right to asylum must be submitted personally (article 6.1 from the Directive),
- regarding article 18 of the Law determining that the request for granting the right to asylum is filed in Macedonian language, or if this is not possible, in the language of the country of origin or in some of the foreign languages widely accepted instead of the term “foreign languages”, to use the following text “language that can be comprehended by the asylum

¹ 32003L0086 (Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification); 32003L0009 (Council Directive 2003/9/EC of 27 January 2003 laying down the minimum standards for the reception of asylum seekers) ; 32001L0055 (Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of mass influx of displaced persons and on measures promoting balance of efforts between Member States in receiving such persons and bearing the consequences thereof); 31995Y1007 (Council Resolution of 25 September 1995 on burden – sharing with regard to the admission and residence of displaced persons on a temporary basis) and 1996Y0919 (05) (Council Resolution of 20 June 1995 on minimum guarantees for asylum procedures).

² The Convention on the status of refugees of 1951 and its Protocol from 1967; the UN Convention against torture and other forms of cruel, inhuman and humiliating treatment or punishment; International Agreement for civil and political rights; International Agreement for economic, social and cultural rights; the UN Convention for elimination of discrimination against women; the UN Convention for the children’s rights and its Optional Protocols; the Geneva Convention from 1949, including the Protocols I and II; the European Convention on human rights and basic freedoms and its Protocols under the numbers 1, 4, 6, 7, 11, 12, 13 and 14; European Convention for prevention of torture and inhuman or humiliating treatment or punishment; European Social Charter from 1961 and the Protocol from 1991 amending and supplementing the European Social Charter; the Republic of Macedonia is also signatory of the Optional Protocol towards the UN Convention for elimination of the discrimination against women; European Convention for Citizenship from 1997.

seeker clearly". A reason for this is the fact that many persons from Asia and Africa do not speak the official language of their countries of origin, since many dialects are used in their countries (Article 10.1 from the Directive),

- regarding article 20 of the Law, to determine the rules regarding the translations of the documents useful for the examination of the request for granting the right to asylum (Preamble 7 and Article 8.4 from the Directive),

- regarding article 23 of the Law, and with special interest to the child, to regulate explicitly the guarantees for the unaccompanied minors (Article 17 and Preamble 14 from the Directive),

- regarding article 24 of the Law, to determine detailed rules on withdrawal of the request for granting the right to asylum (Article 20 from the Directive),

- regarding the Article 28 of the Law, to determine detailed rules on personal interview (Article 12 from the Directive),

- regarding Article 31 of the Law, explicitly to regulate that every asylum seeker is examined and that every decision is brought on individual basis, objectively and impartially (Article 8 a, b, from the Directive),

- regarding article 33 of the Law, to amend the text, which should read as follows:

"In cases in which the asylum seeker files a request for granting the right to asylum, he/she must provide evidences that his/her circumstances were essentially changed since the moment of issuing the previous decision to discard the request". Unless he/she does that, the Asylum Section shall discard the request. It should be determined whether "the applicant shall submit an identical application upon the final decision" (Article 24 from the Directive) and supplement to the same article in sense of "if new elements and knowledge is received or if the asylum seeker presents them, having significance for the qualification of the applicant as refugee according to 2004/83/EC, then the request shall be additionally examined.

- regarding the article 35 of the Law, it is recommended to point out explicitly that the request for granting the right to asylum shall be considered as unfounded if the asylum seeker is EU member state citizen (Preamble 20 from the Directive),

- regarding article 38 of the Law, supplement of the text is recommended, in direction of determining the obligation of the competent body to inform the recognized refugee that the competent institution is considering again his/her qualification for the status of refugee and the reasons for the renewed consideration, granting the right to the recognized refugee to file written statement and explanation of the reasons not to terminate his/ her status of refugee. (Article 38.1, a and b),

- regarding article 50 of the Law, supplement of the provision regarding the manner of identification of the recognized refugee,

- regarding articles 52-53 of the Law, in the interest of misuse of the status of recognized refugee, to regulate the concrete rules to decrease or withdraw the right to accommodation and financial support,

- regarding the article 58 of the Law, in the interest of the persons under subsidiary and humanitarian protection, supplement to the provision in direction of determining the identity of this category of persons possessing ID card from the competent institution.

- regarding articles 59-60 of the Law, in the interest of the persons under subsidiary and humanitarian protection to determine detailed rules to decrease or withdraw the right to accommodation and financial support.

- regarding article 67 of the Law, it is recommended to regulate the concrete contents of the central database, i.e. to define the objective of the database management.

- regarding article 68 of the Law, and in the interest of fair and efficient procedure, due to the its sensitive character, as well as due to the confidentiality principle in the actions and

data protection, it is recommended to list those institutions which within their competences might request data from the central database and to list the institutions that might provide such data.

Apart from the aforementioned analysis, it is recommended to determine special rules in the procedure when the request to recognize the right to asylum refers to the applicant who is in custody.

The Directive 2005/85/EC is subject to analysis also by the competent structures within the Ministry of Internal Affairs, thus it is projected the amendments to be initiated in 2009 so that it is fully harmonized with the Law.

On the grounds of the Law on asylum and temporary protection, a Rulebook is adopted on the template for the application for the right to asylum, manner of taking fingerprints and taking photograph of the asylum seekers, the template and the procedure for issuing and replacement of documents for the asylum seekers and persons to whom the right to asylum or temporary protection is recognized in the Republic of Macedonia.

The responsibility to conduct the asylum procedure is with the MoI, while the responsibility for acceptance, accommodation and their further integration is with the Ministry of labor and social policy.

The new Shelter center for asylum seekers, in the vicinity of Skopje, is planned to be opened for accommodation of the new asylum seekers in June 2008.

The Law on amendments and supplements to the Law on Social Protection is adopted ("Official Gazette of the Republic of Macedonia" No. 40/07) which explicitly determines the right to social protection of asylum seeker, person with refugee status and person under humanitarian protection.

The Law on employment and work of foreigners ("Official Gazette of the Republic of Macedonia" No. 70/07) specifies that personal working permit with a validity of up to one year is issued to:

- Foreigner asylum seeker to whom the request for recognition of the right to asylum is not acted upon in a period of one year, upon the expiration of the one year period (the working permit is issued for three months with a possibility for extension),
- Foreigner with recognized refugee status,
- Foreigner under humanitarian protection and
- Foreigner under temporary protection.

The personal working permit, in accordance with the provisions of the Law on employment and work of foreigners, is renewable or permanent and provides the foreigner free access to the labor market.

The amended Law on social protection and the Law on employment and work of foreigners cover the recommendations contained in the Council Directive 2003/9/EC.

The Asylum Section within the Ministry of Interior prepared the "Rulebook on the procedures for implementation of the Law on asylum and temporary protection" and it is disseminated to the police stations of general competence, the Border Police and the non-governmental sector.

The Ministry of labor and social policy prepared a Handbook for standard procedures for acceptance of asylum seekers and Brochure on refugee access to rights, which were distributed to all regional centers for social work.

The Inter-Ministerial body for strengthening the refugee and foreigner integration system during 2007 prepared the following normative documents: Plan for possible mass influx of refugees, Plan for work for 2007 and Rules of Procedure, on the basis of which the work and the status of the Inter-Ministerial body for strengthening the refugee and foreigner integration system is determined.

Strategic document in this area is the National Action Plan of the Republic of Macedonia for migration and asylum adopted in 2002.

The Republic of Macedonia is member of GDISC (General Director's Immigration Services Conference) where the General Directors of the asylum and migration services meet in order to promote the operative cooperation among the services competent for implementation of asylum and migration policies via exchange of experiences and best practices and by establishing networks of experts.

With funds of the Government of the Republic of Macedonia a software solution "Data base on asylum seekers and recognized refugees" was prepared, installed and put into operation in the Asylum Section within the Ministry of Interior. Trainings were conducted for the employees of the Asylum Section within the MOI on the application of the normative specified in the "Manual on the procedures for implementation of the Law on asylum and temporary protection".

Statistical Data

Data on the state of affairs of the asylum seeking requests in the Republic of Macedonia submitted in 2007 and 2008:

2007:

- 17 request for recognizing the right to asylum were submitted (adults: 17 persons and minors – 9 or a total of 26 individuals out which 1 person from Democratic Republic of Congo; 1 from the occupied Palestinian territory; 3 persons from Iraq; 1 from Bulgaria; 8 from Kosovo, 7 from Serbia and 5 from India;
- Decisions on refusing the requests were made for 7 requests and for total of 16 persons;
- Decisions to stop the procedure were made for 9 requests with a total of 9 persons;
- One decision to recognize right to asylum was made (recognized refugee) with a total of 1 person;
- 9 persons already left the territory of the Republic of Macedonia.

2008 (Incl. September 2008):

- 30 requests for recognizing the right to asylum were submitted (42 persons out which 30 adults and 12 minors);
- Decisions to stop the procedure were made for 5 requests with a total of 8 persons;
- 8 requests are in an appeal procedure (11 persons out which 8 adults and 3 minors);
- 10 requests are in a first degree procedure (14 persons out which 10 adults and 4 minors).

Future activities

Preparation of amendments and supplements to the "Rulebook on the template for the application for the right to asylum, manner of taking fingerprints and taking photograph of the asylum seekers, the template and the procedure for issuing and replacement of documents for the asylum seekers and persons to whom the right to asylum or temporary protection is recognized in the Republic of Macedonia" which will provide implementation of certain types of subsidiary protection and further harmonization with the Council Directive 2004/83/EC. The amendments will be initiated in agreement with UNHCR Office in Skopje.

The EC Peer Review Mission on JHA (10-14 March 2008) assessed that "the Law on Asylum and Temporary Protection is in line with EU and international standards. Amendments to the Law on Asylum and Temporary Protection implemented a part of the EU Qualification Directive on subsidiary protection which is going to be applied in July 2008. The great progress occurred in the matter of secondary legislation, particularly handbooks and guidelines. Alterations that have been implemented by inherent authorities, to a great extent, take into account remarks from the report written in 2005, so they meet EU requirements".

The Ministry of Interior prepared amendments and supplements on the Law on asylum and temporary protection that are in a stage of inter ministerial consultations and by the end of

October will be submitted to the Government. These amendments and supplements contain changes in the appeal procedure.

The proposed amendments refer to Article 17:

“The asylum seeker can initiate administrative dispute against the decision of the Asylum section, in front of authorized court in a term of 30 days from the day of the decisions delivery. The law suit postpones the executing of the decision. The decision shall be made by the authorized court in term of two months from the day of bringing the suit. If the plaintiff requests, the Asylum section shall postpone the execution of the decision until the final court decision is made, in cases and in way predicted in the Law on administrative disputes.”

Filing of the lawsuit in front of the second degree commission, as the current legal remedy is – is being omitted with the new amendments of the law. In this way, we deem that the European recommendations for the asylum seekers to have the right to effective legal remedy in front of the court have been implemented fully.

The other amendments which are being prepared imposed due to the fact that the amendments and the supplements of the Law on asylum and the temporary protection referring to the subsidiary protection entered into force on the 1st of July 2008. Due to the fact that the category subsidiary protection, as additional one, absolves the grounds for recognition of a humanitarian protection, the category – “person under humanitarian protection” was abolished. Among other things with the amendments of the Law on asylum and temporary protection, there will be normative intervention with the purpose of terminology harmonization of the provisions form the Law on foreigners, Law on employment and work of foreigners and the Law on social protection.

In September 2008, Training Plan was adopted for the police officers at the border crossing points, the Sectors for Internal Affairs and the Police stations of general competence in the area of asylum. This plan includes trainings for the police officers for the period of October - December 2008. Its implementation is expected to be finished until the end of December 2008.

12. Provide adequate infrastructure and strengthen responsible bodies, in particular in the area of asylum procedures and reception of asylum seekers

Organizational, personnel and technical strengthening of the capacities of the Asylum Section within MOI

In line with the reform process in MOI, changes in the organization and systematization of the Asylum Section are foreseen. The Asylum Section will be transferred to the organizational units performing specific expert works for the needs of the Ministry at strategic level. Its position will provide an increase of the number of employees and division of their working competencies in accordance to the new asylum policies in the EU. Procurement of technical equipment for the Asylum Section is also foreseen.

Preparation and realization of a training plan for the police in the area of asylum

During 2006-2007, the Asylum Section conducted trainings on the implementation of the Law on Asylum and Temporary Protection for police station officers.

In 2008, trainings will be conducted for border police officers, officers in police stations of general competence, as well as for the sector for internal affairs of the city of Skopje, as it was mentioned above.

The Asylum Section prepares Manual containing guidelines and instructions on the implementation of:

- Law on asylum and temporary protection;

- Rulebook on the template for the application for the right to asylum, manner of taking fingerprints and taking photograph of asylum seekers, template and procedure for issuing and replacement of documents for asylum seekers and persons to whom the right to asylum or temporary protection is recognized in the Republic of Macedonia;
- Manual on the procedures for implementation of the Law on asylum and temporary protection;
- Access to cases on persons with recognized right to asylum (recognized refugees and persons under humanitarian protection), giving instructions and making contacts with the persons; etc.

Development (preparation of feasibility study) of a central data base for foreigners covering asylum, visa and migration

Steps are being undertaken in order to solve the problem in the lack of the general database which will enable access to all the institutions involved in the system. Namely, the competent authorities nominated participants for realization of the activities along with the Norwegian expert team. Norwegian expert team has an obligation to prepare a Feasibility Study for the central data base by the end of 2008. The central data base for aliens should provide connectivity between all the institutions involved in the asylum, visa and migrations.

With an aim of full implementation of the aforementioned project, the Ministry of Interior provided 30.000.000,00 Denars.

Shelter center for asylum seekers

On 05.06.2008 in the village Vizbegovo – Skopje, the Ministry of Labour and Social policy opened and put into function a Shelter Centre for asylum seekers. Immediately after, the asylum seekers which were accommodated in the facility Cicino Selo were transferred to the new Centre.

The construction work at the Shelter Centre was finalized with the CARDS Program funds. A total of EUR 130.000 has been approved by the European Agency for Reconstruction for procurement of equipment of the same.

From the approved EUR 130.000 only EUR 60.000.00 were used, due to failed tender procedures for the remaining necessary equipment for the centre. However, with the equipment procured so far, minimum conditions have been provided for the functioning of the facility. The remaining part of the equipment shall be covered from the budget of the Ministry of Labour and Social policy.

By September 2008, 23 persons in total have been accommodated in the Shelter Centre for asylum seekers.

After the opening of the new Shelter Centre for asylum seekers, provisions referring the established housing rules in the Centre contained in the “Manual of procedures for sheltering asylum seekers in the Republic of Macedonia” are being applied. Although these regulations were adopted in 2006, there were no objective conditions for them to be applied due to the fact that the asylum seekers were accommodated in another facility. In the Shelter centre 9 employees and 1 volunteer are performing the tasks.

The training for the employees in the Shelter Centres and the Social Work Centres is underway. This training is conducted in the Social Work Centres premises. The training is with duration of 30 days.

Future activities:

- Employment of 5 new persons in the Shelter Centre for asylum seekers latest by the end of December 2008, with already provided budgetary means.
- Final technical equipping of the Shelter Centre.

Migration management

13. Set up and start to apply a mechanism for the monitoring of migration flows, defining a regularly updated migration profile for the 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

According to the Law on foreigners (Article 8) and the Law on employment and work of foreigners (Article 4), the migration policy and the foundations of the employment and work of foreigner's policy will be regulated by a Resolution on migration policy. The Resolution will indicate the state of affairs, identified problems and measures to be undertaken in the area of migration.

The Resolution on migration policy is being prepared by the Government and will be adopted by the Parliament of the Republic of Macedonia. On the basis of the determined policy for work and employment of foreigners, annual quotas for working permits are determined by government decision.

The annual quota for working permits for 2008 was adopted by the Government, comprising a total of 3500 working permits, categorized as follows:

- 1790 permits for employment of foreigners
- 950 working permits for foreigners transferred to Macedonia
- 120 permits for work, training and specialization
- 540 seasonal working permits for foreigners
- 100 working permits for individual services from foreigners

In October 2007, "Migration profile of the Republic of Macedonia" was prepared by IOM in cooperation with the Government of the Republic of Slovenia³. The document was adopted by the Ministry of Interior of the Republic of Macedonia.

The Government of the Republic of Macedonia on the session from 26.08.2008, made two decisions: Decision on forming an inter-ministry group for creating the migration policy of the Republic of Macedonia and Decision for appointing head, members and deputy members of the Inter-ministry group for creating the migration policy of the Republic of Macedonia.

Pursuant to the Decision on forming the inter-ministry group, the accent of the activities will be directed towards the following tasks:

- Advisory role of the inter-ministry group, through administering the respective Ministries to amend and supplement the existing law regulations with aim of creating an appropriate migration policy of the RM,
- Establishing a mechanism for monitoring of the migration flows,
- Preparing the Resolution on migration policy in compliance with the Law on foreigners and the Law on employment and work of foreigners,
- Defining and updating of the migration profile annually by the Ministry of Interior.

The inter-ministerial group for migration policy already held a number of meetings, one of them with the home expert responsible for preparation of the migration profile and the Resolution on migration policy. Aside from the home expert, IOM will engage a foreign expert for this purpose.

Permanent and updated data on the legal and illegal migration are being kept. The MoI keeps records on the number and the structure of legal and illegal migrants. Based on these records, evaluation and analysis are made at central and regional level on the migration flows and the tendencies in this area.

In 2007, 1.085 illegal crossings were registered, representing more than a three fold decrease in comparison to 2006. Most of the illegal crossings (773) were realized at the

³ Annex 2, Republic of Macedonia Migration Profile, September 2007, Ministry of Interior of the Republic of Slovenia.

Macedonian–Greek border, by Macedonian citizens (427) and Albanian citizens (133). At the border with Albania, 248 illegal crossings were registered, all of them by Albanian citizens. At the Macedonian–Serbian border, 58 illegal crossings were registered, mostly by Albanian citizens (23) and Macedonian citizens (10), while at the border with Bulgaria border only 6 illegal crossings were registered, by Macedonian (4), Albanian (1) and Serbian (1) citizens.

In 2007, Macedonian border authorities prevented total of 1.919 foreign citizens attempting to illegally cross the state border, which in comparison to 2006 represents an increase in the efficiency of 2,8%. Most of the attempts for illegal crossings were detected at the Macedonian–Greek border (1.360), mostly by Albanian citizens (1.052). At the border with Albania, 354 attempts for illegal crossing were detected, all of them by Albanian citizens.

In view of the stay of foreign citizens in Macedonia, there is continuous interest for entry and stay of citizens from African and Asian countries, the so called “risk countries”, for which there is strengthened control and detailed checks on the justifiability of the submitted requests for business visa, as well as control of their exit from the country.

Administrative mechanisms/structures for dealing with the migration flows

The Ministry of Internal affairs has institutional and human capacities for collecting and analyzing the statistical data. Collection and statistical data analyses of migration is performed on two levels: regional and central.

On regional level, within each Regional Center for border affairs, a special organizational unit is established, called Section for illegal migration, prevention, foreigners and readmission, with a task to collect data on migration flows. At the same time, separate Units for illegal migration and cross border crime are established, gathering the data and performing the migration flow analyses.

Each Regional Center for border affairs has separate Organizational units - Units for analytics, gathering statistical data on migration flows from the inspectors. These data are submitted to the Sector for analytics, information and research, positioned on a strategic level within the Bureau for public security.

On a central level, the Sector for analytics prepares information and research analyses, monthly, every three months, twice a year and annually, referring the state of affairs on the territory of the RM. The aforementioned analyses, in spite of the statistical data, include information on the illegal migration routes and motives for undertaking such activities. The analyses are submitted also to the Minister of Internal Affairs and to the Sector for border affairs and migration. Based on these analyses, the Sector for border affairs, undertakes necessary measures to enhance the control of certain areas and measures aimed to illegal migration prevention.

Since September 2007 within the Bureau for public security - Organized Crime Department, the Sector for criminal intelligence started with its work, and having the necessary human capacities, gathers and makes analyses on migrations flow data.

Regarding legal migration i.e. employments, the Employment Agency collects data on employment and submits to the Ministry of Labor and Social Policy, where the data analyses received are prepared and future activities are planned.

Data collection methods

The migration statistics in the State bureau for statistics is based on the data collected within the Ministry of Internal Affairs. The State bureau for statistics is responsible for collection, control and publishing the data. The procedure of data collection is performed monthly, thus every change of the residence address of the citizen of RM, as well as every change of the movement of foreigner's residence is registering by submitting an inquiry (report or notice of departure) to the MOI. In the statistics of external migrations, it is very significant to encompass the relevant categories of migrants - foreigners, according to the international recommendations for external migration, as well as the Council's Directive NO: 862/2007/EEC.

In direction to full harmonization with the aforementioned Directive, the implementation of the national and international classification and standards is necessary by the MOI.

Statistics on migration trends (border crossings), data on residence permits (applications/issued permits, according to the category), data on return, on naturalization and on undocumented migration is presented in *Annex 3*.

14. Adopt and implement the integration policy for migrants including sustainable financial and social support

One of the priorities of the Inter-ministerial working group for integration of refugees and foreigners for 2008 is to prepare a strategy for integration of refugees and foreigners. To this end, a team of experts from the Ministry of labor and social policy, UNHCR-Office in Skopje, Red Cross of the City of Skopje and Centers for social work, conducted research on the level of education and work skills of the refugee population.

The Ministry of labor and social policy, in cooperation with IOM, works on drafting the Resolution on migration policy and the Strategy for integration of refugees and foreigners. The Strategy for integration of refugees and foreigners will also take into consideration the integration of migrants.

Amendments to the Law on social protection and social security are foreseen for adoption by the end of 2008, regarding social support to legal migrants. Currently, the social rights of migrants are regulated through bilateral social security agreements. Macedonia has concluded 16 bilateral social security agreements, and 4 are under negotiations.

Definition of foreigner: The Law on Aliens defines the term alien as a person who is not a national of the Republic of Macedonia. At the same time, the Law on Aliens precisely defines that the alien is also a stateless person, i.e. as a person who is not considered as citizen of a particular country, according to the individual law of that country. The definition of the term "stateless person" is made according to the article 1 of the Convention on the status of stateless persons from 1954.

The National Program for Adoption of the Acquis defines the short and medium term priorities in the migration area, listing the implementing institutions, deadlines and financial means. Short term priorities (until the end of 2008) are:

- Enactment of a Resolution on the Migration Policy.
- Preparation of a Strategy for integration of refugees and foreigners.
- Creation of a central database for foreigners which shall provide connectivity with the competent organizational units within the Ministry of Internal Affairs, the Ministry of Labour and Social Policy and the Ministry of Foreign Affairs. By the end of 2008 the Feasibility Study should be finalized, prepared with expert assistance from Norway.
- Conclusion of Readmission Agreements with Moldova, Ukraine, Montenegro and Serbia.
- Continuous training for the employees within all the organizational units working in the area of migrations.

Mid-term priorities are:

- Preparation of programs for voluntary return of persons. In view of advancing the policy of voluntary return in the country of origin, in the transit or third country, the Ministry of Internal Affairs in the course of 2009 shall prepare programs for secure voluntary return of persons.
- Harmonization with international standards and classification regarding the statistic data monitoring. In order to have statistical monitoring of the migrations, harmonization of the national with the international standards and classifications will be carried out (ISCED-97, ISCO-88, NUTS), as well as implementation of the Regulation 862/2007/EC.
- Amendment and supplement of the Law on Aliens in view of full harmonization with the EU legislation.

The EC JHA Peer Review Mission of March 2008 assessed the developments in the area of migration in the Republic of Macedonia. It was stated that the new Law on Aliens meets the EU expectations and legislative standards, making the asylum-migration system clearer and

more efficient. The assessment pointed out certain gaps, which were analyzed by the relevant institutions and addressed as short and medium term priorities in the NPAA.

A Draft version of the Strategy for integration of refugees and foreigners for the period of 2008-2015 is prepared. The Draft Strategy contains the following elements: situation with the refugees in RM, age and sex structure of the refugees, structure of the families, education level, working skills, health balance, situation with the foreigners, number of foreigners with temporary and permanent residence, registered immigrants with short term and long-term residence having in mind the country of origin. In addition, the legislative in the Republic of Macedonia is shown regarding the political rights (right of public gathering and right of associating), cultural rights, educational rights, social-economic rights. Also, the conceptual presumptions for the strategy are determined: social cohesion, retrieving a common immigration politics of the country, strengthening of the regional dialog, developing an anti-discrimination regulative, active involvement of the local self-government in the process of implementation of the strategy. The Draft version of the Strategy determines the activities that should be taken for easier access to employment, social homing, health protection, education etc.

Pursuant the planed activities, after the adoption of the Strategy, the involved Ministries shall retrieve an action plan for implementation of the Strategy including financial implications.

15. Define and apply a methodology for inland detection and take measures improving the capacity to investigate cases of organised facilitated illegal migration

The Regional centers for border affairs contain separate sections for prevention and suppression of illegal migration. One of the basic tasks of these sections, beside prevention of illegal state border crossing, is the detection of illegally residing persons on the territory of the Republic of Macedonia. These sections collect intelligence data and prepare analysis related to illegal residence, which represent the basis for action for detection and suppression of illegal migration movements.

According to the 2008 Annual Program for advanced and specialized training of the border police, 28 regular trainings were conducted on asylum, fight against trafficking in human beings and smuggling of migrants and forgery of documents.

The Organized Crime Department deals with the organized forms of illegal migration, through the Sector against trafficking in human beings and smuggling of migrants, which has material and human resources to successfully deal with this type of crime. Proactive criminal investigations are conducted for identification of criminal groups, based on previous profiling and identification of groups dealing with smuggling of migrants. With the application of special investigative measures upon a warrant from a Public Prosecutor or an Investigative Judge (secret surveillance, documentation, interception of communication, controlled delivery, undercover agent) the necessary evidence is provided. Often, these actions have international character because the Republic of Macedonia is a transit country in the so called international channels for smuggling of migrants. These joint actions are implemented on a bilateral basis or through the SECI Center in Bucharest. During 2007 there were 2 international actions (Danube and Air Bridge) resulting in apprehension of 70 individuals, out of which 19 were from Macedonia. To increase the police operative power for dealing with this type of crime, continuous training is provided to police officers in line with the Mol Annual working program, as well as in cooperation with IOM, OSCE and UNODC within the project for joint international investigations.

The link between the Regional Centers and the Organized Crime Department:

On central level, the Organized Crime Department – the Sector for Trafficking of Human Beings and Smuggling of Migrants, is responsible for criminal investigations on smuggling of migrants carried out by organized criminal groups according to Article 418b in relation to Article 418c of the Criminal Code - organizing criminal group for perpetration of the criminal offence smuggling of migrants, with foreseen minimal punishment imprisonment of 8 years.

On regional and local level, the responsibility for criminal investigations on smuggling of migrants is with the Regional Centres for border affairs – Section on Illegal migration, aliens and readmission. Their competence refers only to smuggling of migrants carried out by individuals.

The Criminal Investigation Manual for the Police within the Ministry of Internal Affairs, defines the methodology for performing criminal investigations, as well as the cooperation between the Organized Crime Department and the regional centres. In cases when the regional centres for border affairs detect a case of smuggling of migrants by organized criminal group, upon the prescribed procedure in the aforementioned Manual, coordinated investigation is initiated and performed by the Organized Crime Department and the Regional centre for border affairs.

Apart from cases on smuggling of migrants, in compliance with the Law on Police, the Organized Crime Department is responsible for coordinated investigations when criminal act was perpetrated from organized group consisted of three persons (at least), acting for a certain period of time, in order to acquire immediate or direct financial benefit or other material benefit, performing one or more criminal acts, as well when other criminal act is organised for which there is prescribed sentence for at least four years of prison.

The central coordinating authority in the area on criminal investigations, which according to the Law on Police are in the competence of the Organized Crime Department, this unit is central point that unifies and coordinates the criminal investigations.

On central (strategic) level there is the Bureau for Public Security, a body within the Ministry of Internal Affairs, positioned as strategic-management level of the police. This body coordinates the work performed by the police, on the highest strategic level, aiming at unique and harmonized action in all segments of police acting. There is a Director managing the Bureau for Public Security, who at the same time is the highest professional in the police. Within this body there is a Sector for Border Affairs, competent for the everyday policing in the area of border affairs, as well as for the police activities related to the illegal migration. The tasks of the Sector for Border Affairs are:

- conceptual planning, monitoring and analysis of the police performance and security situation in the area of border affairs, as well as determining the reasons for the existence of criminality and threats against the security;
- harmonization, guiding, general and expert surveillance and control over the work of the regional centres for border affairs, including the police station and sections within the aforementioned centres;
- gathering, processing, analysing, usage, assessment, transfer, storage and deletion of data from the border affairs realm, as well as personal data procession pursuant to conditions and manners stipulated by Law;
- participation in certain complex tasks in the area of activities of the regional centres for border affairs and the police stations and sections which function within the aforementioned centres;
- implementation of the ratified international police cooperation agreements, in particular implementation of the ratified international cross border police cooperation agreements;
- giving proposals on the standards for equipment and material-technical means for the border police organizational units;
- care for the preparedness of the border police for taking actions and work in conditions of endangered security situation
- creation of concepts for adequate implementation of the EU legislation and NATO standards in the area of border policing;
- creation of concepts and procedures for border incident resolving in accordance with the legal norms and by-laws;
- in coordination with the regional centres for border affairs gives opinion regarding the agreement on the urban plan to the Ministry which refers to the area 100m in-depth from the border line.
- in coordination with the regional centres for border affairs gives opinion regarding the approval issuance by the Ministry for construction, setting-up and usage of the facilities in the vicinity of the border crossing points;

- gives opinion to the Minister of Internal Affairs regarding the enactment of a order for persons employed at the operator and other legal and natural persons performing activities in the area of the border crossing point to wear badges;
- preparation of legal acts and by-laws referring to the border management under the competence of the Ministry of internal Affairs
- preparation and implementation of Memorandums, Protocols and Agreements signed with the competent border management authorities;
- prepares procedures on the manner of border control performance, state border security, development of cross-border cooperation and fight against illegal migration;
- in co-action with the Sector for analytics, research and documentation, prepares the strategic risk analysis on the state border security;
- performs other duties prescribed by Law.

A Manual for policing - "Standardization for basic police procedures" has been adopted and it has been a sublimite of the priorities of the basic operative police procedures from the General, Border and Security of road traffic policing. It aims to assist police officers in the practical implementation of the most important elements of the new Law on Police and the Rulebook on the Manner of performing police duties. The Manual offers clear-cut and short instructions on taking actions in particular cases. In the area of border policing, this document elaborates procedures on: evaluation of the situation by the border police officers, profiling of victims and perpetrators of human trafficking, basic control of the validity of the passport, detecting persons using forged documents while crossing the state border, checks of buses, trains, overloaded freight vehicles, persons detected in the vicinity of the border line, dealing with illegal migrants, detecting other type of cross-border crime, suspicious luggage and acting in cases when radioactive materials are detected.

Statistical Data

Between January and April 2008, 155 illegal crossings were registered, twice less compared to 2007, while 341 foreign citizens were prevented to illegally cross the state border, most of them at the border with Greece.

Data on trends in detection of illegal individual and group facilitated crossings, on detected false documents related to illegal migration (i.e. refusals of entry, illegally staying third-country nationals) are presented in *Annex 4*.

During March 2008, the Ministry of Internal Affairs addressed to the European Agency for Reconstruction requesting realization of a Project whose goal would be preparation of Manual in which on a practical, immediate manner the working procedures of the police officers in certain situation would be described. To this request we had a positive answer from the EAR, thus at the moment the management of the project is ongoing, named as "Assistance for development of the Policing Handbook". The overall objective of this assignment is to strengthen the capacities for practical implementation of the provisions of the Law on Police, and of key provisions of the Law on Control of the State Border for specifically Border Police actions. The specific objective is to provide advisory support to develop a draft Policing Handbook, for practical day-to-day use by Police Officers, to assist them to execute the most commonly encountered uniformed Police duties in accordance with the legal and regulatory basis for policing operations. The Handbook is intended as an operational tool, without formal legal status.

The engaged experts from the EU countries, in cooperation with the MOI experts, have already drafted a version of this Handbook for basic operational police procedures, which is submitted to the appropriate services in the Ministry of Internal Affairs to have an opinion for it. According to the Terms of reference from the Project, the final version of this Handbook is expected to be finished during October 2008.

16. Implement the law on admission and stay of third country nationals, defining rights and obligations for the persons concerned (including family members of third country nationals)

In the Republic of Macedonia, foreigners enjoy the freedoms and rights guaranteed by the Constitution under conditions specified by law and international agreements. According to the Law on foreigners, during their lawful residence in the Republic of Macedonia the foreigners enjoy the same rights and obligations as the citizens of the Republic of Macedonia, unless otherwise provided by law. The Law on foreigners, in force as of 01.01.2008, regulates the conditions for entry, exit and stay of foreigners in the Republic of Macedonia, as well as their rights and obligations.

The Law on foreigners also guarantees the right to family reunification. The right to family reunification is recognized to foreigners in possession of permanent residence permit or temporary residence permit issued for a period of one year for employment purposes. The Law also defines which persons are considered closer family members, the rights they enjoy, as well as the conditions for issuing the temporary residence permit for these categories of persons. The definition of closer family members, their rights and obligations is in accordance with the Council Directive 2003/86/EC of 22 September 2003 for the right of family reunification.

According to the Law on foreigners, unless otherwise provided by other laws, foreigners in possession of permanent residence permit have the same rights and obligations as the citizens of the Republic of Macedonia, specifically:

- residence in the Republic of Macedonia without time restrictions
- access to employment or performing independent activity
- education and professional training, including studying
- validation of professional diploma, certificates and other qualifications
- social assistance and social protection
- tax benefits
- access to goods and services and procurement of goods and services available to the public
- freedom of association and membership in specific organization of workers or of employers or professional organizations
- free access throughout the territory of the Republic of Macedonia, except in areas where movement is restricted or limited for reasons of security or defense of the Republic of Macedonia.

The definition of the rights of foreigners with permanent residence is in accordance with the Council Directive 2003/109/EC of 25 November 2003 on the status of long-term residents.

On the basis of the Law on foreigners, the following bylaws were adopted: Rulebook on the Reception center for foreigners; Rulebook on travel and other documents for foreigners; Rulebook on the manner of issuing visas to foreigners, continuation, shortening of the visa validity, revoking and annulment of visas, as well as on the template for visas and keeping records and Rulebook on foreigners.

Statistical Data

In 2007, 4.238 foreign citizens were approved temporary residence, out of which 2.251 on the grounds of marriage, 593 on the grounds of employment and 373 on the grounds of performing professional activity. In most of the cases, approvals for temporary residence were issued to citizens of Serbia, Albania and Bulgaria.

Between January-April 2008, 1338 permits were issued to foreigners for family reunification. In this period, there were 7.262 foreigners with regulated residence, out of which 6.906 with temporary and 356 with permanent residence.

For additional information see also Block 2, benchmark 14.

The Republic of Macedonia adopted the Law on amendments and supplements of the Law on foreigners ("Official Gazette No.117/08"). With this amendments and supplements the

Government of RM can decide the citizens of the EU member states and of the signatories to the Schengen agreement to enter RM with a valid ID, if the citizen fulfils the conditions for entrance of foreigner in the RM. The amendments also provide for issuance of special ID for foreigners, besides the diplomatic, official and consular ID. This ID shall be issued to a foreigner, as well to the members of his/her family (husband/wife and children) who is a member of a foreign state mission or another foreign mission, which in RM have special status established with a specific agreement between the RM and the foreign state, or the foreign mission.

Special ID shall be issued to a:

- foreign expert or volunteer engaged from diplomatic – consular mission of a foreign state or other foreign mission which in RM has a diplomatic or special status, for project realization with a public interest for RM;
- parent of a foreigner who is member of diplomatic – consular mission of a foreign country or other foreign mission which in RM has a diplomatic or special status and
- to a foreigner who is member of a service personnel engaged from the diplomatic – consular mission of a foreign country or other foreign mission which in RM has a diplomatic status.

The amendments also provide that the victims of human trafficking during the decision making period shall be accommodated in the Reception Center for foreigners within the Mol.

17. Ensure effective expulsion of illegally residing third country nationals from its territory

The expulsion of illegally residing foreigners is performed in accordance with the Law on foreigners and the Rulebook on foreigners, and is in the competence of the Sector for border affairs and migration at Mol. A foreigner may be expelled only by an expulsion decision taken in legal procedure.

The expulsion decision prescribes the deadline to leave the territory of the Republic of Macedonia, as well as the entry ban period, which cannot be shorter than six month or longer than five years. A foreigner detected to have been illegally residing for a period of up to one month, will be sanctioned with an entry ban of up to 2 years. For illegal residence of longer than one month, an entry ban in duration of 2 to 5 years is foreseen. A five year entry ban is foreseen for illegally residing foreigners, who illegally entered or worked in the Republic of Macedonia. When handing over the expulsion decision, the authorized personnel from MOI take fingerprints and photograph the foreigner.

The expulsion decision states that if the foreigner does not voluntarily leave the Republic of Macedonia within the deadline set, he/she will be forcefully removed. Against this decision, the foreigner has the right to appeal to the competent commission of the Government of the Republic of Macedonia. Against the decision of the government commission, deciding in second instance, a foreigner may initiate an administrative dispute in front of a competent court according to the Law on administrative disputes.

The foreigner is forcefully removed if he/she does not voluntarily leave the territory of the Republic of Macedonia within the deadline set or circumstances occur indicating that he/she will not leave voluntarily. Prior to the forced removal, the foreigner is subject to medical control. The forced removal is conducted by the Ministry of Interior.

In the procedure for forced removal, foreigners may be detained by MOI up to 24 hours. Foreigners that cannot be forcefully removed within the deadline set are accommodated in the Reception Center for foreigners. Foreigners may be temporarily accommodated in the Reception Center for up to 12 months. In specific cases (accommodation and means of subsistence secured), when estimated that the foreigner need not be accommodated in the Reception Center, the MOI may take decision to restrict the foreigner's movement to the place of residence with an obligation to regularly report to the closest police station.

The Reception Center has capacity to accommodate 40-50 persons. From the experience so far, the main problems influencing the efficiency of the return procedure of the illegal migrants are the following:

- difficulties in the communication with the foreign Embassies outside of the territory of the Republic of Macedonia (India, Iraq, Tunis, Algeria and others), in order to determine the identity of the foreigner, provision of travel document for return, etc.
- provision of financial means for flight tickets for distant destinations, travel lists, visas and so on, since the majority of cases are paid from the MOI budget (except for donations by IOM, which provided means for return of 18 illegal migrants in 2007-2008).

The Law on foreigners prescribes special rules for unescorted minors and special protection for the return of this category of persons.

Statistical Data

In 2007, 408 misdemeanor charges were filled against foreigners, mostly for unregistered residence or overstay. 646 foreign citizens received residence cancellation and an entry ban, while 400 foreign citizens received expulsion orders and were deported with police escort to the border crossing points and transferred to the neighboring security services.

Between January-April 2008, 273 foreign citizens received expulsion orders, 239 foreign citizens were deported to the border crossing points, and 35 were transferred to the neighboring border authorities.

The Republic of Macedonia besides the horizontal readmission agreement with the EU has concluded 5 (Swiss Confederation, Croatia, Albania, Norway and Bosnia and Herzegovina) bilateral readmission agreements. It initiated conclusion of readmission agreements with Serbia, Montenegro, Moldova and Ukraine, which are planned to be completed by the end of 2008. The texts of the Readmission Agreements with Moldova and Ukraine are already harmonized. So far, no difficulties have been registered in the process of negotiations and signing of readmission agreements.

According to the provisions of the Horizontal Agreement on Readmission, conclusion of the implementation protocols is foreseen between the member states and RM. The procedure for concluding such protocol between RM and Estonia is ongoing.

Main countries of origin of illegal migration are Albania and Serbia (including Kosovo). The biggest percentage of the persons who tried to cross the border illegally or who resided illegally are citizens of Albania. It is expected that this decreasing trend will further continue in the future, with the entry into force of the visa free regime with Albania.

Data on return of illegal migrants are presented in *Annex 5*.

III. BLOCK 3: Public order and security

Preventing and fighting organised crime, terrorism and corruption

18. 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

The Action Plan for countering organized crime envisaged implementation of the following priorities: 1. Regional public prosecutors network; Regional cooperation in the area of justice (regional collaborators in the area of justice and witness protection); 2. Capacity strengthening for prevention of money laundering and financial crime and regional exchange of information; 3. Establishment of a special section for countering organized crime and corruption within the Public Prosecution Office; 4. Specialized training of judges in fighting organized crime; 5. Establishment of Organized Crime Department; 6. Establishment of Central Criminal Intelligence Unit.

The Republic of Macedonia completely fulfilled the activities defined under the priorities 1, 2, 3, 4, and 5. Activities are underway for implementing the priority 6.

Within the Organized Crime Department a Sector for criminal analyses and Sector for criminal intelligence are established, with competences for gathering, investigating and analyzing of information within the central police service in Ministry of Interior.

In direction of fulfilling the obligations deriving from the measure according the Action Plan from 2003, regarding the establishment of the Central Intelligence Unit, the following measures are undertaken:

The Rulebook on working posts systematization in the Ministry of Internal Affairs Official file nr. 13.1-3828/1 from 11.07.2007, according to which within the Bureau for public security there are new organizational units systematized, which are centralized criminal intelligence units. Namely, within the Organized Crime Department there are:

1. Sector for criminal intelligence with 4 Sections: Section for criminal intelligence for organized crime with 8 offices in the regional Sectors for internal affairs, Section for regional criminal intelligence with 8 offices in the regional Sectors for Internal affairs, Section for exchange for information and Central register for informants, Section for information support. With total of 103 employees planned, and in this moment 77 working posts are occupied.

2. Sector for criminal analyses with 2 Sections: Section for criminal intelligence analyses, Section for administration and documenting, with total of 17 employees planned and in this moment 16 working posts are occupied.

- Simultaneously with the organizational positioning and personnel equipping there are continuous professional trainings provided for criminal intelligence and criminal analyses.

- In order to realize the activities planned within the sixth priority for suppression of the organized crime, the Sector for criminal analyses is designated as a National Center for inter-agency cooperation for exchange of information.

- From all the institutions involved in the fight against the organized crime, the information exchange shall be realized through the Liaison Officers as well.

- An Elaborate for fiscal implications to establish the Sector for criminal intelligence where all material-technical needs, necessary as an equipment of the Sector to achieve its complete functionality is prepared with:

- Overview of facilities for the employees of the Sector for criminal intelligence
- Overview of motor vehicles needed
- Overview of information technology needed
- Overview of material technical equipment and services needed

The total financial means, which should be provided for the procurement of the material-technical needs, are projected in the elaborate. The financial means will be provided from MOI sources as well as from donations from the IPA funds.

Under the Project for development of the Sector for criminal intelligence, integral criminal intelligence system is being developed, aimed at strengthening the capacities for fighting organized crime. At the same time, trainings for criminal intelligence and personnel recruitment are being conducted.

The following bylaws regulate the procedures, methods, means, competencies and duties of police officers in the criminal intelligence process:

- Rulebook on informers recruitment, use and management;
- Rulebook on risk analyses production, criminal investigation analyses and criminal intelligence analyses in the Department for organized crime at the central police service within the Bureau for public security
- Rulebook on the systematization of the working positions at the MOI, containing job description for the working positions in the criminal intelligence units.

Financial implications study for the Sector for criminal intelligence and the Sector for criminal analyses for 2007-2010 was prepared.

Data base for the Sector for criminal intelligence (covered sources) is being established. Criminal investigation data base is also planned to be established, containing data for trafficking in human beings, smuggling of migrants, blood related crimes, cyber crime etc.

The Data base for the Sector for criminal intelligence is a base where information shall be input only received by undercover information sources, i.e. from informant as an undercover human information source (the entities, fields and users are defined for the levels of access to the data base). Activities are ongoing to establish conditions to put in place the technical equipment - the server in the system hall of the MOI and providing security access to the server i.e. the data base from the working stations of the Sector for criminal intelligence (for the process of using and managing the informants etc.)

Simultaneously, the process of creating the data base for conduction of the criminal investigations for serious and organized crime for the needs of the OCD (as well as other governmental institutions dealing with the organized crime) is ongoing, in the competence of the Sector for criminal intelligence, where the information on criminality shall be input as: trafficking with human beings, smuggling of migrants, blood related issues, crime acts in the field of cyber crime, illegal trafficking with drugs and weapons etc.

The aforementioned data bases are data bases established in the MOI.

The National intelligence data base has a tendency to connect the data bases of all institutions involved in the fight against the organized crime (MOI, the Ministry of justice, Public Prosecution, Customs Administrations, Money Laundering Prevention Office, Public Revenue Office, and Financial Police).

The establishment and implementation of the National intelligence data base is regarded as necessary having in mind the on-time and efficient detection and prosecution of the perpetrators in the field of the organized crime, corruption and other types of criminal activity.

This type of information exchange shall overcome the problems in the inter-agency cooperation, present in the area of insufficient coordination between the authorities, insufficient usage of data, unduly data exchange, increased expenditures and irrational usage of the material and human resources.

At this moment, only part of the authorities in the RM competent for countering organized crime, corruption and other types of criminal activity have data bases, but they are also very old and inefficient. Also, the data in the existing bases are not standardized, incompatible, technically- functionally old, prepared on different technical platforms, thus the direct access and usage of data is disabled.

With the establishment of the National intelligence data base and the information connection of the institutions dealing with the fight against organized crime, corruption and other types of criminal activity the following benefits shall be achieved:

- Data and information collection in standardized format
- Standardized manner on data collection, mutual exchange and analyses according to the international and European standards;
- Preparation of information analyses with sophisticated analytical techniques (Analyze Notebook-I2);
- Providing analytical product's exchange and preparation of joint analytical products;
- Creating early warning system which will generate and send electronic warnings of the competent authorities included in the investigations, which will provide coordination of the mutual activities, in order to eliminate the possibility for leading parallel, non coordinated investigations for the same subjects;
- Access to data in real time;
- Providing legal access and use of information from the National intelligence data base according to the determined competency of each institution;

- More qualitative national data exchange with the international institutions and organizations;
- Creating solid compatible bases for the future interaction with the Schengen information system, EUROPOL information system, INTERPOL, etc.

The Sector for criminal analyses is still not functioning as a National cooperation center. The data base links are not yet established of all institutions involved in countering organized crime, i.e. the integrated system for information exchange is still not operational.

An inter-institutional working group for criminal intelligence was established, comprising representatives of Mol, Public Prosecution Office, Customs Office, Public Revenue Office, Directorate for Prevention of Money Laundering, Directorate for Personal Data Protection and Directorate for Protection of Classified Information. Liaison officers for information exchange were appointed by the institutions.

The inter-institutional working group, supported by foreign experts, drafted an Action plan for establishment of National criminal intelligence data base 2008-2010, which was approved by the Government in July 2008. The planned activities for 2008 are: a) Preparation of the Law on information exchange through establishment of the National intelligence data base. The aforementioned activity shall be realized through logistics from the agencies involved in the establishment of the National intelligence data base; and b) Defining a concept of establishment, connection, location, security and administration of the National intelligence data base. Foreign consultants shall be involved while realization of the aforementioned activity. The financial means for the realization of the aforementioned activity are provided from the British Embassy Project for fight against corruption.

The Government of the RM has adopted the Plan of activities for establishing the National intelligence data base and the Action plan for establishing the National intelligence data base. The Action plan is consisted of the Annex for the needed financial means for implementation of each individual phase and the Annex for the estimated costs by years. In the Action plan the activities, phases, steps-tasks, deadlines to implement the given tasks, competent institutions and expected results from each activity are determined. According to the determined activities during 2008 two activities should be realized:

- Preparation of the Law on information exchange through establishment of the National intelligence data base. The aforementioned activity shall be realized through logistics from the agencies involved in the establishment of the National intelligence data base and
- Defining the concept of establishment, connection, location, security and administration of the National intelligence data base. Foreign consultants shall be involved while realization of the aforementioned activity. The financial means for the realization of the aforementioned activity are provided from the British Embassy Project for fight against corruption.

In the Annex for the estimated costs by years the financial means for 2009, 2010 are determined and shall be provided from the Budget of the RM. Regarding the fact that the Budget is planning annually in the course of August the current year for the next year, at this moment in the Budget circular for 2009 the amount of the financial means needed for realization of the activities of the National intelligence data base for 2009 are planned.

The Government of the RM has adopted the Decision on establishing the Steering board of the project for establishing the National intelligence data base. The aforementioned Decision is published in the "Official Gazette of the RM" and entered into force. At the beginning of September 2008 it is expected from the Steering Board to have its first session and to appoint a Project Manager.

The Management board of the Project for establishing a National intelligence data base held the first meeting (4.09.2008). Management Board members are: Mol as a President of the Management board, the State Secretary in the MJ, the Director of the Customs Administration, the Director of the Public revenue office, the Director of the Financial police, the Director of the Administration for prevention of money laundering and financing

terrorism, the Director of the Directorate for protection of classified information, the Director of the Directorate for personal data protection, the General Director of the Central register of RM, the Head of the Organized crime department in Mol and the Head of the informatics and telecommunications department in Mol.

The Project Manager and the Project leaders assigned the four activities from the Action plan, such as:

- Preparation of Law on information exchange through establishing a national intelligence data base;
- Defining of the concept for establishing, connecting, locating, ensuring, maintaining and administering of the national intelligence data base;
- Overview of the encrypted communication network for all national intelligence data base institutions and
- Defining a model of a data base for the national intelligence data base, for the purpose of the feasibility study and tender file.

The activities of the four working groups are ongoing.

Working groups are formed with representatives for all of these phases from all of the institutions included in the National intelligence database. In this moment intensive activities are being taken for purpose of fulfilling the obligations given in the Action plan. See more information in Requirement No. 27, page 68.

19. Implement the 2006 Strategy for Combating Trafficking in Human Beings and the 2006 Action Plan and ensure sufficient human and financial resources

The Strategy and Action Plan against trafficking in human beings are fully implemented (see *Annual Report 2007, National Commission for Combating Trafficking in Human Beings and Illegal Migration, attached in Annex 6*). The National Commission against trafficking in human beings started defining the 2009 Budget for protection of victims of trafficking in human beings.

Legal framework: The Criminal Code was amended in order to address the prevention and protection of victims of trafficking in human beings (THB). The trafficking of minors is incriminated as a separate criminal act. The definition of the term “victim of THB” is in accordance with the Council of Europe Convention against trafficking in human beings. The status of temporary residence of the victims of THB is regulated with the Law on Aliens, which determine the reflective period and the conditions for issuing residence permit for the victims of THB. The Criminal Code also introduced compulsory confiscation of assets of perpetrators of the criminal act THB. Also, there are ongoing activities for harmonization of the legislation are ongoing, in accordance with the Convention on fight against THB where it is suggested to include the right of access to the labour market for the victims of human trafficking.

During 2006 the Office of the National Referral Mechanism for victims of trafficking in human beings prepared legal analyses of the legislation in order to detect the weaknesses of the legal system regarding protection and prevention of trafficking in human beings and initiation of criminal procedure against the perpetrators, as well as to provide recommendations for improving the care for THB. The Ministry of Labour and Social Policy prepared amendments to the following legislation: Law on family, Law on children’s protection and Law on social protection.

In July 2008 the amended Law on family was adopted, introducing a new chapter “Guardianship of juvenile persons - victims of trafficking of human beings” with 16 new articles.

The amendments to the Law on children’s protection are in Parliament procedure. The amendments are going to regulate the protection of children, victims of trafficking in accordance with international conventions in this field, especially UN Convention on children protection.

Law on social protection is in preparation phase. The amendments are intended to improve the victim's rights, especially the nationals of Macedonia. With the proposed amendments, the government will provide complete financial support (buildings, shelter centres, maintenance costs etc.) while the NGO's ("Open Gate" and "Happy Childhood") will continue to manage the process.

In April 2007, National Commission (NC) against trafficking in human beings in cooperation with IOM issued the "Manual on training for the law enforcement agencies in the fight against THB" which is a valuable tool for the work of all concerned subjects.

The Standard operative procedures for identification of victims of THB were finalised in October 2007 by joint activity of the working group of experts from the NC, international organisations and representatives from the non-governmental sector. Trainings for implementing the standard operative procedures are conducted since March 2008.

Realisation of the project supported by the ICMPD "Program for improvement of the response to THB in South-East Europe: Collection of data and information management" for setting up National database, enabled creation of a software application for registration of data in national database, both for the perpetrators of criminal act THB and for victims of THB. The project is planned to be completed in 2008. The software for the data on victims of THB will be integrated in the National Referral Mechanism (NRM) within the MLSP, while the software for perpetrators of the criminal act THB will be part of the Sector for fight against THB in the Organised Crime Department.

The setting up of the two national databases will present an important instrument in providing statistical data from this area, analysis, monitoring and studying the phenomenon of THB. The MLSP in cooperation with the OSCE continuously works on realisation of the NRM project.

Institutional framework: In January 2007, the Government appointed the new National Coordinator and members of the NC against trafficking in human beings. In March 2007, the National Action Plan against THB was published, which is comprised of the Strategy against THB and the Action Plan for fight against trafficking in children. In April 2007, the Office of National Coordinator of the NC was established, which is fully equipped and operational. The Office is located within the MOI, which covers the entire costs for maintenance. One person is employed in the Office.

As for the strengthening of the institutional capacities, in January 2007, the existing THB section within the MOI grew into higher organisational form i.e. Sector for trafficking in human beings and smuggling of migrants (STL) with its two sections: Section for trafficking in human beings and prostitution and Section for smuggling of migrants and falsified travel documents. The Section for trafficking in human beings and prostitution has 7 employed persons. The Section for smuggling of migrants and travel documents falsification has 8 employed persons.

In the part of identification of the THB victims and their adequate protection, the THB Sector maintains permanent and close cooperation with several governmental institutions: NRM within the MLSP, MJ, MFA, Ministry of Health and the Ministry for Education, with the international organisation (OSCE, IOM, ICMPD, ICITAP) and non-governmental organisation (Open Gate-La Strada, For Happy Childhood).

Prevention, awareness raising and education on THB: The number of NGOs that continuously implement projects, organise seminars and trainings on fight against THB has increased. Basic and specialized trainings on THB were carried out for the State Labour Inspectorate, the Border Police and other institutions. There is continuous training for the operators of the existing SOS line for assistance of the THB victims and prevention of THB. MLSP launched media campaign for raising public awareness on the fight against THB.

The THB Sector actively participated in many regional and international initiatives and projects such as: EC Project, ILAEIRA- Athens, the aim of which is strengthening the capacities in EU for fight against THB, particularly the cross-border cooperation of the SEE countries; appointment of National contact points and defining modes of cooperation in the

identification of the victims and prosecution of the perpetrators of the THB crime; OSCE project "Alliance against THB", which through joint seminars and exchange of experiences has the objective to enhance the joint capacities of the law enforcement agencies against THB; ICMPD Project "Transnational referral mechanism for victims of THB between the countries of origin and destination", together with Italy, Czech Republic, Hungary, Portugal, Bulgaria and Romania.

In September 2007, the MoI signed a Protocol on cross-border cooperation against THB with Albania, as a supplement to the bilateral agreement on police cooperation. The Protocol aims to intensify the mutual cooperation by nominating national contact points for THB, manners of exchange of information, realisation of joint operations, assistance in identifying victims, as well as prosecuting perpetrators of THB crimes.

Between January-May 2008, 2 criminal charges were filed against 7 perpetrators of trafficking in minors crime and one criminal charge against one perpetrator of THB crime. (*Overview of cases of THB and smuggling of migrants is presented in Annex 7*).

The efforts of Macedonia on countering THB were recognized in the 2008 US State Department Report on Human Trafficking: "The Government of Macedonia fully complies with the minimum standards for the elimination of trafficking. The government made marked progress during the last year: it improved its capacity to identify and protect victims, resulting in a greatly increased number of victims identified and significantly more victims offered and provided assistance. The government's aggressive prosecution efforts resulted in an increased number of traffickers convicted".

Trainings on trafficking in human beings and illegal migration

1. Ministry of Labour and Social Policy is continuously conducting trainings for strengthening the capacities of all relevant institutions involved in referral mechanisms for THB victims. To deepen the cooperation and coordination between the actors involved in the implementation of the Program for re-socialization and reintegration of children-victims of trafficking of human beings, three two-day seminars were held, where 65 persons were trained from the following institutions: Centers for social work, social workers nominated to work on these issues, representatives from the MOI on local level, as well as the NGO's.
2. Based on the needs for more comprehensive information of the Directors of the Centers for social work, two-day seminar was held in order to have better approach to this issue. The topic of the seminar was: "The role of the Center for social work in prevention and protection of the trafficking in human beings victims".
3. Basic trainings were organized for countering trafficking in human beings aimed towards labour exploitation for the representatives of the State Labour Inspectorate. On three seminars, 67 labour inspectors were trained from all cities in the Republic of Macedonia. Additionally, a Rulebook was prepared and distributed to the State Labour Inspectorate. The content of this manual material is compilation of the presentations used at the trainings. It should help the labour inspectors to recognize the issue of trafficking in human beings, mutual cooperation and exchange of information with the social workers and the police, leading towards improvement of the process of identification, and at the same time towards prevention of trafficking in human beings for labour exploitation.
4. The Ministry of Labour and Social Policy in cooperation with the Red Cross realized two two-day seminars for 36 coordinators of the Regional organizations of the Red Cross from all the cities in Macedonia in order to involve them in countering the THB.
5. For implementation of the Standard Operative Procedures for identification of victims of THB, two four-day seminars were held by the National Commission for countering trafficking in human beings and illegal migration supported by ICMPD and OSCE Mission, for all governmental and non-governmental institutions in Macedonia involved in the implementation of the Standard Operative Procedures. The total number of the participants on the seminar was 72.

6. The MLSP, the Office of the National Referral Mechanism in May - July 2008 held six regional round tables in Bitola, Kicevo, Struga, Gevgelija, Stip, Kumanovo on the topic: "Strengthening the cooperation and the coordination in countering the trafficking in human beings on a local level". The goal of these round tables was to speak about the factual state of affairs on local level in countering trafficking in human beings, the prevention and protection of the trade victims, mobilization of all available resources, to open more questions as concrete suggestions and recommendations and to resolve them. By the end of 2008, three regional round tables will be organized in Gevgelija, Kocani and Kumanovo.

7. The MOI Sector for trafficking in human beings and smuggling of migrants organized four days training in May 2008, for 18 MOI representatives who lead investigations for the criminal acts of trafficking in human beings (8 from the regional Sectors for Internal Affairs, 8 from the regional Centers for Border affairs and 2 from the Sector for trafficking in human beings). The issues on the agenda were: Trafficking in human beings phases, Identification of victims of trafficking, Leading investigations for the criminal groups dealing with trafficking with human beings, Legislation for trafficking in human beings - domestic and international, International trends of trafficking in human beings.

The Ministry of Labor and Social Policy prepared a Draft Law on amendments and supplements to the Law on employment and work of foreigners. With the proposed changes, there would be a possibility for issuing personal working license to the victims of human trafficking who have a temporary residence license because of humanitarian reasons, for the time of validity of the temporary residence license.

With the new Law on amendments and supplements of the Law on foreigners, the foreigners - victims of human trafficking for the decision making period shall be accommodated in the reception Centre for foreigners within the Mol.

20. 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)

The Government adopted a Strategy on prevention of Money Laundering and Financing of Terrorism for 2005-2008, which was fully implemented. This Strategy envisaged implementation of the following 8 (eight) priorities:

- Adjust domestic legislation with international regulation: In January 2008, the new Law on the prevention of money laundering and other proceeds from criminal activities and financing of terrorism (AML/CFT law) was adopted by the Parliament. This Law is harmonized with the Third EU Directive regulating AML/CFT preventive measures and Warsaw Convention from 2005 (amending 1990 Strasbourg Convention). Also, the Criminal Code was amended in January 2008 introducing and criminalizing for the first time the criminal offence "Financing of terrorism" as a separate criminal act.

- Prevention of abuse of financial systems for the aims of money laundering and financing of terrorism: The new AML/CFT law introduced an obligation for establishment of separate departments in the competent authorities for implementation of the AML/CFT programme. This obligation refers to the authorities with more than 50 employees, with goal to increase the number of employees (one person on every 200 employees). The bank institutions in R.Macedonia established such departments and provided training for the staff within the Twinning Project of the OPMLFT (Office for prevention of money laundering and financing terrorism) and the Spanish Institute for Fiscal studies.

- Improving the regulation and monitoring of the implementation of the legislation: During 2005-2008 several trainings have been provided within the competent supervisory authorities, however the National Bank of RM proved as most efficient in supervising anti-money laundering actions.

Therefore, the new AML/CFT law entail the OPMLFT as a supervising authority for implementing the AML/CFT measures and actions. A new department –Department for Inspection and Supervision was established in the OPMLFT and staffed with 6 people. The

by-law regulating the procedure and the methodology of the supervision process is being prepared, planned for adoption by the end of September 2008.

- Increasing the efficiency of the work of governmental bodies for exile: During the period 2005-2008 there have been trainings for the employees in the departments of the LEA dealing with the combating of organized crime, corruption and money laundering. The LEA have improved its work⁴ however further specialized trainings are necessary for the employees working in the area of investigation and prosecution of the criminal offences ML and FT.

- Establishing more effective system for institutional cooperation: Based on the National Strategy, a Council for combat against money laundering and financing terrorism was established in July 2005 as advisory body, headed by the director of the OPMLFT. The Members of this body represent the institutions: Public Prosecution, Ministry of justice, Ministry of Interior, National Bank, Public Revenue Office, Securities Commission, Customs Administration and Financial Police, who meet on a regular basis. The OPMLFT established bilateral cooperation by signing memorandums for cooperation with all bodies and institutions involved in the AML/CFT system. The inter-institutional cooperation with the Ministry of Interior, Financial Police and the Public Prosecution Office has been intensified through creating special task forces.

- Improving the working methods of the Directorate for prevention of money laundering: With the new AML/CFT law, the FIU - Money Laundering Prevention Directorate became a separate legal entity within the MoF (registered in the Central Registry), having its (own) budget and complete independence in the functioning and decision making process. Consequently, the name of the FIU changed into Office for Prevention of Money Laundering and Financing Terrorism (OPMLFT, "the Office"). Also, some new competencies of the Office are envisaged, for example the competence to supervise the entities in their application of the AML/CFT measures.

In accordance with the new status of the Office, two sectors (Sector for regulation and development of the AML/CFT system and Sector for combating ML/FT and supervision) and eight departments (Department for legal and administrative matters, Department for International cooperation and development of the system, IT Department, Department for combating terrorism financing, Department for combating money laundering, Department for analytics and Department for supervision), and Human Resource Department were established. There is an ongoing training for the new staff of the Office related to all aspects of the AML/CFT and also training for using the security IT system.

- Strengthening the International cooperation: The Office is active in the international cooperation through signing bilateral Memorandums of understanding, participating at regional and international trainings and events. This institution is a member of the EGMONT Group of FIUs and the Council of Europe's MONEYVAL Committee of experts for the evaluation of AML/CFT measures. In March 2007, team of experts from MONEYVAL Committee visited RM in the framework of the Third Round Detailed Evaluation on the base of the FATF (Fight against financing terrorism) Methodology. Respectively the Third Evaluation Report was prepared, which can be found on the web site of the Council of Europe.

- Increasing the public awareness about preventing money laundering and financing of terrorism: The OPMLFT works on raising the public awareness for undertaking measures for money laundering prevention and financing terrorism, through public discussion, press conferences and relevant presentations in the media.

Currently the Directorate is working on updating the Strategy on prevention of money laundering and financing of terrorism for the period 2009-2011. The update will aim to further develop the whole AML/CFT system and especially envisages mechanisms for control of the functioning of this system and incorporates of the main recommendations from the Third Round Evaluation Report of the MONEYVAL Committee.

⁴ In the period 2005-2008, five convictions for the criminal offence - money laundering have been brought and 27 persons were convicted.

An intergovernmental Advisory Body was established to supervise the implementation of the strategy and it involves members from Public Prosecutors Office, Customs Administration, Financial Police, and the National Bank of Republic of Macedonia.

The Directorate has concluded Memoranda of understanding and Protocols for cooperation with the Ministry of Interior (Counter-Intelligence Unit, Public Security Directorate), Ministry of Finance (Financial Police, Public Revenue Office, Customs Administration), Public Prosecutor Office, State Audit Office, the Cadastre, State Anti-corruption Commission, Bar and Notary Association.

The Directorate has concluded 16 Memoranda for cooperation with Financial Investigation Units from Slovenia, Bulgaria, Croatia, Serbia, Montenegro, Albania, Romania, UK, Bosnia and Herzegovina, UNMIK, Czech Republic, Russia, US, Luxemburg and Moldova. Since 2005, Macedonia is a member of the EGMONT Group.

The legal framework for countering money laundering and financing of terrorism is the Law on the prevention of money laundering and other proceeds from crime and financing of terrorism, which has been fully harmonized with the EU Directives.

Ratified international documents concerning money laundering and financing of terrorism are: Vienna Convention 1988, Strasburg Convention from 1990, Palermo Convention, and International Convention for combating financing terrorism, Warszawa Convention from 2005, The Third Directive of EU Parliament and Council of the EU-2005/60/EC.

From 2005-2008, the Directorate for prevention of money laundering and financing of terrorism participated in 24 seminars, workshops, conferences and study visit abroad. Twinning project "Strengthening of anti-money laundering capacities" supported by CARDS was established in 2007 with Spain as a partner country i.e. Institute for Fiscal Studies, with duration of 21 months.

In January 2008, amendments to the Criminal Code were adopted, aimed at harmonization with the international standards in the field of human trafficking, terrorism and copyright law.

Concerning the confiscation of property and assets, the Ministry of Justice drafted proposals for amending the Law of Criminal Procedure and the Criminal Code. The novelties in these two laws are: first, overcoming the inarticulities in the present legal provisions which were an obstacle for implementation of the confiscation by the courts, and secondly, implementing the most recent international standards in this area, with a special accent on the institute "extended confiscation". Also, the Law on management of confiscated property, property gain and item seized in criminal or misdemeanor proceedings was drafted and submitted for adoption to the Parliament.

The adoption of this Law intends to provide a legal framework which will regulate the way of managing and handling confiscated property and deprived objects. Accordingly, the Law will provide good management of the competent authorities in the management of this property, based on the provisions of the law for legality, economy and efficiency. Simultaneously, as a result of the above mentioned, a significant increase of financial resources is expected in the Budget of the RM that are going to be paid for this purpose. The adoption of this Law is also aimed at aligning with international standards in this field. Hence, it is immensely important to mention the introduction of the Warsaw Convention standards into the law. The key body in the process of implementation of this Law and in managing the confiscated property is the Agency. Article 6 of the Law establishes the field of its action, which consists of:

- Managing of confiscated property, property gain, and the confiscated objects;
- The authorized organ manages the temporary confiscated property, property gain and the temporary deprived objects in order to protect the value of the property, in accordance with the Law and in compliance with the court;
- It conducts the procedure for execution of confiscation of property and property gain;
- It keeps and stores deprived property;

- It estimates;
- It keeps a record of the total confiscated property;
- It sells the confiscated property;
- It prepares statistical, financial and other reports concerning the confiscated property;
- It plans, organizes and performs trainings for the employees at the Agency and other subjects included in the management of confiscated property;
- It gives opinion about the application of this Law and
- It performs other activities established with the Law.

In a period of three months upon the adoption of the Law (Official Gazette of the RM No. 98/08) the Director should be elected and a Steering Board of the Agency should be established.

The provisions of the Council Framework decision 2006/783/JHA from October 6, 2006, regarding the application of the principle for mutual recognition of orders for confiscation will be introduced in our legislation in the process of the reforms of the criminal legislature. It is presumed that the provisions of the Framework decision will be implemented in new Law on Criminal Procedure which is currently being revised and amended.

With the amendments of the Rulebook on systematization of the organized crime department, the Finance crime sector is transformed in three investigative units: Unit for fight against money laundering and economic organized crime, Unit for fight against corruption and Unit for fight against computer crime. With the transformation of the units, the capacities for fight against money laundering will strengthen, as well as the fight against corruption in RM.

The Financial Police is established with the Law on Financial Police (Official Gazette 55/02) as a separate body within the Ministry of Finance, without a legal status. With the Law on Criminal Procedure, the Financial Police was empowered with the right of criminal prosecution for defined criminal acts, as the financial terrorism.

With adoption of the new Law on Financial Police (Official Gazette 55/07), the Financial Police was transformed into Office for Financial Police with legal status. Main activities of the Office are detection and case investigation in the field of organized crime, especially tax evasion, money laundering, bank transactions, insurance and stock exchange fraud, abuse of official position, bribe, fake bankruptcy, forgery, financing of terrorism, custom duties and excises evasion or any other public duties involving significant sum of money.

The Financial Police, in close cooperation with Office for prevention of money laundering and financing of terrorism, Ministry of Interior, Public Revenue Office and Public Prosecutors Office, also closely follows all suspicious transactions related to financing of terrorism.

21. 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 drug field

Pre-implementation Action plan for drugs covers 6 (six) main objectives: 1. Harmonization of national legislation with EU regulations – 3rd Pillar legislation, but also related legislation as Law on chemicals; Law on medicines, Law on evidence of medical statistics including dependence etc.; 2. Reorganization of existing institutions as well as establishment of new centers for expertise; 3. Strengthening of horizontal coordination mechanism between involved institutions; 4. Establishment of effective inter-institutional cooperation system (MoU); 5. Raising the awareness of the general public (Communication strategy, Communication Team and Promotional Campaign); and 6. Establishment of regional units active in the field of drugs.

The results achieved with the Pre - implementation Action plan 2007 are:

- Amendments to Law on precursors in accordance with new EU Directives and Regulations – adopted;
- Bylaws for precursors (6) – adopted;
- National Focal Point was established with Governmental Decision;
- Communication Strategy for Drugs – adopted;
- Accreditation of the laboratories for international proficiency test and identifying and profiling of new synthetic drugs (EWS);
- With process of decentralization from 1, currently there are 7 methadone substitution centers for treatment of drug abusers, (1 550 drug abusers are covered);
- Focus of the IMCND is on development of new treatment opportunities, not only substitution treatment, detoxication, and new therapies (Buprenorphine, Naloxone, Naltrexon);
- Enhancement of identification of synthetic drugs;
- Reinforced measures against illicit production and trafficking of synthetic drugs;
- Consolidated co-operation between law enforcement services;
- Strengthening of the control of the licit trade and distribution of precursors;

Additional legislative activities in 2007: Law on Chemicals (adopted); Law on medicines (adopted); Law on Narcotic Drugs and Psychotropic Substances (in parliamentary procedure); Law on Health Evidence (in drafting procedure).

In collaboration with Custom Administration, supported by USAID, a Project for integrated border management is being established. This Project will contribute to increase the efficiency, transparency and control of the illicit trafficking with controlled substances by international acts.

With the implementation of the National drugs strategy, new Inter-Ministerial Commission for control of narcotic drugs (IMCND) is established. Roles and responsibilities of the IMCND are:

- Ensuring and managing the implementation of the main objectives of National drugs strategy;
- Establishing coordination with HQ and partners;
- Increasing the awareness and information in general public;
- Providing guidance and support to the target groups;
- Better links of IMCND and Regional Offices – to have corporate strategy, common approaches;
- Strengthen the role / position within national and international stakeholders (common UN initiatives; EU; WHO; UNICEF; bilateral collaboration);
- Ensure that National Drug Policy and System Development are addressed.

By Government decision, the National Focal Point is established. Currently, the technical and personnel upgrading is in progress. Main obligation of the NFP is to provide objective, reliable and compatible data for drug and drug addiction in correlation with the EU standards. The information produced by the NFP will be standardized from qualitative and quantitative aspects. NFP will monitor health related data (5 epidemiological indicators: prevalence; problematical drug users; death cases connected with drug dependence; infectious diseases connected with drugs); police data; customs data; feasibility studies and some pilot projects.

In regard to Council Regulation 302/93, since the beginning of 2008 connection was established between Macedonian NFP and EMCDDA. New Project between EMCDDA and Western Balkan countries started in January 2008, aimed to assess the capacity of Western Balkan countries to establish a drug information system compatible with EMCDDA. The specific objective is to: inform the W. Balkan countries about the role and activities of the EMCDDA and the Reitox-network within the framework of the European Strategy & Action Plan on Drugs, and to identify in each country the sources of information and of expertise that could be useful for the establishment of a national and regional data collection system on drugs.

Within the 2007 CARDS Twinning Project Combating drugs related criminal activities, training seminars were organized: for health professionals, school teachers and social workers on demand reduction activities; adopting a school based drug prevention method integrated in a community based approach; training seminars on school based prevention methods; training for laboratory personnel in Laboratories for forensic analysis for: international proficiency testing training, sampling, sample preparation and instrumental analysis of narcotic drugs and psychotropic substances; training analytical methods for the qualitative and quantitative determination of narcotic drugs and psychotropic substances. Also jointed teams of the Ministry of Health and Ministry of interior are established, which actively work on the control of precursors.

Future activities

Main activities related to the implementation of the National Drugs Strategy will be: Institutional development; Development of data collection systems; Development of a system of monitoring and evaluation; Development of appropriate demand reduction interventions; Community based prevention programmes (Early detection and intervention and Continuum of care); Strengthening of local communities to tackle the drug problems; and Strengthening the international co-operation.

Table 1. Seized drugs

	Heroin	Cocain	Hashish	Marijuana	Opium	Ecstasy
2006	151kg 859g	547g	16g	408kg 187g 338 Plants	2kg 966g	1.327
2007	109kg 947g 150cases	487kg	892 55g	218kg 886,34kg	1.2kg	4.548 tablets 0.64g

Alignment with EMCDDA standards of information collection

As stated in the EU Drugs Action Plan 2005-2008, new EMCDDA Project was launched started from February 2008, aiming at the Assessment of the capacity of Western Balkans countries to establish a drug information system compatible with the European Monitoring Centre for Drugs and Drug Addiction. The most immediate result of the project will be a preparation of an in-depth assessment of the data and resources available (Information Map), which will cover both the situation of 5 key indicators and core data, as well as legislation and responses at national level, along with concrete recommendations for the national projects covering programmes for the drafting of the Country Situation Summary and for the implementation of specific data collection activities.

At the end of the project (end of 2008), it is expected that Western Balkans countries will be able to provide a first Country Situation Summary, on the basis of the existing information and will have received targeted support for that purpose. Furthermore, the project will aim to assess the potential for the creation and/or strengthening of a National Focal Point (NFP) in the Western Balkans countries with the view of their possible participation in the work of the EMCDDA.

Administrative capacity

In the Republic of Macedonia, The NFP has been officially created in May 2007 by the Government Decree on the Establishment of the Center for monitoring of drugs and drug addictions (National Focal Point) (Official Gazette of the Republic of Macedonia, 18 May 2007, p. 2, nr.62). This document describes NFP tasks, location, requirements for the data collection quality, reporting, basic fields of action end etc. The National Focal Point main duty is the provision of objective, reliable and comparable information for drugs and drug addiction, in accordance with the EU standards. First National Drug situation Report has been drafted in 2007. The National Focal Point is lead by the head of the sector for controlled substances in the framework of the Bureau for medicines at the Ministry of Health. NFP is located in the premises of the Ministry of Health. Country situation summary

will be drafted by NFP and will be approved by the Inter-ministerial drug commission. The following bodies will provide data to the NFP: Ministry of Internal Affairs, Ministry of Finances-Customs Administration, Ministry of Health, Ministry of Education and Science, Ministry of Labor and Social Policy, Ministry of Agriculture, Forestry and Water-Management; Republic Institute for Health Protection, Institute of Forensic Medicine, Clinic for Infectious Diseases and the State Statistical Office, Institute for Forensic Medicine and other institutions.

The institution implementing the National Drugs Strategy of the Republic of Macedonia receives good political support from the government. The supreme Coordination mechanism - the State Inter-Ministerial Commission (where the NFP coordinator participates), is functioning well. State Inter-Ministerial Commission as a rule has sessions at least four times per year.

A future full support from the EU Commission and EMCDDA, will help to increase the standard quality and will be of great support to the newly established Macedonian's National Focal point. EMCDDA could be an active partner to the Macedonian NFP providing help in adopting standard data quality procedures. Country's available resources are not sufficient enough and financial support is needed. EMCDDA can provide:

- professional consultation in drug policy
- technical assistance to the NFP

Training of NFP staff and data providers of the National Focal Point will increase the quality standards in line with EMCDDA requirements.

Drug related crime statistics

Status

Republic of Macedonia is a country that is on the route of drugs (a transit country). In the past years there has been a noticeable increase in the trafficking of cannabis via the territory of Republic of Macedonia. The main directions of the route of the cannabis and its derivatives is from Albania, via the north western to the south eastern part in the direction of Greece and Bulgaria. The heroin comes most often from Turkey, Bulgaria or Greece in the direction of Albania or Serbia, the cocaine through airways via the Skopje airport or through the ports in Albania and Bulgaria, while the synthetic drugs come most frequently from the direction of Bulgaria and Serbia. There is insufficient control of precursors in the region. Between 2000 and 2005 drug seizures have increased. There is a slight increase of cases of illicit trade with synthetic drugs, most of all ecstasy and cocaine. In the period 2000 to 2005 the total seizures include 581 kg heroin, 2.416 kg marijuana, 1.456 kg of hashish, 3.897 cannabis plants, 77,5 kg opium, 17 kg cocaine and 31.333 ecstasy tablets.

The activities of the Ministry of justice are focused on improving the national legislation and strengthening the institutional capacities of the judiciary for efficient prosecuting, judging and punishing the perpetrators of organized crimes in the course of the implementation of the Strategy for judiciary reform and the Action plan. The main goal of the Strategy for judiciary reform is establishing independent, functional and efficient judiciary, based on the European legal standards.

The Ministry of Interior cooperates with other Republic of Macedonia's institutions Ministry of health, Customs office, Ministry of education, Labor and social affairs, Justice, also with all international institutions, Interpol, Liaison office from Europol, SECI center.

Data collection

The organized crime department in the Ministry of interior deals with drug related crimes and crimes investigation. This department is responsible for the sector for illicit drugs trafficking which is composed of 3 units:

- Unit for illicit trafficking against opiates, cocaine, cannabis.

- Unit for illicit trafficking against synthetic drugs and precursors
- Unit for illicit drugs weapons and dangerous substances.

The organized crime department officer about each case prepares standardized reports which contains data related to drug quantity, persons arrested, the place where drugs where hidden, the packaging, purity and etc.

The Sector for Analytics and Research of the Ministry of Interior has a quality registry of drug related crime statistics, which only needs to be harmonized with the statistical tables of the EMCDDA. Data in this registry is collected from all Law enforcement agencies (customs administration, boarder protection, prisons, police and etc. Register contains statistic on:

- a) prices of drugs per type at street level;
- b) purity of drugs;
- c) drug seizures and trafficking;
- d) criminal acts related with drugs;
- e) Number of perpetrators and etc.

Double counting is not possible. Register can identify the same seizures if their are provided from two sources (expl. Police and customs joined operation).

The data and information about the established prices of the drugs in Republic of Macedonia are received from the statements of the persons caught while perpetrating a criminal or misdemeanor act and through intelligence and operational information available in the institutions dealing with this issue.

Data of drug purity comes from the Analytical control laboratory in the Ministry of Interior. Laboratory keeps the individual records in their electronic database about each forensic expertise and can easy provide total numbers at the end of the year. To analyze drugs to get result on their purity under the law it is not mandatory, but sometimes laboratory do it, in specific case when court requests it. All substances included in the drug tablet or powder could be identified during forensic expertise not only drugs. The only laboratory accredited to examine the sample, is the one in the Ministry of Interior.

Drug users are registered in an operative registry that is available also in the Ministry of Interior. Persons to this register are entered if their have been charged with perpetration of a drug related misdemeanor or drug related crime in the area of the illicit drug trafficking.

Needs and all potential future activities:

- a) The effectiveness and the degree of knowledge of the law enforcement organizations should be measurably improved, by strengthening of their capacities in tackling the unauthorized production and trafficking of drugs, in fighting the dispersion of precursors and synthetic drugs and the prevention of drug related crime which finances terrorisms and enables money laundering.
- b) Establish the indicator implementation, development, data reporting national experts working group.

Information available at BCP

The Sector for illegal trade of drugs within the Department for organized crime, is a central unit that deals with the issues covering illegal drugs trade. When a situation appears, that involves certain person who deals with drugs trade, or if a vehicle that illegally transports drugs is detected, the Sector offers adequate measure that is inserted on a central level, to the information system on the border crossing point (in all or certain BCP). This measure includes: inserting information into the system of the person to whom the measure is regarded, generating concrete instructions that should be undertaken and stating the officer who shall be reported (with given full name and its contacts). When measure for vehicle is in question, the type of the vehicle is reported, registration number and the measure undertaken for the vehicle (search of the vehicle or reporting it on the entrance/exit).

The implementation of the above given measures, is as following: the measure is inserted in the system on a central level, and in the stop-controls at the border crossing

points, first with giving the necessary info of the person or the vehicle in the electronic system, where it is signalled the presence of the information and the measure. Then, the police officer informs the superior on duty and certain actions are undertaken. Therefore, the discretion of the measures is enabled, until the info on the person or the vehicle is inserted in the enter/exit system.

22. Implement legislation on preventing and fighting corruption and improve effectiveness of the State Anti-Corruption Commission

Legal Framework - Ratified international documents concerning fight against corruption:

- Criminal convention against corruption (CETS 173) – ratified on 28.07.1999, entered in force on 01.07.2002 (“Official Gazette of Republic of Macedonia no. 32/99”),
- Additional Protocol to the Criminal convention against corruption (CETS 191) – ratified on 13.09.2005 (“Official Gazette of Republic of Macedonia no. 83/05”),
- Civil Convention against corruption (CETS 174) – ratified on 29.11.2002 and entered in force on 01.11.2003 (“Official Gazette of Republic of Macedonia no. 13/02”),
- Council of Europe Convention against money laundering from 1990, for discovering, seizure and confiscation of property (CETS 141) – ratified on 19.05.2000 and entered in force on 01.09.2000 (“Official Gazette of Republic of Macedonia no. 58/99”),
- Convention on computer crime (CETS 185)- ratified on 16.06.2004 (“Official Gazette of Republic of Macedonia no. 41/04”),
- Additional Protocol to the Convention on computer crime concerning incrimination of offences of racist and xenophobic character via informatics system (CED 189) – ratified on 05.07.2005 (“Official Gazette of Republic of Macedonia no. 56/05”)
- UN Convention (Palermo Convention) against transnational organized crime and its protocols – ratified on 28.09.2004 (“Official Gazette of Republic of Macedonia no. 70/04”),
- UN Convention against corruption, signed on 18.08.2005 – ratified on 19.03.2007 (“Official Gazette of Republic of Macedonia no. 37/07”),
- OECD Convention on termination of bribery of foreign public servants in international business transactions.

National Legislation

The suppression and fight against corruption are treated in numerous laws, but main national laws are:

- The Law on prevention of corruption prescribes protection mechanisms against corruption. The Law creates the necessary legal preconditions and mechanisms for prevention, i.e. disabling criminal acts related to corruption, raising the responsibility of holders of public functions and preventing various opportunities for abusing the position of holders of public functions for their personal, family or group benefit.
- The Law on prevention of conflict of interest sets measures and activities for defining, preventing and sanctioning the cases of conflict of public and private interest.
- In order to finalize the legal framework and to respond to the recommendations of the relevant bodies - GRECO, EU etc, amendments to the Law on prevention of corruption were adopted: the procedure for election of members of the State Commission for Prevention of Corruption was further elaborated; obligation for entities to act in accordance with the requests of the Commission was introduced, as well as for the latter to be held accountable in case of failure to act; procedure for investigating the financial conditions of the elected and appointed officials; etc.
- The Law on interception of communications, adopted in 2006, regulates the conditions and the procedure for interception of communications, the manner of handling, storing and usage of the data collected by its application, as well as control of legality concerning interception of communications.
- The Law on free access to public information, whose implementation is monitored by the Commission for protection of the right to free access to public information, established in May 2006.
- The Law on notary, adopted in April 2007, introduces obligation for the notary to report every suspicion for money laundering and corruption with their clients.

- The new Law on financial police, adopted in May 2007, aims at strengthening the coordination and information exchange between the Financial Police, Customs Administration, Directorate for Public Revenues and the Ministry of Interior.
- The Law on prevention of conflict of interests, adopted in June 2007, aims at accomplishing greater transparency in the efforts for termination and overcoming the conditions leading to conflict of interests with the holders of public offices and with the officials in general that work in state institutions, municipal bodies, as well as other institutions beneficiaries of the state budget or municipal budgets.
- The Law on state auditing, ammended in November 2007, establishing an auditing body for the EU pre-accession funds in Republic of Macedonia.
- The Law on public procurement, adopted in November 2007 and in force as of 01.01.2008.

In December 2007, 11 state institutions (State Commission for prevention of corruption, Directorate for public revenues, Public Prosecution of Republic of Macedonia, Public Attorney Office, Judicial Council, Ministry of interior, Ombudsman, Customs administration, Directorate for financial police, Directorate for prevention of money laundering and the State authority for geodetic works-Cadaastre) signed Protocol for cooperation for prevention and repression of corruption and conflict of interests. The Protocol regulates the manner of cooperation, coordination and management of joint activities for prevention of corruption and conflict of interests in Macedonia. In March 2008, the Bureau for public procurement also signed the Protocol.

The signatories are obliged to cooperate in the field of prevention and repression of corruption and conflict of interests, in line with their legal competences to cooperate in: exchange of information with respect to prevention and repression of corruption and conflict of interests, providing mutual assistance in cases of corruption and conflict of interest and coordinating activities as well as in undertaking the necessary activities related to these cases, coordinating activities, establishing joint teams of persons specialised in certain areas which will incite the more efficient resolution of cases, establishing joint teams for preparation of legal regulations etc.

Implementation of the Law on prevention of conflict of interests

The State Commission for Prevention of Corruption (hereinafter referred as: the State Commission) by specifying its competences defined in Article 21, paragraph 1, line 1 of the Law on Prevention of Conflicts of Interest (Official Gazette of the Republic of Macedonia No. 70/2007) on 24 May 2008 has adopted the first State Programme for Prevention and Reduction of Conflicts of Interest.

With the adoption of this Programme, considered as a legal instrument for implementation and promotion of the Law, as well as improving the practices used, one of the ethics infrastructure elements of the Republic of Macedonia is being adopted and the already established normative approach in the fight against corruption (the Law on Prevention of Corruption, the Law on Prevention of Conflicts of Interest, the Law on Free Access to Public Information, the State Programme for Prevention and Repression of Corruption, the Codes of Ethics) is being upgraded.

For the operationalisation of the activities from these programmes, by the end of 2008 and in the course of 2009, trainings for the elected and appointed officials will be implemented.

Monitoring of the property status of elected and appointed officials

For the purpose of realisation of the obligation for publication of the property status of the elected and appointed officials, upon the adoption of the new form of the Assets Declaration, the State Commission made it available on the web page of the SCPC (www.dksk.org.mk) since 30 July 2007.

The permanent data base for entry of the property status of the obligated persons is constantly being updated and innovated, so that 1480 Assets Declarations have been

entered by 31 July 2008, from the total of 3580 Assets Declaration which were submitted to the State Commission, i.e. the contents thereof are available to the public via the web page of the SCPC.

In July 2008, the Minister for Justice adopted the Rulebook on the manner of handling Assets Declarations of the persons obligated to submit Assets Declaration pursuant to Article 33-b of the Law on Prevention of Corruption (civil servants).

Concerning setting up electronic link (network) between State Commission and the Public Revenue Office with an aim of data exchange on property status, SCPC through foreign assistance was provided with the necessary hardware and software (the PRO has already secured all necessary technical capabilities) . The electronic flow of data is expected to be functional as of October 2008.

Administrative capacity

With a Decision adopted by the Government of the Republic of Macedonia, the State Commission for Prevention of Corruption has been provided with appropriate premises with no compensation to an indefinite period, after which funds for equipping the given premises were allocated in the Supplementary Budget 2007. Premises preparation work was completed in January and starting from February 2008, the State Commission is using the new premises.

The planned increase of the State Commission's capacities was realised with the employment of 4 counsellors at the end of 2007 and 4 at the beginning of year 2008, thereby increasing the total number of employees to 18 civil servants at the moment.

In February 2008, Directorate for public revenues adopted operative directions for execution of the Law on prevention of corruption, by which statements of property are being collected.

Current legislative activities

Legal repression of the offences of corruption remains in the area of penal legislation. Amendments to the Criminal Code and the Law on Criminal Procedure were drafted in order to introduce the institute of "extended confiscation", regulated by the Framework Decision of the Council of Europe 2005/212/JHA from 24.02.2005.

To avoid misuse and anti bona fide behavior in handling with confiscated property, the Law on management of confiscated property, property use and taken items in criminal and misdemeanor procedure was drafted. For the purposes of its implementation, Agency for management of confiscated property is to be established.

Implementation of the legal framework: bylaws, programs, action plans, implementing bodies

New/updated State Program for prevention and repression of corruption was adopted in May 2007 (replacing the previous Program of 2006). Its preparation involved multidisciplinary approach.

The Action Plan of the Government for fight against corruption 2007– 2011, adopted in June 2007, is complementary with the State Program and encompasses measures and activities which are under Government responsibility. The Program and Action Plan aim for comprehensive effort in fight against corruption across the National Integrity System consisted of six basic pillars: political system, Parliament and political parties; judiciary; public administration and local self - government; law enforcement agencies; economic and financial system; civil society and media.

Working group composed of Ministry of Finance and Ministry of Justice elaborated fiscal implications of the Action plan, which were adopted as an Annex to the Action plan of the Government in March 2008. According to the evaluation, 642,7 million denars (about 10.4

m. eur.) are needed for the implementation of the Action plan, out of which 57,9 million denars are provided by the Budget of the Republic of Macedonia and 153,7 million denars are provided from foreign support. Additional 102,5 million denars are needed, and will be provided for 2008 with the rebalance of the Budget and donations. The remaining 431,1 million denars will be allocated in 2009 (70%) and in 2010 (30%).

Inter-ministerial body for coordination of activities against corruption was established in March 2006, to coordinate the activities of all the relevant bodies included in prevention and fight against corruption, timely and mutual exchange of information, realization of recommendations of GRECO, Council of Europe and other international organizations. The inter-ministerial body includes representatives from all institutions with competences in the fight against corruption.

High Anti-Corruption Governmental Council was established in January 2008 and is chaired by the Prime Minister. The members of the Council are: Vice-president of the Government responsible for European Integration, Minister of Justice, Minister of Interior and Minister of Finance. It's main tasks are: coordination and monitoring of implementation of the Government Action Plan; monitoring the implementation of the anti-corruption legislation in the institutions and agencies under Government's authority; monitoring the implementation of the international obligations and commitments of the Republic of Macedonia in the anti-corruption area; coordination of the Government anti-corruption policies; adoption of decisions necessary for enforcement of any anti-corruption measure, in particular the budgetary support for enforcement of such measures; updating of the Government anti-corruption Action Plan.

In January 2008 the Government adopted a decision by which the Council for implementation of the Government Anti-Corruption AP 2007-2011 (Government Council) was set up. This body is headed by the Prime Minister and it is formed of 4 members: the Vice Prime Minister in charge with the EU accession, Ministers of Justice, Interior and Finance. The Government Council is monitoring the implementation of its AP, and informs the SCPC about its findings and decisions every 6 months. The high level composition allows the Government Council to take decisions on the spot and also to be held accountable. During its March meeting, the Government Council examined and approved the budget for the implementation of the Government AP.

In order to regulate the conduct of civil servants and elected and appointed persons, the following ethic codes are adopted: Ethics Code of civil servants, Code of police ethics, Code of conduct of officers in the penitentiary institutions; Code of ethics of tax officers, Customs code; Code of medical deontology, Code of court ethics, Code of public prosecutors ethics; Code of professional ethics of lawyers, lawyers special associates, lawyers associates and lawyers assistants.

Anticorruption program of the Ministry of Interior was adopted at end of the 2006 and activities are initiated for its implementation in all segments of the Ministry and the police.

The Customs Administration of the Republic of Macedonia in September 2007 adopted the Code of conduct, and in October 2007 adopted the Anti-Corruption Strategy.

Personnel capacities are strengthened in the Secretariat of the State Commission for prevention of corruption (SCPC). In May 2007, SCPC adopted the State Program for prevention and reduction of conflict of interest.

For strengthening of the capacities of Public Prosecutors Office to cover the criminal offences related to organized crime and corruption, and in accordance with the new Law of public prosecution, a new special Basic public prosecutor for organized crime and corruption is established.

Within the Public Revenue Office, a Department for prevention of corruption was established.

A systematic approach for strengthening the capacities of the Custom Administration is introduced for fight against corruption. Anti-corruption trainings are continuously held for customs officers and for high level officials.

Position of defendants charged for corruption by PPO's Specialised Department against Organised Crime and Corruption in 2007 and 2008⁵

1. Receiving a bribe, Art.357 of CC

- Investigations: 5 cases, 47 persons (cases are from 2007): 28 police officers, 11 Customs officers, 2 councillors Ministry of local government, 1 high official Ministry of Transport, 5 accomplices, who are not officials (cases from 2007).
- Indictments issued by POCC: 5 cases, 43 defendants indicted: 27 police officers, 10 Customs officers, 2 councillors Ministry of local government, 1 high official Ministry of Transport, 3 accomplices, not officials (cases from 2007);
- First instance court decisions from 2007 in 5 cases: 33 defendants convicted, 8 defendants acquitted. The 33 defendants convicted: 24 police officers, 6 Customs officers, 2 councillors. Ministry of local government, 1 high official Ministry of Transport. (cases from 2007);
- 2 appeals regarding 15 persons (police and Customs officers),(cases from 2007);
- 2 final decisions against 3 persons (1 case from 2007, 1 case from 2006): 1 high official Ministry of Transport, 1 prison official, 1 accomplice.

2. Misuse of official position and authorisation, Art. 353 of CC

- 2 requests for gathering information against 6 persons (cases from 2007)
- Investigations in 14 cases against 154 defendants (12 cases from 2007, 2 cases from 2006): 71 officials from pay tolls Highway, 1 police officer; 29 Customs officers; 7 bank officials; 1 former Minister of Defence; 1 former Prime Minister; 1 former army general; 2 officials Ministry of Defence;

1 deputy state defender; 4 judges; 1 official Ministry of Finance; 1 former Chief of Revenue Service; 1 court administrator – archive; more managers in companies and responsible persons in legal entities.

- Indictments issued by the POCC in 11 cases, 51 defendants (6 cases for 41 persons from 2007, 5 cases for 10 persons from 2006): 7 bank officials; 1 former Minister for Defence; 1 former Prime Minister; 1 former army general; 2 officials Ministry of Defence; 1 deputy state defender; 4 judges; 1 official Ministry of Finance; Former Chief of Revenue Service; 1 court administrator – archive; more managers in companies and responsible persons in legal entities; accomplices.
- 3 non-indictment decision for 3 persons (2 cases from 2007, 1 case from 2006)
- First instance court decisions in 10 cases against 52 persons (4 cases for 21 persons are from 2007, 6 cases for 31 persons are from 2006): 49 defendants were convicted and 3 defendants were acquitted. The 49 defendants convicted: 7 bank officials, 1 deputy state defender, 1 court administrator – archive, more responsible persons in legal entities.
- 3 appeals against 18 persons (cases are from 2006)
- Final decisions in 3 cases for 10 persons (2 cases from 2006, one from 2007)

2008 - New cases

1. Receiving a bribe, Art.357 of CC

- **Investigations: 1 case - 5 persons:** 1 city Mayor, 1 chief in the Sector for communal matters, urban planning and environment, financial assistant, younger assistant for public relations, assistant for tender supplies, all employed in one Municipality in Skopje.
- **indictments issued by POCC: 1 case - 5 persons:** 1 city Mayor, 1 chief in the Sector for communal matters, urban planning and environment, financial assistant,

⁵ These are only the cases instrumented by the POCC. There are more cases of corruption and related offences instrumented by other prosecutors' offices in the country.

younger assistant for public relations, assistant for tender supplies, all employed in one Municipality in Skopje.

2. Misuse of official position and authorisation, Art. 353/5 of CC

- Investigations in 5 cases regarding 34 defendants: 4 city Meyers, chief of the Pay toll, supervisors and payroll workers, and other administration officials.
- **3 requests for gathering information** against 5 persons: 1 city Mayor, 1 present Governor of the National Bank, councillor in a National Bank, former Minister for education, and other administration officials.
- Indictments in 1 case regarding 25 defendants: chief of the Pay toll, supervisors and pay toll workers.

The list of most indicative corruption high – profile cases is presented in *Annex 8 - High Profile Cases* and *Annex 9 – Track Record of PPO's Specialised Department Against Organised crime and Corruption*.

23. 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.

Republic of Macedonia is a member of GRECO since October 2000. The legal base for implementation of GRECO recommendations from the First Evaluation Round was established by the constitutional amendments (07.12.2005). The recommendations refer to creation of clearly defined conditions and procedures for appointment and dismissal of judges and public prosecutors, changes in the national legislation to ensure the immunity procedure for Government members (not to be decided by the Government) as well as reduction of immunity holders.

The election of judges by the Judicial Council (previously by the Assembly) has been set up by the new Law on Judicial Council and Law on courts. Now, only the President of the Government enjoys immunity which is decided by the Assembly, unlike previously when all ministers enjoyed immunity. Also, the only bearer of immunity right is the Public Prosecutor of Republic of Macedonia.

In October 2007, GRECO adopted the Second Evaluation Report on the Republic of Macedonia, with a conclusion that the country has successfully implemented 2/3 of the fourteen recommendations. The recommendations refer to: new State Program for prevention and repression of corruption, anticorruption measures towards local authorities, "e-government", introduction of specialized Administrative Court, strengthening and intensifying the cooperation between the law enforcement authorities, strengthening the control mechanisms of Courts authorized for legal entities registration concerning the founder's identity, and establishment of Central Register of legal entities.

With respect to the remaining recommendations, the following activities are foreseen:

- For the realization of the recommendation no.8, adoption of a Law on the status and conditions for employment of public servants is planned for 2009.
- With respect to the recommendation no. 9, adoption of a Code of conduct for public servants with rules on reporting corruption suspicion in the course of 2009.
- With respect to the recommendation 12, in accordance with the guidelines from the Strategy for the reform of the criminal legislation adopted by the Government in July 2007, the preparations for amendments to the Criminal code are ongoing. The amendments, among other aspects, refer to

instituting criminal responsibility for domestic and foreign legal persons for the criminal act unlawful mediation.

- With respect to the recommendation I that refers to the sphere of confiscation, amendments to the Law on criminal procedure and the Criminal code will be adopted by the end of 2008, in the direction of further harmonization with the international standards in this area, focusing on the institute *extended confiscation*. In July 2008, the Law on managing the confiscated property, material benefit and confiscated property in criminal and misdemeanour procedure ("Official Gazette of the Republic of Macedonia", No.98/08) was adopted in order to approximate this matter with the international standards as one of potential sources of corruption, as well as to create appropriate legislative framework for managing the confiscated property which was until now done in a not proper manner. This law is a part of the reforms of the criminal legislation, which will be conducted in two phases. The issue of confiscation included in the Law on Criminal Procedure and the Criminal Code will be regulated in the upcoming phase of the reform of the criminal legislation.
- In the organization of and in cooperation with the Academy for training of judges and prosecutors, 8 seminars concerning confiscation and temporary measures have been administered. In the framework of the TWINNING project in the Department for fight against organized crime and corruption in the public prosecutor's office, several seminars have been organized with respect to confiscation and other temporary measures.
- Concerning recommendation 14, the necessary activities are undertaken for its realization, in accordance with the given deadline. This recommendation refers to conducting relevant trainings of the police, the judges and the prosecutors for corporative responsibility of legal persons. With aim of implementation of this recommendation, the Academy for training of judges and prosecutors, in its working programme, has planned trainings on this topic. The trainings are planned to be held in the period from September to December 2008.

The Second Evaluation Report, GRECO concluded that recommendations No. I, VIII, IX and XIV are partly implemented and recommendation No. XII is not implemented. The deadline for their implementation is April 2009. An analysis of the questionnaires from the Third Evaluation Round of GRECO is ongoing, related to financing of political parties and introducing incriminations provided for in the CoE Penal Convention on Corruption, which is ratified by the Republic of Macedonia, and their harmonization with the national penal legislation.

Republic of Macedonia ratified the following Conventions against human trafficking:

- Convention on the suppression of trafficking in human beings and exploitation of the prostitution of others -1951
- International Convention on suppression of trafficking in women and children -1922
- UN Convention against trans-national organized crime and its protocols

In the fight against drugs, the following conventions were ratified:

- Convention against the Illicit Trafficking in Narcotic Drugs and Psychotropic Substances - 1988
- The Single Convention on Narcotic Drugs, 1961 with two Protocols amending The Single Convention from 1972 and 1975
- The Convention on Psychotropic Substances -1971

In the fight against terrorism the following conventions have been ratified and are in force:

- International Convention for the Suppression of Acts of Nuclear Terrorism
- International Convention for the Suppression of the Financing of Terrorism

- International Convention for the Suppression of Terrorist Bombings
- International Convention against the Taking of Hostages

The ratification of the Convention for prevention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and Financing of Terrorism and the adoption of a Law on ratification of the European Convention for prevention of terrorism are planned for 2008.

In a view of aligning with the Council Framework Decision from 13th of June 2002 concerning the fight against terrorism (32002F0475), the National Program for the Adoption of the Acquis considers amendments to the Criminal Law, regarding the sanctions provided for legal entities (according to article 8 of the Framework Decision) as well as criminal activities connected to terrorist activities (according to article 3 of the Framework Decision).

Judicial co-operation in criminal matters

24. Implement international conventions concerning judicial cooperation in criminal matters (in particular Council of Europe Conventions)

National legislation

The legal assistance in Republic of Macedonia is regulated with national legislation, unless regulated with international agreements.

The International Legal Assistance Department within the Ministry of Justice acts on all cases of legal assistance in criminal and civil matters. The Department acts upon applications for extradition, transfer, criminal prosecution, transfer of writings, notification for detention, requests in criminal and civil matters. It also acts upon requests for reception of writings, requests in criminal and civil matters for interrogation of accused, damaged, witnesses, experts, inheritance testimonies, alimentation applications, legalization and certification of identity papers issued by foreign competent bodies, reciprocity, admittance of foreign court verdicts, requests for central registry data, information on international and bilateral agreements, etc.

The 2007 Strategy for reform of the penal legislation includes two key elements: reform of penal litigation legislation and reform of penal material legislation.

The judicial cooperation in criminal matters is regulated with the Law on criminal procedure (Official gazette No. 15/97, 18/99, 44/02, 74/04, 15/05). The international legal assistance in criminal matters is regulated in Chapter 30 and 31 and is conducted according to the provisions of this law, unless regulated by international agreements ratified in accordance with the Constitution of Republic of Macedonia.

Concerning alignment with the EU Acquis, the MoJ established a working group for *Law on international legal assistance in criminal matters*, which will introduce certain instruments obligatory for the EU member states. Undertaking this action, part of the obligations resulting of the National Program for Adoption of the Acquis – NPAA of Republic of Macedonia will be fulfilled.

Signed and implemented conventions related to judicial cooperation in criminal matters:

European Convention of mutual legal assistance in criminal matters – no.30; Additional Protocol to the European Convention on international legal assistance – no.99, Second Additional Protocol to the European Convention on international legal assistance – no.182; European convention on extradition – no.24 (Given declaration of article 6 and given 3 reservations of article 1,12 and 18); Additional Protocol to the European Convention on extradition – no.86; Second Additional Protocol to the European Convention on extradition – no.98; Convention on transfer of convicted persons – no.112; Additional Protocol to the Convention on transfer of convicted persons – no.167; European agreement for transmission of the requests for legal assistance– no.92 (given reservation on article 6 p.1, point b); European Convention on transmission of criminal procedures – no.73; European Convention on reporting about foreign law – no.62 (determined body for transmission of

requests – MJ) and Additional Protocol to the European convention on reporting of foreign right – 97.

The Law on ratification of the Second Additional Protocol to the European Convention on mutual legal assistance was adopted on 24 June 2003 (Official Gazette of RM 44/2003). The Law amending the Law on ratification of the Second Additional Protocol to the European Convention on mutual legal assistance, containing declarations and reservations of the Republic of Macedonia, was adopted in August 2008 (Official Gazette of RM 103/2008).

The Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters of 1965 was ratified in August by the Parliament (Official Gazette No. 107/08). The Additional Protocol to the Convention against torture is in process of ratification.

The implementation of international conventions concerning judicial cooperation in criminal matters proceeds effectively, without any difficulties being reported concerning the enforcement of the European Convention of extradition and its protocols and the cooperation with the CoE member states–signatories of these Conventions.

The extradition procedures to countries that are not signatories of the European Convention on Extradition are carried out on the basis of concluded bilateral agreements.

Extradition procedure

The MJ receives the documentation for extradition of a foreigner and forwards it to the Court to pronounce the extradition custody of competence. The Criminal Council of the Court adopts a Decision for extradition of foreigner, according to Art. 510 of the Law on criminal procedure. Upon entry into force of this Decision, the MJ makes a Decision authorizing the extradition of foreigner.

The Minister of Justice will not allow extradition of foreigner if: he/she has right of asylum in Republic of Macedonia; if a political criminal act is in question; if there are serious reasons for suspicion that he/she will be tortured; or if there are certain justified reasons delivered by the government.

If the Decision allows extradition, suppositions for extradition determined by the Minister of Justice are:

- reasonable doubt that the person demanded for extradition committed criminal act;
- it is criminal act, not committed on the territory of RM, against RM or its citizen;
- the criminal act is also criminal act according to the Criminal Code of RM;
- the person demanded for extradition is not citizen of RM;
- the criminal investigation has not expired or the execution of the sanction has not expired before the person is taken under custody or interrogated as charged (according to the Criminal Code of Republic of Macedonia);
- the person demanded for extradition was not convicted for the same criminal act by the Court of RM and was not liberated for the same criminal act by the Court;
- the identity of the person demanded for extradition hasn't been clarified.

In the Decision allowing extradition of foreigner, the Minister of Justice determines that:

- the person can not be prosecuted for other criminal act committed before the extradition;
- the person can not be sentenced for other criminal act committed before the extradition;
- the person can not receive more severe sentence than the one pronounced by the Court and
- the person can not be extradited to third country for the reason of prosecution for the criminal act committed before the approved extradition.

A record on actions on extradition cases of the convicted and accused persons in the period of 2004 to 2008, taken by the MJ:

Realized extradition cases 2004 – 2007				
Year	2004	2005	2006	2007
Total cases	17	31	40	47

Between January and September 2008, 35 extraditions were completed, out of which 21 persons were extradited on request of Macedonia and 14 persons were extradited to foreign countries. Other 25 extradition cases have been registered and are in procedure.

Transfer of convicted persons

The procedure of transfer of convicted persons is carried out according to the provisions of the Law on criminal procedure, unless the European Convention on Transfer of Convicted Persons, Additional Protocol and other international agreements ratified according to the Constitution of the Republic of Macedonia determine different procedure. Responsible institution for applications and other responses regarding the transfer of convicted persons is the Ministry of Justice.

In case when a Macedonian citizen serving prison sentence in foreign country demands to serve the rest of the sentence in Macedonia, the Ministry of Justice of the foreign country delivers request for transfer to the Ministry of Justice of the Republic of Macedonia. The MoJ after completing the file delivers the documentation for admission and approval of execution of the verdict of the foreign Court of competence, to the Basic Court. When the verdict of the foreign basic court is received, the MoJ provides evidence proving the Macedonian citizenship of the convicted person. Upon received notification of the date of transfer, the MoJ and the Mol-Interpol of the Republic of Macedonia undertake the necessary steps for placing the person into the Penitentiary Institution.

Table 3. Completed transfers 2000-2007

List of completed transfers								
Year	2000	2001	2002	2003	2004	2005	2006	2007
Macedonian Citizens	-5	4	10	5	6	6	10	4
Foreign citizens	/	1	4	5	2	2	4	3

Between January and September 2008, 5 transfers have been completed all of which are concerning Macedonian citizens and other 12 transfers have been registered (5 are Macedonian citizens and 6 are foreign citizens.)

25. 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;

Judicial co-operation

The Second Additional Protocol and the Convention on International Legal Assistance gives a basis for direct cooperation between courts and public prosecutor offices of the signatory countries. A successful judicial cooperation in accordance with the Protocol was realized between Macedonia and Belgium via video – conference connection, which helped solve the case successfully, as well as with Moldova on a THB case.

Public Prosecutor Office

In June 2005, the Public Prosecutor Office has strengthened the cooperation with the relevant institutions in the area of organized crime and corruption (Ministry of Interior, Custom Administration of the Republic of Macedonia, the Direction for Prevention of Money Laundering, Public Revenue Office and the Financial Police). A Memorandum for Cooperation was signed for discovering and prosecuting criminal offenders in the area of organized crime and corruption, contact points were appointed for exchange, gathering and analysis of data, and a practice of regular meetings between the relevant institutions on regional and local level was established.

Concerning *regional cooperation*, an outstanding progress is recorded with the signature of the Memorandum of Understanding (Skopje, 30.03.2005) between the Public Prosecutor Offices of Macedonia, Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro for regional cooperation against the organized crime.

In the area of *bilateral cooperation*, successful cooperation with the National Bureau for Anti – Mafia of the Republic of Italy was established and Memorandum for Cooperation was signed in March 2005, contributing to enhanced relations, collaboration and development of practical aspects of pursuing of criminal offenders in the area of organized crime.

Cooperation was established with the Supreme Public Prosecutor Office of the Republic of Slovenia. Memorandum for Cooperation was signed in 2006 and several study visits were realized to the Republic of Slovenia.

Bilateral Memoranda for cooperation between the Public Prosecutor Office of Macedonia and Albania, Serbia, Montenegro, Bosnia and Herzegovina, Croatia for strengthening of the regional network and collaboration in the fight against trafficking in human beings and illegal migration were also signed. The aim of the project was to create easier, direct connections for mutual collaboration, communication and exchange of information between the responsible public prosecution institutions, to strengthen the capacity of the judicial system and to perform effective pursuing of cases of trafficking in human beings and smuggling of migrants. Concerning the implementation of the Memoranda, successful cooperation was established with all signatory countries, and in particular cases international legal assistance was obtained through direct communication.

The Department for pursuing criminal offenders in the area of organized crime and corruption has an important advisory role in the activities of the Public Prosecution Group of South–East Europe, involving the Public Prosecutor Offices from 13 countries (Macedonia, Albania, Bosnia and Herzegovina, Bulgaria, Greece, Moldavia, Romania, Slovenia, Serbia, Montenegro, Turkey, Hungary and Croatia). During 2007, under the SEEPAG Project, the Department established close collaboration with public prosecutions of the SEE countries and took part in 10 SEEPAG meetings.

Currently, the Twinning project for fight against organized crime and corruption is in its implementation phase. The project is financed by the EU and organized by the Ministry of Justice of the Republic of Italy and the National Anti-Mafia Bureau of the Republic of Italy. Study visit to Italy was organized in June 2007 to exchange experiences in the area of discovering organized crime.

Academy for Training of Judges and Public Prosecutors

The Academy for Training of Judges and Public Prosecutors was formed in line with the Law on Academy for Training of Judges and Public Prosecutors in January 2005. The same law regulates the election, organization and implementation of the initial training of candidates for judges and public prosecutors in Basic Courts, Public Prosecutor Offices and constant expert trainings of judges, public prosecutors, court and public prosecution clerks.

Adoption of this Law, was followed by adoption of general and secondary legislation of the Academy, and during the 2007 its Statute, Rules of Procedure, all bylaws, general legislation, educational curriculum for initial training, programs for continuous advanced studies were adopted, and also the Calendar for Training of the Judges and Public Prosecutors of all court of appeal districts for 2008.

The Academy for Training of Judges and Public Prosecutors started its work in November 2006. Initial training for the first generation consisted of 27 candidates for judges and public prosecutors, is finished. There is currently an election of candidates for the second generation of judges and public prosecutors.

Advanced training for judges and public prosecutors at the Academy for Training of Judges and Public Prosecutors continues. 42 seminars and workshops were organized covering 950 participants, out of which: 471 judges, 67 expert assistants, 99 public prosecutors and 58 other participants.

During 2007 the Academy had intensive international collaboration with 34 study visits for training of judges, public prosecutors, trainers and other employees of the Academy.

The visits to the ICTY in the Hague, train the trainers programs in the area of human rights and European law, as well as the study visit to the School of Magistrates of France, were of great importance to the Academy as regards gaining and exchanging professional experience.

In the course of 2008, there is an interest for participating to the Spanish school for judges in Barcelona and the trainings organized by the European Judicial Training Network.

The Sector for international legal assistance in the Ministry of Justice handles the requests for international legal assistance urgently, in accordance with the national Law.

Intensive cooperation is realized with the countries of the former SFRY, the neighboring countries, as well as with Western European countries. The most intensive cooperation in both directions is realised with the Republic of Serbia.

During 2007 8121 requests for international legal assistance (civil and criminal) are received and all of them were handled. In 2008, until 01.08.2008, 3708 requests were received, which are in procedure.

Few projects to improve the direct contacts in the framework of international legal assistance are ongoing:

1. Twinning project to fight organized crime and corruption between Anti-mafia Bureau of Italy and Public prosecutors' department for prosecution of organized crime and corruption "Exchange of experiences in the fight against organized crime".
2. Project "Regional Action Programme CARDS 2006 – Support for the prosecutors network (Regional Project PROSECO), to reinforce institutional capacities of the public prosecutors offices of the Western Balkans countries", financed by the EC and the Council of Europe. The purpose of the Project is to reinforce the cooperation in the fight against serious crime, harmonized with the EU legislation, international standards and practices.
3. Regional IPA Project 2009 – Cross border Cooperation between CARDS countries in the criminal and civil matters – Establishment of Regional judicial network for cooperation between Western Balkans countries.

According to the new Act of systematization of the Ministry of Justice, June 2007, in the Sector for international legal assistance two units are established – Unit for extradition and transfer and Unit for handling of Letters Rogatory. According to the current Act of systematization, 15 employees are required in this Sector. Only 9 positions are fulfilled at the moment. The NPAA envisages for one new employment at this Sector per year (2008-2010).

During 2008, the Program IT technology in the Archives of the Sector for international legal assistance is implemented. This Program will serve as database for preparation of information and Reports asked by EU.

26. Develop working relations with EUROJUST, mainly through the EUROJUST contact point

The Republic of Macedonia has appointed a contact person for relations with EUROJUST from the Public Prosecution Office. There has been an exchange of information and intense communication with the contact person on behalf of EUROJUST in several cases regarding THB. The contact person from the Republic of Macedonia was pointed out as a regional example by EUROJUST.

On the preliminary meeting in July 2007, the Republic of Macedonia expressed its readiness to open negotiations for signing an Agreement of Cooperation with EUROJUST with regard to international legal assistance in criminal matters and extradition. It was jointly concluded that official opening of negotiations for signing the Agreement could follow upon fulfilling the necessary preconditions. Namely, amendments to the Law on Protection of

Personal Information, particularly personal data in the course of criminal procedure, ratification of the Additional Protocol of the Convention for Protection of Personal Data and adoption of the new Law on Public Prosecution.

The Republic of Macedonia has accomplished the necessary preconditions in a close cooperation with the EUROJUST and the Delegation of the European Commission. The amendments to the Law on Protection of Personal Data were prepared in accordance to the European standards. All recommendations from EUROJUST and the Delegation of the European Commission were incorporated in the Law.

The Law on ratification of the Additional Protocol of the Convention for Protection of Personal Data and the amendments to the Law on Protection of Personal Data were adopted in August 2008 (Official gazette of RM 103/2008).

In April 2008, the Republic of Macedonia asked for an official opening of the negotiations for conclusion of Agreement for Judicial Cooperation, with immediate positive response by EUROJUST. The Draft text of the Agreement for Judicial Cooperation between the Republic of Macedonia and the EUROJUST was agreed. The Agreement is expected to be signed in the second half of 2008, what will strengthen the cooperation between the two parties in the area of fight against all types of crime, including terrorism.

Law enforcement co-operation

27. 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.

The legal framework for exchange of information is provided by the Memoranda for cooperation and Operative Protocols against organized crime and other types of crime, as well as agreements for exchange and use of personal data, concluded between MoF (Customs Administration, Directorate for Prevention of Money Laundering, Financial Police, Public Revenue Office), Mol (Bureau for Public Security), Directorate for Personal Data Protection. Liaison officers are appointed by all institutions involved for information exchange.

An inter-institutional working group for criminal intelligence is established, comprising representatives of Mol, Public Prosecution Office, Customs Office, Public Revenue Office, Directorate for Prevention of Money Laundering, Directorate for Personal Data Protection and Directorate for Protection of Classified Information. The working group, supported by foreign experts, drafted an Action plan for establishment of National criminal intelligence data base, which was approved by the Government in May 2007. The establishment of this system will be in correlation and compliance with the **judicial database** of the PPO's organised crime office the aim of which is to enable access to the data bases of other institutions and law enforcement agencies and for which the activities started in March 2008 under the twinning program in the PPO.

In the area of integrated border management, the inter-institutional cooperation is based on the concluded Memoranda of understanding between all relevant ministries and institutions. At the border crossing points in the Republic of Macedonia, new digital video management system for video-monitoring is installed, used by the police, customs administration and other institutions through the National Border Management Center. The system, designed according to the European standards for security and video monitoring systems, simplified the data exchange and increased the efficiency in fighting organized crime.

In 2007, the number of detected criminal acts in the sphere of organized crime increased by 37,2%, compared to 2006. Significant results were achieved in detection of cases of corruption, where most of the activities of Mol were focused (five-fold increase compared to 2006). The detection and prevention of organized forms of illegal migration and smuggling of migrants were also increased by 30%.

Between October 2007-April 2008, 63 criminal charges for cases of organized crime and corruption were submitted against 258 persons, 13 criminal charges for abuse of official position against 104 persons employed in public enterprises, share companies, state institutions.

Information on inter-agency cooperation, especially on customs, border guards and police

The cooperation between the police and the customs is performed on central (level of Directors of the Bureau for public security and the Customs Administration), regional (level of Heads of Regional Centres for Border Affairs and the Managers of the Customs Offices) and local level (Commanders of Police stations and the Chiefs of the Customs Terminal). The two institutions have mutual and continuous information exchange on the cross border traffic, development of cross border traffic, changes in the legislation, exchange of information on illegal activities, etc. Beside information exchange, both institutions jointly coordinate tasks and activities related to the cross border traffic. The cooperation is realized according to the signed Memoranda and Protocols on cooperation.

Within their competencies, both institutions complement each other in the daily work, providing mutual assistance whilst conducting control of certain motor vehicles, cargo controls, etc. At the Airport BCP, the two services perform border control in coordinated manner, they can issue mutual approval for urgent landing of aircrafts, etc.

Special importance has the cooperation between the investigation teams from the Customs Administration and the Organized Crime Department within the MOI of RM, in dealing with cases of smuggling, trafficking of human beings, illicit trade with drugs and weapons, as well as other types of crime.

In July 2008, the Government of the Republic of Macedonia adopted an Action plan for establishing of the National intelligence data base and adopted a Decision on appointing of Management board for the project of establishing of a National intelligence data base.

According to the decision of the Government of Republic of Macedonia, the following institutions are included in the Project of establishing a National intelligence database:

- The Ministry of Interior;
- The Ministry of Justice;
- The Section for pursuing the crime committers from the area of the organized crime and corruption in the Public prosecution office of the Republic of Macedonia;
- Customs administration in the Ministry of Finance;
- Financial police administration, Ministry of Finance;
- Public revenue office, Ministry of Finance;
- Administration for prevention of money laundering and financing terrorism, Ministry of Finance;
- Directorate for protection of classified information;
- Directorate for personal data protection;
- Central register of Republic of Macedonia.

One of the benefits from the establishing of this data base is the establishing of a unique method for collecting, storing and exchange of information for committed crimes, as well as information for discovering of crime committers. Likewise, with the National intelligence data base the capacities of the institutions authorized for enforcing the national criminal law will strengthen, as well as the data exchange with the international police agencies.

28. 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

The Republic of Macedonia concluded bilateral agreements for judicial cooperation in criminal and civil matters with Croatia, Slovenia, Albania, Bulgaria, Serbia, Montenegro,

Bosnia and Herzegovina, Romania, Turkey, Ukraine, as well as Interim Protocol for transfer of sentenced persons UNMIK/Kosovo. Conclusion of bilateral agreements for judicial cooperation in criminal and civil matters was initiated with China, Italy, Switzerland, USA, Australia, Russia, and Canada. Procedures for signing of Memorandum for Cooperation between the Ministry of Justice of the Republic of Macedonia and the ministries of justice of Slovenia, Montenegro, and Bosnia and Herzegovina are ongoing.

Bilateral police cooperation agreements are concluded with Bulgaria, Albania, Serbia, Montenegro, Bosnia and Herzegovina, Turkey, Romania, Switzerland, Ukraine, France, Hungary, as well as an agreement on operative procedures between the Mol and KFOR.

In April 2007, Agreement on cross-border cooperation with Bulgaria was concluded. The Plan for joint coordinated state border security is implemented as of October 2007. Direct telephone lines are established and opening of a joint office at the border crossing Deve Bair- Goeshevo is underway.

In October 2007, Protocol on cross-border cooperation against trafficking in human beings with Albania was concluded, comprising designation of national focal points for fighting trafficking in human beings, joint operations, assistance in identifying victims, as well as prosecution of perpetrators of trafficking in human beings crimes.

The Police Cooperation Convention in South-Eastern Europe was ratified by the Macedonian Parliament in June 2007. Implementation protocols were signed with Albania (Protocol on organizing regular meetings of the border services and Protocol on joint patrols along the border line) and with Serbia (Protocol on organizing regular meetings of the border services).

Mol actively exchanges information with the South-East European countries, as well as with the EU countries in the sphere of organized crime. The information is exchanged on bilateral basis through the concluded police cooperation agreements or through the SECI Center in Bucharest. Apart from the information exchange, the Mol Organized Crime Department actively cooperates in the part of planning and participation in international joint investigations, such as “Danube”, “Air Bridge”, etc. carried out in cooperation with the SECI Center.

In addition to the activities of the SECI Working group for fight against trafficking in human beings and illegal migration, Macedonia actively takes part in the regional actions for suppression of illegal trafficking in drugs, coordinated by the SECI:

- CONTAINMENT I 10/11.07.2002
- CONTAINMENT II, realized in 3 phases: Operation Orient Express, control of motor vehicles; Operation E 70 – control of tourist buses and motor vehicles; Operation Speedway – control of commercial cargo vehicles;
- CONTAINMENT III, SAFE HAVEN, 14-25.06.2004, suppression of illegal trafficking in drugs, control of passengers and cargo transport in the international air traffic,
- CONTAINMENT IV, HARMONY 23-29.06.2005, identification, detection, suppression, arrest and prosecution i.e. charging persons or organizations involved in trafficking in drugs, particularly narcotic drugs, heroin, cocaine, synthetic drugs and precursors.
- CONTAINMENT V, 10-17.07.2006
- Exercise on controlled delivery of drugs “BALKANS 2007”, 21-25 May 2007
- Operation LOGO, 01.10.2007 till 06.10.2007
- Operation CONTAINMENT VI, 19-25.11.2007

The period 2005-2007, demonstrated increased and broadened scope of activities of the Mol Sector for International Police Cooperation with the criminal services of the EU member states. The Sector proceeded with exchange of information, data and intelligence from foreign and domestic services, received through the Interpol channels, SECI, as well as the liaison officers in Macedonia, and since 2007 with Europol.

	2005	2006	2007
--	------	------	------

Total messages	48.203	47.435	49.565
NEW cases initiated by:			
Foreign Interpol NCB's	1.671 cases	1053 cases	1.357 cases
MK services	653 cases	667 cases	693 cases
SECI	66 cases	55 cases	38 cases
Liaison officers	88 cases	73 cases	79 cases
Total:	2.478	1.848	2.167

There is continuous cooperation of NCB Interpol with other NCB's of Interpol in several areas, specifically:

- International warrants for persons, extraditions, transfers of convicted persons, deportations, search for missing persons;
- Checks of imported motor vehicles prior to their registration in our country;
- Mediation or perpetration of crimes of smuggling of migrants/trafficking in human beings, mediation and forcing other persons to prostitutions, murders, abductions, armed robberies, grievous thefts, burglaries;
- Checks on persons and enterprises, checks of invoices/contracts and other documents, checks related to criminal acts in the area of financial crime, child pornography, dissemination of child pornography over Internet;
- Checks of document's authenticity (travel documents, diplomas, certificates, personal IDs, licenses and residence visas);
- Illegal trafficking with drugs and weapons, drugs seizures, seizure of weapons, checks of persons involved in illegal trafficking with drugs and weapons;
- Determining identity of persons, checks of traces from crime scenes, etc.

Information on the cross-border cooperation:

Cross-border cooperation with the *Republic of Greece* is realized on the basis of the following documents:

- Agreement between the Government of the Federal People's Republic of Yugoslavia and the Government of the Kingdom of Greece for protection, maintenance and renewal of the border signs (land and water) of the Yugoslavian-Greek border and for warning, prevention, interviewing and solving border incidents – signed on 17.12.1958, into force since 29.09.1959;
- Interim Accord between the Republic of Macedonia and the Republic of Greece, signed on 13.09.1995 in New York, ratified on 09.10.1995, into force since 13.10.1995
- Protocol on border cooperation, signed on 23.06.1998 in Athens;
- Protocol on cooperation between the Ministries of Internal Affairs of the Republic of Macedonia and the Republic of Greece signed on 08.07.1998 in Ohrid, into force since 07.09.1998;

The Regional Center South, since its establishment in May 2004, pays special attention to the cross-border cooperation with the services from the Republic of Greece, aimed at better state border security, prevention of all types of smuggling of persons, vehicles and other goods, as well as for free and undisturbed movement of passengers. At the beginning, the majority of the contacts with the services from the Republic of Greece were realized through the border crossing points, when necessary, in order to find solution for particular events faced in the every day work. The initial meetings were dedicated on introducing the representatives of the border service of the Republic of Greece with the competent persons from the newly established Border Police of the Republic of Macedonia, on introducing the practice of regular contacts, etc. In 2005 and 2006, 6 meetings were held on regional level when the dynamics for the realization of the projected monthly meetings on local, regional and central level was agreed:

- meetings on local level between the Police Station Commanders are to be held once a week (if necessary more often)
- meetings on regional level are to be held once in 3 months
- meetings on central level are to be held once in 6 months
- meetings on national level are to be held once in a year.

Also, it was agreed to establish regular contacts between the liaison officer of the Republic of Greece and the cross-border inspector from the Regional Centre South. In 2005, 83 meetings were realized on local level, discussing issues regarding the state border security on both sides, joint measures for prevention of illegal activities, information exchange:

- data exchange on the prevented illegal crossings in the course of the previous month (number, place and time)
- identification of the main routes for illegal crossing of the state border
- information exchange on persons citizens of the republic of Greece and the Republic of Macedonia involved in smuggling of migrants – trafficking in human beings, smuggling of goods
- information exchange on detected forged documents
- information exchange on detected criminal offences

The intensity of the cross-border cooperation with the border services of the Republic of Greece for 2005, 2006 and 2007 is as follows:

Level of cooperation	2005	2006	2007
Meetings on regional level	3	3	1
Meetings on local level	83	55	53

The Republic of Macedonia, through the Regional Center South makes efforts to intensify the contacts both with the liaison officer of the Republic of Greece in the Republic of Macedonia and the contacts on regional and local level, as one of the preconditions for more efficient fight against all types of cross-border crime and free movement of persons and vehicles through the state border.

Cross-border cooperation with the *Republic of Bulgaria* is realized according to the Agreement on Cross-Border Cooperation which entered into force on 15.01.2008. Most important activities undertaken in the period 2007- first half of 2008:

- The official contact points were nominated on regional and local level and contact telephone, fax and e-mail lists were exchanged – pursuant to the provisions of Article 6 from the Agreement and if necessary the lists are up-dated.
- The concrete dynamics is agreed for the realization of the meetings – on regional level- at least twice a year, and on local level- minimum one meeting at every 3 months, and if necessary more often
- Based on the performed risk analyses, 3 permanent working groups were established according to the territorial set-up of the Regional Centre for Border Affairs East and the regional Border Station Kustendil, tasked with tactical coordination of the relevant activities on local level, information exchange and defining of the special forms of cooperation and their application. If necessary, by inviting experts, specialized mixed working groups are established for special fields, when the operative assessment demands it;
- In view of improvement of the coordination of the activities and increase of the efficiency of the state border security services it was agreed to consider the possibilities on coordinated securing of the joint border by division of the critical points to separate sectors and their coordinated securing, thus adequate plans were prepared and acted upon, which are in effect since 01.10.2007
- It is agreed that during the official meetings on local level to consider the possibilities and to propose the most efficient manner of direct communication connectivity of the neighbouring police stations. Upon finding the relevant solution, on regional level measures were undertaken for direct telephone connectivity of the border crossing points, thus since November 2007 all the police stations are connected
- It was agreed that the information exchange on regional and local level shall be initiated and deepened, particularly pursuant to the spheres defined in article 2, 4 and 5 of the Agreement on Personal Data Exchange in written and in compliance with the provisions of article 12

- It was agreed that the necessary activities on central and regional level should be undertaken for opening of a joint office – personal data and classified information exchange bureau between the two services.
- The possibilities for initiation of a cooperation between the two services in the area of trainings were considered, thus accent was put on the concrete preparation of the police officers of both services by organizing joint expert-specialized trainings in the area of border control and state border security, by organizing exercises similar to the real conditions in order to harmonize the procedures and increase the efficiency in the performance. One such exercise is already realized
- At the moment detailed analysis is performed on the needs, possibilities, modus operandi and contributions of organizing and functioning of the joint patrols by the representatives from both services on local level.
- In order to simplify the activities related to joint border security the possibilities for joining the existing commissions are considered at present - Joint Commission for prevention and solving border incidents, Joint Commission on protection, maintenance, renewal and marking the Macedonian-Bulgarian state border and Joint Commission on cross-border police cooperation and one Joint Commission fulfilling the functions of all aforementioned commissions acting upon various agreements signed between the two countries.
- The issue is considered on solving the situation with the citizens perpetrators of criminal offences and misdemeanors sheltered on the territory of the other country, for whom international search warrants are not issued but only local ones, thus there is no ground for them to be returned to the country that issued the warrant, and it was agreed in future in concrete cases international warrants to be issued.

In 2007, total 490 official contacts were realized on local level, while in the first 6 months of 2008, 263 official contacts were realized on local level. During these contacts and meetings, analysis of the current state of affairs and threats against the security at the joint border were discussed.

The information exchange on regional and local level is carried out pursuant to the spheres defined in article 2, 4 and 5 of the Agreement on Personal Data Exchange in written and in compliance with the provisions of article 12, especially in the following priority areas:

- activities directed towards prevention of the illegal migration through the Bulgarian-Macedonian border, illegal border crossing, organized channels for human trafficking, smuggling, misdemeanors related to travel and personal documents forgery and currency fraud
- fight against criminal offences with increased level of public risk and particularly illegal trafficking in narcotic drugs and psychotropic substances, precursors, as well as weapons and/or its components, ammunition, explosive, venomous and radioactive materials
- fight against criminal offences and misdemeanors related to the illegal confiscation of motor vehicles detected at the state border
- corruption suppression
- operative data exchange on active criminals in order to determine their contacts in particular territory and their surveillance
- information sharing for perpetration of serious criminal offences when there is a possibility the perpetrator to have crossed the border.

The data and information exchange is being realized respecting the respective legal regulations, thus their security is being taken into account, the procedures for their usage, storage and destruction. Very often data on determining the identity of the persons illegally crossing the border is exchanged, checks are performed on entry-exit of persons, motor vehicles and owners, criminal records.

Precisely, the data and information exchange was initiated on 25.06.2007 and so far total 14 requests were filed for data sharing between the two services, out of which 4 from the Regional Centre for Border Affairs East to the Regional Border Station Kustendil and 10 from the Regional Border Station Kustendil to the Regional Centre for Border Affairs East.

In the current period and upon detailed preparations, in May 2008 a joint exercise was organized and performed between the two services on local level, with participation of the

police station for state border security Novo Selo and GPU Zlatarevo. The exercise was organized in order to check and practice the communication procedures for joint actions at the border by the two services and to improve the standard operative procedures for joint coordinated activities. For autumn 2008 similar exercise is foreseen, extended to more actors and with engagement of services and terrain markers. The activities related to the organization and performance of joint exercises simulating real cases on the green border as well as in the border crossing point areas will be intensified in 2009.

Cross-border cooperation with the *Republic of Albania* is on a satisfactory level and is realized on three levels: meetings on national level – once a year; on regional level – once in 2 months; on local level- at least once a week, and if necessary more often. Meetings are held reciprocally and discussions are held on problems, data and information exchange upon previously prepared agenda by both parties. All these meetings of cross-border cooperation are realized based on the previously signed Protocol by the Ministries of Internal Affairs on organizing regular meetings between the representatives of the border services of the Republic of Macedonia and the Republic of Albania on national, regional and local level.

The Regional Centre for Border Affairs West initiated the implementation of the Agreement on mixed patrols along the joint state border signed by the Ministry of Internal Affairs of the Republic of Macedonia and the Ministry of Internal Affairs of the Republic of Albania. The implementation of the Agreement started on 01.06.2008. In the period June-August 2008, 9 mixed patrols were realized with police officers from both Ministries of Internal Affairs of the Republic of Macedonia and the Republic of Albania. In future, pursuant to the Agreement on mixed patrols along the joint state border, 4 services are planned for each month in the current year.

On 29 February 2008 "The Agreement between Government of the Republic of Macedonia and the Council of ministers of the Republic of Albania for mutual travel of citizens and the Protocol for local border traffic", was signed in Tirana.

Level of cooperation	2007	2008
Meetings on regional level	1	4
Meetings on local level	177	108

The cross-border cooperation with the Republic of Serbia in 2007 was realized pursuant to the Vienna Convention and since February 2008 pursuant to the Protocol between the Mol of the Republic of Macedonia and the Mol of Republic of Serbia on organizing regular meetings between the representatives of the border services on national, regional and local level.

During 2007 meetings took place only on local level, whereby the planned dynamics of holding two meetings per months very often was not implemented. At the moment (since February 2008) the situation is completely different, whereby meetings on local level are held regularly, and very often extraordinary meetings are convened. Regular meetings are held in the arias of Police stations for state border security at least twice a month. On regional level, the provisions of the Protocol between the Mol of The Republic of Macedonia and the Mol of Republic of Serbia are applied and regular meetings are held once in two months, and extraordinary meetings are held if the there is need.

The communication on regional and local level is currently established true mobile or fixed telephones while direct telephone lines are not introduced yet in the Police stations.

We deem that at least the Police station for border control Tabanovce - road and rail border crossing point with the Border crossing point Presevo as well as Pelince - Prohor Pcinski should be connected with direct telephone lines.

The cooperation on local and regional level is being promoted, coordinated actions of the Border police of the both countries are being taken, facilitating the police transfer of persons on both sides.

The cross-border cooperation with KFOR and UNMIK was described earlier (Block 2, Benchmark 6).

Information on the numbers and activities of liaison officers abroad and foreign officers in the country

The Ministry of Internal Affairs has seconded 4 liaison officers abroad, one of them is in the SECI Center in Bucharest and 3 in the Interpol General Secretariat in Lion.

SECI – the Republic of Macedonia is one of the initiators of the establishment of SECI Center (1998). Since 20.02.2001 there is a liaison officer from the Ministry of Internal Affairs of the Republic of Macedonia appointed and seconded in the SECI Center in Bucharest. The liaison officer from the MOI at the same time undertakes the obligations of the liaison officer from the Customs Administration. The SECI liaison officer coordinates all the activities of the working groups in direction of information exchange, coordinated checks of concrete cases, preparation and participation in regional operations, strategic programs, regional trainings and other activities for more efficient crime suppression.

Apart from the aforementioned activities, the SECI liaison officer in Bucharest took part at the following meetings and conferences:

- in the period 11-15.02 – FBI training on cyber crime, in Zagreb, participated as SECI representative, delivering a presentation on the activities of the Financial and Cyber Crime Working Group
- in the period 21-22.02 – operative meeting on the PLASTENKA case – seizure of acetic anhydride in SECI
- on 29.02. – organization and participation on working meetings and visit with representatives from the US Secret Service and representatives from the Ministry of Internal Affairs (the Director, the Head of the Central Police Services, the Head of the Organized Crime Department, the head of the International Police Cooperation Sector).
- On 4.04. organization of a working meeting on the BANKOMAT operation in Skopje, a case of credit cards fraud, MK-BG
- in the period 7-9.04. – organization of a visit and participation at a meeting of the Deputy Director of the SECI and the SECI National contact point from the International Police Cooperation Sector.
- on 24.04. – organization and participation at a working meeting in Istanbul with representatives from the Ministry of Internal Affairs of the Republic of Macedonia and Turkey, heroin trafficking
- in the period 8-10.05 – organization and participation at a working meeting with representatives from the Ministry of Internal Affairs of the Republic of Macedonia and the Public Prosecution Office of the Republic of Macedonia and Hungary, in Budapest, on abuse of the official position and money laundering
- in the period 15-16.05.- participation at a Conference o trafficking in weapons in Florin, Greece, presentation on behalf of SECI Center.
- In the period 16-20.06. - participation along with Macedonian national focal point at a Conference on team building in Costanza, Romania
- On 29.07. – organization and participation at a working meeting in Ohrid, with participation of representatives from the Ministry of Internal Affairs and Public Prosecution Office of the Republic of Macedonia, Serbia, Albania and SECI representatives on the illegal migration case

According to the internal databases of the International Police Cooperation Sector, in the period 01.01.2008-31.07.2008, total number of 23 requests are registered, out of which 6 are requests from our services sent to the SECI liaison officer in Bucharest and 17 are requests received from the SECI liaison officer from the Ministry of Internal Affairs of the Republic of Macedonia in Bucharest to the SECI National Office in the International Police Cooperation Sector.

INTERPOL – Macedonia is a member since the INTERPOL General Assembly in Aruba, in 1993. At the moment the Ministry of Internal Affairs of the Republic of Macedonia has 3 liaison officers in the General Secretariat of the biggest police organization of the world.

1) Liaison officer – Team Leader of the Identification Services, tasked to manage the identification service, consisted of 3 sections with 20 employees:

- DNA and INTERPOL DNA Database Division
- Fingerprints and AFIS Division
- Victim Identification Division, Missing and Unidentified Persons Database

Responsible for coordination of the specialized regular and ad hoc projects, working groups, conferences and other activities from the sphere of identification. Realizes the need of internal training and control of the permanent situation and other pro-active relevant issues. Creates and maintains international expert network in particular areas of forensic identification. As a Team Leader, participates and manages with the INTERPOL IRT Teams deployed upon a request in the member countries.

2) Liaison Officer in the Forged Documents Department. The Officer is:

- directly responsible for the maintenance and updating of the forged document databases (banknotes and credit cards);
- directly responsible for the maintenance of the laboratory for forensic analysis of documents (banknotes and credit cards);
- directly responsible for the processing and information analysis from the NCBs of the member countries, preparation of analytical reports, as well as updating of the Interpol Criminal Information System – ICIS
- responsible for organization of trainings, conferences and seminars in the sphere of document protection (banknotes and credit cards) on forgery, for the needs of the 186 member states of the INTERPOL General Secretariat (particularly for the non-EU countries, from South- East Europe and the Balkans)
- actively participated as trainer and chair on a seminar for banknote protection from forgery, at working meetings and conferences, organized in IPSPG or organized by the European Commission (OLAF – Central Office for fight against Euro and other currency forgery), EUROPOL, US Secret Service, European Central Bank
- participated in the preparation of the standard operative procedure and forensic procedures for analysis of forged banknotes, analysis of forged credit cards and their classification and analysis of original banknotes and up-date of the database with its specimen

3) Liaison officer as criminal intelligence analyst in the Crime and Analysis Directorate for organized crime and terrorism. The Officer is:

- preparing assessments of the security and crime situation in South-East European countries with special focus on the Balkans
- preparing strategic analytic reports
- preparing operative analytic reports and analysis for persons and groups involved in organized crime and terrorism
- analytic reports and communication with countries for information exchange and planning, organizing operations against persons and groups involved in the Albanian organized crime (project CANNON)
- cooperation with the European Commission for experience exchange in the sphere of analytic work, methodology, computer software, organization and analytical services in separate countries
- cooperation with Europol for information exchange on Albanian organized crime.

Foreign Liaison Officers

The cooperation with the foreign countries on bilateral level is realized also through the appointed liaison officers in the Embassies of certain countries in the Republic of Macedonia (Greece, French Republic, Bulgaria, Austria and Switzerland) or in other countries, also accredited for Macedonia (Germany, Belgium, the Netherlands, Denmark, Slovakia, Australia, Italy, Slovenia and the Czech Republic).

The manner of cooperation with the foreign liaison officers is realized through operative information exchange, data exchange in all spheres of criminality, as well as through regular meetings with the liaison officers accredited in the Embassies in the Republic of Macedonia. In the period 01.01.-31.07.2008 the foreign liaison officers in the Republic of Macedonia

submitted 80 requests to the International Police cooperation Sector from different crime spheres and the Sector acted upon all received requests.

The Mol adopted the amendments of the Rulebook on systematization of work places and the Rulebook for organization of the Ministry of Interior (13.05.2008). With this document the Sector for international police cooperation is formed as a separate sector within the Central police services, which incorporates INTERPOL, SECI, EUROPOL, SIRENE, the Convention for police cooperation in South East Europe and the Ministry Declaration for border security in South East Europe, the foreign liaison officers in the Republic of Macedonia or in other countries, but accredited from the Republic of Macedonia and our liaison officers abroad.

Also, within the Sector for international police cooperation a new Section for EUROPOL is formed and the Section for technical support is transformed in a Section for administration and duty service (for the purpose of fulfilling the standard 24/7 working time administered from the international police organizations).

29. Improve the operational and special investigative capacity of law enforcement services to tackle more efficiently cross-border crime;

To improve operative capacities, during 2007-2008, the Mol Organized Crime Department performed profiling of the criminal groups in the Republic of Macedonia in all areas of crime. The Manual for conducting criminal investigations was adopted, unifying the manner of conducting criminal investigations by the competent sectors in Mol. It regulates the inter-sector and inter-agency investigations and unifies the templates for planning and conducting criminal investigations. Guidelines for the manner and application of Special Investigative Measures (SIM) and Guidelines for action in cases of kidnapping were adopted, as well as standard operative procedures for victims of trafficking in human beings.

The Sector for special investigative techniques within the Organized Crime Department is tasked with application of SIM. The Sector comprises the following sections:

- Section for undercover operations, being operative and technically equipped to efficiently perform the warrants from the Public Prosecutor and the Investigative Judge. In the period 2007-2008, several undercover operations were conducted with participation of undercover agent, such as: "Snake eye", "Dragon", "Menu" and others which resulted in efficient court proceedings. The Section was invited by the Mol of Serbia to provide expertise for preparation of bylaws as well as in training and selection of undercover agents in Serbia. Such invitations were also received from Albania and Bosnia and Herzegovina;
- Section for operative surveillance and documentation, avails of human and technical resources for successful documentation of the perpetrators and the material evidence. The technical equipment is being regularly procured;
- Section for interception of communications, is still not operational. Procurement of technical equipment is underway, as well as continuous personnel training. The Section is expected to be operational by the end of 2008.

Efforts have been made as well to overcome some legal gaps related to the provisions on **special investigative measures, especially for crimes related to fight against corruption and organised crime**. The amendments drafted to the Law on criminal procedure (adopted) and to the Law on interception of communication (parliamentary procedure) will enable the application of special investigative measures (including interception of communication) for some particular categories of criminal acts regardless of the time frame of the sanction (i.e. corruption, trafficking, unauthorised production and release for trade of narcotics, psychotropic substances and precursors, extortion, blackmail, money laundering, misuse of official position, custom fraud, terrorism, crimes against humanity and international law and etc). Moreover, the implementing legislation of the Law on interception of communication was adopted. 10 representatives from the organised crime department within Mol participated on trainings organised by ICITAP and related to use of special investigative measures.

The Law on Amendments and Supplements of the Law on Criminal Procedure (Official Journal of RM no. 83/08) determines that the court may issue order for application of the special investigative measures, when there is reasonable suspicion that a criminal offence is being prepared, its execution is underway or it is already perpetrated for which punishment imprisonment is prescribed of at least 4 years, as well as when grounds for suspicion exist that a criminal offence is being prepared, its execution is underway or it is already perpetrated by organized group, gang or other criminal association with an aim to provide data and evidence necessary for successful procession of the criminal procedure, which cannot be obtained otherwise or their provision is connected with greater difficulties. In order to provide data and evidence necessary for the successful conduct of the criminal procedure, which cannot be otherwise obtained or their provision is connected with greater difficulties, the court may issue an order for interception of the communications for the criminal offences stated in the Criminal Code:

- illegal production and circulation of narcotic drugs, psychotropic substances and precursors, Article 215,
- extortion, Article 258,
- blackmailing, Article 259,
- money laundering and other proceeds of crime, Article 273,
- smuggling, Article 278,
- customs fraud, Article 278-a,
- misuse of the official position and authorizations, Article 353,
- embezzlement in the service, Article 354,
- fraud in the service, Article 355,
- making use of the service, Article 356,
- taking bribe, Article 357,
- giving bribe, Article 358 ,
- illegal mediation, Article 359,
- illegal influence on the witnesses, 368-a,
- illegal association, Article 394,
- terrorist organization, Article 394-a,
- terrorism, Article 394-a,
- criminal offences against the state (Chapter XXVIII), and
- criminal offences against humanity and the international law (Chapter XXXIV) as well as
- criminal offences perpetrated through the means for electronic communication.

The Law on Interception of the Communications (Official Journal of RM 121/06) determines the conditions and the procedure for interception of the communications, the modus operandi, the storage and usage of the obtained information and data with the application of this Law and control of the lawfulness of the interception of the communications.

Pursuant to the document “Measures and activities for the realization of the key priorities of the Accession Partnership”, enacted by the Government, review of the legislation on the special investigative measures in the corruption related criminal offences was made and the MOI prepared amendments and supplement to the existing law. In this context, the remarks and recommendations of the twinning project “Unit for fight against organized crime and corruption – Public Prosecution Office” were used, as well as the detected weaknesses and shortcomings in the implementation of the Law on interception of communications in the fight against organized crime and corruption. The amendments to the Law were adopted in September 2008 (Official Gazette of RM 110/08).

The Organized Crime Department in the period January – July 2008 applied special investigative measures for total of 18 orders. In 2008, total 7 cases were realized, out of which for 4 cases the special investigative measures were initiated and stopped in 2008 and for 3 cases the special investigative measures were initiated in 2007. With the realization of the aforementioned cases, criminal charges were initiated against 42 persons. The Organized Crime Department realized the following cases:

- filed criminal charge against 5 persons for the criminal offence “criminal association” – article 394 from the Criminal Code and the criminal offence “taking bribe”- article 357 from the Criminal Code
- Filed criminal charge to the Basic Public Prosecution Office Skopje against 1 person for the criminal offence “threats against the security”- article 144 from the Criminal Code
- Filed criminal charge to the Basic Public Prosecution Office Skopje against 8 persons for the criminal offence “smuggling”- article 278 from the Criminal Code
- In cooperation with the Organized Crime Department, Sector for Home Affairs Ohrid filed a criminal charge against 1 person for the criminal offence “murder”.

The Organized Crime Department during 2007 in order to improve the operational capacities initiated proactive approach in leading criminal investigations. The Method on profiling the criminal groups dealing with organized crime on national and international level was initiated. The profiling was conducted based on the criminal intelligence information, international cooperation and other sources. Based on those profiled criminal groups, the OCD initiated criminal investigations applying SIMs and joint investigations on international level. Based on the profiling procedure, several investigations were successfully conducted: “Danube”, Dragon”, Menu”, “Snake’s eye”, and “Dora”, in cooperation with the SECI Center Bucharest between Macedonia, Serbia and Albania.

30. Implement the action plan for the signature of an operational cooperation agreement with Europol

In January 2007, the Strategic Cooperation Agreement with EUROPOL was concluded. In February 2008, the Government adopted Action Plan for implementation of the Strategic Cooperation Agreement and for conclusion of Operational Cooperation Agreement. The following activities have been implemented:

- Setting up National Contact Point for Europol;
- Setting up National Europol Section;
- Nomination of contact persons from the Ministry of Finance (Customs Administration, Financial Police, Public Prosecution Office);
- Definition of the relation of the National Europol Section with the competent national bodies/Ministry of Finance (Customs Administration, Financial Police);
- Exchange of information in international relations;
- Coordination responsibilities – Rulebook on handling Europol cases is drafted;
- National strategy and policy of realization of working tasks (continuous);
- Europol relations (continuous);
- Access to national data - underway;
- Internal working procedures – Rulebook on handling Europol cases is drafted;
- Security rules, sub-registry – inception phase;
- Information connections – inception phase;
- Mutual awareness of the need for cooperation and support from the strategically set up bodies: study visit to Mol of Croatia; agreed Europol modul within the Regional cooperation project with Austrian Mol; TAIEX study visit – inception phase; Europol visit to Mol – June, July 2008;
- Analysis of possible problems or shortcomings: answers to the Questionnaire for data protection submitted to Europol; answers to the Questionnaire for detection of problems or shortcomings in the work of the National Contact Office of Europol submitted to Europol;
- Strategy and directions for development of the national office prepared;
- Implementation, realization of concrete cooperation and evaluation of the realized cooperation.

Data protection

31. Adopt necessary legislation on the protection of personal data and implement its provisions and ensure the independence of the Data Protection Directorate

The amendments and modifications to the Law on Personal Data Protection were drafted, intended to achieve full harmonization of the national legislation in this area with the EU Acquis, or more precisely with Directive 95/46/EC of the European Parliament and the Council of the European Union and the Additional Protocol of the Convention 108/81 of the Council of Europe. The draft Law on amendments and modifications to the Law on Personal Data Protection is in Parliamentary procedure.

The legal and institutional framework for personal data protection is established, there are clear definitions of the rights and obligations of the data subjects and controllers that ensure the right of personal data protection and privacy, as one of the fundamental human rights and freedoms are protected, which improves the democratic development of a country.

The amendments and modifications to the Law shall ensure greater independence of the Directorate for Personal Data Protection.

The information provided in *Annex 10* - Statistical indicators of the implementation of the Law on personal data protection - refers to expert opinions and reprimands (Table 1), administrative supervisions over personal data controllers (Table 2), inspected personal data collections (Table 3), complaints handling and requests filed by the citizens (Table 4) and activities connected with the public awareness rising (Table 5).

The amendments and modifications to the Law on Personal Data Protection are aimed at achieving full harmonization of the national legislation in this area with the legislation of the European Union, concretely with Directive 95/46/EC and the Additional Protocol of the Convention 108/81. The Law on amendments and modifications to the Law on Personal Data Protection was adopted by the Parliament on 24 July 2008. The amendment and modifications to the Law will strengthen the independence of the Directorate for personal Data Protection. The strength of the independence of the Directorate for Personal Data Protection is provided by the following provisions of the Law:

Article 37

For supervision of legality of the activities for processing and protection of personal data on the territory of the Republic of Macedonia, a Directorate for Personal Data Protection (hereinafter: The Directorate) is established as an independent state body acting as legal entity.

The Directorate is managed by a Director elected and dismissed by the Parliament of the Republic of Macedonia, proposed by the the Commission for appointments and elections of the Parliament of the Republic of Macedonia, following a public announcement for the position.

The Director is appointed for a period of five years with a right to be re-elected twice.

The Director of the Directorate has a Deputy elected and dismissed by the Parliament of the Republic of Macedonia, proposed by the the Commission for appointments and elections of the Parliament of the Republic of Macedonia following a public announcement for the position, for a period of five years, with a right to be re-elected twice.

For their work and for the work of the Directorate, both the Director and the Deputy Director of the Directorate report to the Parliament of the Republic of Macedonia.

Article 38

The function of Director or the Deputy Director may be terminated for the following grounds:

- upon his request;
- permanent loss of the capacity to perform the function;
- fulfilment of the conditions for retirement;
- in case of being convicted for a crime by a prison sentence in duration at least six 6 months;
- do not fulfil any of the conditions set in Paragraph 1 items 1 and 4.

Article 41A

The Director of the Directorate for Personal Data Protection shall:

- represent the Directorate;
- organize and ensure the lawful and efficient performance of the duties tasks of the Directorate;
- adopt decisions in accordance with the law;
- adopt regulations for which he is authorized; and
- perform other activities within the competence of the Directorate in accordance with law.

According to article 41 the Directorate has the following competencies:

- prepares and enacts bylaws regarding personal data protection;
- develops policies and guidelines regarding personal data protection;
- performs inspections in accordance with the provisions of this law;
- conducts administrative procedure and brings decisions when acting upon requests;
- evaluates the legality of personal data processing;
- operates the Central Register;
- issues prior approvals for personal data processing in accordance with this Law;
- issues a ban on further personal data processing to the Controller;
- issues approvals for transfer of personal data to other states;
- issues opinions on drafts with respect to protection of personal data;
- issues opinions on the drafts of codes of conduct with respect to personal data protection;
- provides assistance to processing of personal data to all interested persons;
- conducts misdemeanour procedure through the Misdemeanour Commission in accordance with law;
- acts upon the requests from foreign data protection authorities for performing their activities on the territory of the Republic of Macedonia;
- performs trainings and provides expert assistance to interested controllers or processors;
- realizing international cooperation in the field of personal data protection and participates in the work of international organizations and institutions dealing with personal data protection;
- carries out other activities defined by law.

Regarding the question on the application of the Law on Personal Data Protection on automated databases containing data in the area of criminal records and state security, the Law fully applies on criminal records. However, in the area of state security and defence, the law has a limited application, as regulated by article 4 paragraph 2 of the LPDP which reads:

“Provisions from sections VI, VII and VIII of this law shall not apply to personal data processing for the purpose of protection of the interests of state security and defence of the Republic of Macedonia”.

32. 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.

The Directorate initiated the procedure for the signing and ratification of the Additional Protocol to the Convention 108/81 of the Council of Europe for the Protection of Individuals with regard to Automatic Processing of Personal Data, The Additional Protocol was signed on January 4th 2008. The Law on ratification of the Additional Protocol was adopted in July 2008 (Official Gazette of RM 103/2008).

BLOCK 4: External Relations and Fundamental Rights

Freedom of movement of nationals of the Republic of Macedonia

33. [ensure that freedom of movement of citizens of the Republic of Macedonia is not subject to unjustified restrictions, including measures of a discriminatory nature, based on any ground such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.]

Right to freedom of movement and residence within the state border

According to Article 27 of the Constitution, every citizen of the Republic of Macedonia has the right to freely move within the territory of the state and to freely choose the place of domicile. Every citizen has the right to leave the territory of the state and to return to it.

The exercise of these rights may be limited by law, only in cases necessary to protect the security of the state, criminal proceedings and for the protection of health of people.

The right of citizens of the Republic of Macedonia to free movement and residence within the territory of the state is regulated by the Law on Registration of Domicile and Residence of Citizens. The Law does not discriminate on any grounds, whatsoever. It is only necessary that the citizen wishes to live in a certain place and to provide a place to live in (either as his/her property or rented).

Right to leave any country and return to the territory of the state

According to Article 27, paragraph 2 of the Constitution of the Republic of Macedonia "Every citizen has the right to leave the territory of the state and to return to it". According to paragraph 3 of this Article "The exercise of this right may be limited by law, only in cases necessary to protect the security of the state, criminal proceedings and for the protection of health of people".

Article 2 of the Law on Travel Documents of the Citizens of the Republic of Macedonia – consolidated text (Official Gazette of the Republic of Macedonia No. 73/04), stipulates that "To travel abroad, citizens of the Republic of Macedonia need a travel document, foreseen by this Law, unless otherwise agreed upon by the international agreement. However, the Government of the Republic of Macedonia may decide that traveling abroad or to specific foreign countries requires a visa, due to international reciprocity, protection of security of the Republic of Macedonia or protection of health of the people".

Readmission agreements ratified by the Republic of Macedonia constitute part of the wider regulatory framework. This particularly relates to readmission provision concerning the return of Macedonian citizens who left the Republic of Macedonia illegally and were denied the status of a recognized refugee or whose status has expired in the countries in which they applied and which signed this kind of agreement with the Republic of Macedonia.

Right to nationality

In accordance with the Constitution of the Republic of Macedonia, citizens of the Republic of Macedonia have citizenship of the Republic of Macedonia. A citizen of the Republic of Macedonia may neither be deprived of citizenship nor expelled or extradited to another state. Citizenship of the Republic of Macedonia is regulated by law. The Law on Citizenship of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 67/92 and 08/04) regulates the manner and conditions for acquiring and cessation of citizenship of the Republic of Macedonia, then the establishment of the citizenship and keeping records of subjects of the Republic of Macedonia.

The Law Amending the Law on Citizenship of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 8/04) takes over the definition of citizenship from the European Convention on Nationality -"nationality means the legal bond between a person and a state and does not indicate the person's ethnic origin."

In accordance with Article 2 of the Law on Citizenship of the Republic of Macedonia, citizens of the Republic of Macedonia may also hold citizenship of another state. A citizen of the Republic of Macedonia holding a citizenship of another state is considered within the Republic of Macedonia to be exclusively a citizen of the Republic of Macedonia, unless otherwise stipulated by international agreement. In accordance with this Law, citizenship of the Republic of Macedonia may be acquired by: Origin (jus sanguinis); birth on the territory of the Republic of Macedonia (jus soli); naturalization or international agreement.

In the area of its citizenship legislation, the Republic of Macedonia has also incorporated the European Convention on Nationality, signing this Convention in 1997, and ratifying it in 2002. The Convention and the Law on Citizenship of the Republic of Macedonia eliminate any discrimination based on gender, religion, and race, national or ethnic origin.

Aiming at full harmonization of the Law on Citizenship of the Republic of Macedonia, which has been already harmonized to a great extent with the European Convention, at the beginning of 2004, the Republic of Macedonia adopted the Law Amending the Law on Citizenship of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 8/04).

The constitutional provisions on equality of citizens of the Republic of Macedonia in the area of citizenship have been taken over and further elaborated in the Law on the Citizenship of the Republic of Macedonia through one of the basic principles on which the Law is based—non-discrimination on any ground.

Legal regulation of the citizenship for the citizens of former SFRY:

The Law on citizenship provided that the citizens of the other republics of former SFRY and the citizens who have registered residence in the Republic of Macedonia could acquire Macedonian citizenship if they submit a request within one year of the entry into force of the Law (until 12.11. 1993), providing that they had regular income, are over 18 years old and have been legally residing on the territory at least 15 years.

Based on this provision, the citizenship has been granted to 55 000 persons and the 4000 applications have been denied.

The amendments to the Law from 2004, provided new opportunity to acquire citizenship, under favorable conditions: persons which on 8th September, 1991 had registered residence in the Republic of Macedonia, and from than on have permanently resided in Macedonia until submitting the request; have effective relation with the country and have submitted the request within 2 years of entry into force of this Law; if they were not subject to criminal investigation in the Republic of Macedonia regarding security and defense of the country; and have knowledge of Macedonian language. This opportunity was allowed until 02.03.2006 and this article was drafted in order to create legal solution to overcome the problem of stateless persons after the dissolution of the former SFRY.

According to the Article 21 from the Law on citizenship, (Official Gazette of the RM No. 67/92), the application for acquisition, termination, or establishment of citizenship of the Republic of Macedonia is submitted to the Ministry of Interior. If a person lives in a foreign country, he/she can submit application in the diplomatic and consular mission of the Republic of Macedonia.

The formal Decision for acquiring, termination or establishment of a citizenship of the Republic of Macedonia is brought by the Minister of Interior. This document is handed over to the applicant in person only.

Against the Decision the person can submit an Appeal to the competent Commission within the Government of the Republic of Macedonia (second instance). Against the Decision of a Commission, an Administrative dispute can be initiated.

During the course of 2008, until 02. 09. 2008, 630 citizenships were granted. In the same period, 145 applications were refused on the following bases:

- 6 applications on a basis of the Article 6 of the Law on Citizenship – their admission to Macedonian citizenship do not represent special interest for the country,

- 21 applications on the basis on the Article 7 of the Law – insufficient period of residence in the country – for one person it was proved that posed a threat to the security of the country, 18 persons did not have legal residence of 8 years on the territory of the country, and for 2 persons it was established that they did not have permanent source of existence.
- 1 application was refused on the basis of article 7 –a, it was established that the person did not have status of registered refugee.
- 50 applications were refused on the basis of article 8, - they did not have status of immigrant from the Republic of Macedonia, i. e. the requested 3 year period has not passed before the termination of the Macedonian citizenship.
- 32 applications were refused on the basis of Article 9 – marriage with Macedonian citizen - 2 persons were not married for at least 8 years, (pg. 2 of this Article), 4 persons were not married for at least 3 years with Macedonian citizen (pg. 1 of the Article), 14 persons didn't reside in the Republic of Macedonia for at least one year, and for 10 persons it was found out that their admission to Macedonian citizenship would pose a threat to the security of the country.
- in accordance to the pasarelle clause, provided for in the Article 14 of the Law on amendments on the Law on citizenship, 37 applications were refused: 12 did not have knowledge of Macedonian language, 9 did not have legally settled residence in the Republic of Macedonia on 8. 09. 1991, and for 16 persons it was proved that they do not live permanently in the country.

Of the 145 refusals, only 46 appeals were submitted to the Governmental Commission of second instance. 17 appeals were accepted and 29 were refused.

Conditions and procedures for issuance of identity documents

34. 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

The legal provisions, administrative procedure and practice for application of personal documents do not insert discrimination measures for any of the above mentioned categories. For the persons with disability and avert for personal application of the document, a procedure for application with mobile unit is conducted and the biometric data of the person can be obtained in domestic or hospital conditions.

In the personal documents the personal name (last name and name), at a request of the citizen, is personalized in the language of his nationality as well (stated in the Constitution).

Passport issuance: Main condition for passport issuance is that the applicant is Macedonian citizen. Application for passport must be done in person, and providing his/her valid ID and other supporting documents. If the person is Macedonian citizen, and none of the grounds for refusal of issuance of passports exist, the passport is issued.

Refusal to issue passport and restrictions to leave the country: The Law on travel documents provides that the travel document to a Macedonian citizen shall not be issued if: there is criminal investigation initiated against that person; the person is convicted to a prison sentence (until the finalization of the sentence); if it is requested by the Centre for social affairs in connection with the exercise the right to supervise the realization of parental rights and custody issues; the misdemeanor procedure has been initiated in relation to offences in connection with misuse of the travel document; and if the citizenship has ended. In this procedure, there is right to appeal.

After the facts for not issuance of passport have ceased to exist, the passport can be issued.

The Law on criminal procedure provides that in the initiated procedure in criminal matters, in order to secure presence of the accused person in the procedure, the court may adopt preventive measure to seize the passport or other document valid for crossing the border, in case if there is suspicion that that person may leave the country. The travel document is

kept in the court and after the grounds has ceased the court makes new decision to return the document.

Additional information with regards to passport issuance in respect of rights of the members of the communities⁶: The Law on travel documents provides that the citizens of the Republic of Macedonia which are members of the Turkish, Vlach, Serbian, Roma and Bosniak communities can choose if they want to have their name printed in the passport on their language. Members of the Albanian community can choose the language on which the passport will be printed.

The Rulebook for taking photographs for passports provides that the person applying for a passport needs to have picture where s/he wears no head cover. By exception, the competent issuing authority can determine if it is necessary to wear head cover due to religious, medical or cultural reasons on a photo.

In order to respond to the concerns of some religious groups regarding this obligation, the Rulebook was amended and now, the person can be photographed with head cover on his/her personal request, again, due to a religious, medical or cultural reasons.

In order to provide complete and efficient access to the travel documents for all citizens, including women, children, members of the communities, disabled persons and other vulnerable groups, the Ministry of Internal Affairs foresees a possibility to release social protection beneficiaries from paying administrative taxes for travel documents. The social protection beneficiary status can be proved by submitting the Decision or Certificate issued by the competent Center for social affair or the social fare payment check.

In the Law on ID cards and the Law on registering the residence and address of the citizens all citizens of the Republic of Macedonia, including women, children over 15 years of age, disabled persons, members of the minority communities and other vulnerable groups under equal terms and procedures can obtain ID card. The terms for submission the request for ID card issuance and the procedure for ID card Issuance is equal for all the citizens of the RM.

Regarding specific problems of registration, there are cases when applications are not filed for registration of newly born children in the Books of births, which causes them problems afterwards when applying for identity documents. Without a birth certificate, there is no legal opportunity to obtain ID document as a proof of identity or to obtain citizenship of the Republic of Macedonia. This is a global problem and Republic of Macedonia is willing to participate in the solution finding process, but not making its own identity management procedures weak to the threats of making false identities, with security, social and financial implications. Training programs are conducted for the Roma community and there is an increase in the number of on-time registration of births. We estimate minor number of individuals filing inappropriate claims for ID documents.

35. Ensure full and effective access to identity documents for [IDPs] and refugees

During 2008, the issuance of the documents for the asylum seekers, recognized refugees and persons under the humanitarian protection, will be provided, in accordance with the Law on asylum and temporary protection.

All IDPs have undisturbed access to the institutions providing personal documents. The overall records on IDPs, between 2001 and 2004 were kept by the Red Cross, and since 2004 this is in the competence of the Ministry of Labor and Social Policy. Pursuant to the already established criteria on determining the persons who may acquire the status of IDPs, to this category of persons special documents are issued on annual basis. These special documents are not legal documents and they do not denote the identity of the persons but only their current status.

Since 27.08.2008, the Asylum Section within the Ministry of Internal Affairs started with the issuance of ID documents for asylum seekers, free of charge. Up to September 2008, 16 of the above mentioned documents were issued to the asylum seekers.

⁶ The Constitution as a state supreme legal act does not operate with the term "national minorities", but "members of the communities".

Citizens' rights including protection of minorities

36. Adopt and enforce legislation to ensure effective protection against discrimination

The fundamental values of the constitutional order of the Republic of Macedonia are contained in Article 8 of the Constitution: fundamental freedoms and rights of the individual and citizen recognized in international law and defined in the Constitution, free expression of ethnic affiliation and others.

The equality of members of communities ensues from Article 9 of the Constitution of the Republic of Macedonia which defines the principle of non-discrimination stipulating that: "Citizens of the Republic of Macedonia are equal in their freedoms and rights, regardless of gender, race, color of skin, ethnic and social origin, political and religious beliefs, property and social status. All citizens are equal before the Constitution and laws".

Article 50, paragraph 1 of the Constitution provides for equal protection of all citizens stipulating that every citizen may invoke the protection of freedoms and rights determined by the Constitution before the regular courts and the Constitutional Court of Macedonia, through a procedure based upon the principles of priority and urgency. Furthermore, in accordance with Article 54, paragraph 4 of the Constitution, the restriction of freedoms and rights cannot discriminate on grounds of gender, race, color of skin, language, religion, national or social origin, property or social status. In accordance with Article 110 of the Constitution of the Republic of Macedonia, the Constitutional Court protects the freedoms and rights of the individual and citizen against discrimination on these grounds.

The legislative framework for prevention of discrimination and promotion of full and effective equality consists of the criminal, civil and administrative legislation:

- The Criminal Code: In the Chapter on criminal offences against human rights and freedoms, Article 137 defines as a violation of the equality of citizens any conduct by which the rights established by the Constitution, law or a ratified international agreement, are denied or restricted on the grounds of gender, race, skin color, ethnic and social background, political or social affiliation, property or social status, language or another personal attribute or circumstance, or the conduct by which, on the basis of these differences, the citizens are granted benefits in contravention of the Constitution, law or ratified international agreement.

Article 319 of the Criminal Code, in the Chapter on criminal offences against the state, establishes that a person will be sanctioned for incitement of ethnic, racial and religious hatred, discord and intolerance, if by force, maltreatment, threatening the safety, derision of the national, ethnic or religious symbols, by desecrating monuments, graves, or in another way instigates or incites to national, racial or religious hatred, discord or intolerance.

Article 417 of the Criminal Code in the Chapter on crimes against humanity and international law prescribes that a person who, on the basis of race, skin color, nationality or ethnic origin, violates basic human rights and freedoms recognized by the international community is perpetrating discrimination.

- The Law on Execution of Sanctions: The Law prohibits discrimination on the basis of race, skin color, gender, language, religion, political and other convictions, ethnic and social background, association, financial or social standing or another status of the person against whom the sanction is enforced.

Religious beliefs, personal conviction and moral norms of the person against whom sanctions are executed must be respected.

There are provisions in both civil and the administrative law aimed at fighting discrimination. These provisions are not contained in a single act, but are incorporated in a number of laws.

- The Law on Courts: Pursuant to the Law, everyone is entitled to equal access to courts to protect human rights and legally based interests.
- Law on Secondary Education: It establishes that everyone, under equal conditions established by this Law, is entitled to secondary education. Furthermore, the same Law prohibits discrimination based on gender, race, skin color, ethnic and social background, political and religious affiliation, property and social status.
- The Law on Higher Education: The Law ensures that nationals of the Republic of Macedonia are entitled, under equal conditions, to education at the higher education institutions in the Republic of Macedonia. At the same time, foreign nationals may, with the application of the principle of reciprocity, study at higher education institutions in the Republic of Macedonia under the same conditions as nationals of the Republic of Macedonia. In addition to foreign nationals, stateless persons, as well, have the right to higher education under conditions established by law and ratified international treaties.
- Law on Associations of Citizens and Foundations: The Law prescribes that the activity of the citizens' association will be prohibited if such an activity violates human rights and freedoms guaranteed by the Constitution or incite ethnic, racial or religious hatred or intolerance.
- Law on Political Parties: In its general provisions, the Law stipulates that the program, statute and activities of a political party may not be directed towards violent overthrow of the constitutional order of the Republic of Macedonia, incitement to or calling for military aggression, flaring up of ethnic, racial or religious hatred or intolerance.
- Law on Police: The main function of the police is to protect and respect fundamental rights and freedoms of citizens guaranteed by the Constitution, laws and ratified treaties.
- Law on Telecommunications: This law explicitly prohibits transmission and delivery of messages stirring up ethnic, racial or religious hatred or intolerance.
- Law on Legal Status of Church, Religious Communities and Religious Groups: This Law guarantees the freedom of religion and its free manifestation and prohibits discrimination on grounds of religion.
- Law on Courts: Under the Law, when judges and lay judges are elected, there must not be any discrimination on the basis of gender, race, skin color, ethnic or social background, property or social status.
- The Law on Labor Relations: Article 6 of the Law on Labor Relations prohibits the employer to treat a job applicant or an employee unequally because of their race, skin color, gender, age, health status or disability, religious, political or other belief, membership in trade unions, ethnic or social background, family status, property or other personal circumstances. Article 7 of the Law defines and prohibits both direct and indirect discrimination of a job applicant or an employee, as well as exceptions to prohibition of discrimination.
- Law on Culture: The Article 4 of the Law establishes that everyone is entitled, irrespectively of the age, education, religious, ethnic or other affiliation, to free creation, non-professionally or professionally, as well as to education in the area of culture.
- Law on Civil Servants: Under the Law, employment in the state administration is based on two core principles: constitutional principle of equal access to jobs and the principle of competence-based selection. In addition, when civil servants are employed for all positions determined by the Law, the principle of equitable representation of citizens belonging to all communities is also applied, without undermining the criteria of professionalism and merit.

A working group for drafting of a Law on Protection against Discrimination was established, that prepared the first draft text of the Law, which is planned to be submitted for adoption by the end of 2008. The competent institution is the Ministry of Labor and Social Policy. The ODIHR and the Venice Commission will be consulted for expertise of the draft Law. Additionally, seven public debates will be organized within the country.

We would like to point out that the Republic of Macedonia has not yet established comprehensive system of mechanisms and legal remedies to process the individual cases of discrimination, irrespective of who or which body is discriminating. Without this mechanism, it is impossible to provide effective protection of the citizens' rights and to provide compensation. The current mechanisms, like the institute complaint to the Ombudsman and the Request for protection of the rights and freedoms from the discriminatory practice to the Constitutional Court or through regular claims procedure, provided for in Law on obligations, are not sufficient and their efficiency is not satisfactory. The above stated is best illustrated by the fact that there is no single case where the violation of the equality rights, i. e. – a discriminatory behavior was proved or established. This is the idea behind the proposal to prepare and adopt comprehensive Law on anti-discrimination.

37. Specify conditions and circumstances for acquisition of citizenship

The conditions and circumstances for acquiring citizenship of the Republic of Macedonia are determined by the Law on citizenship of the Republic of Macedonia. The manner, the conditions and circumstances for acquiring and termination of the citizenship of the Republic of Macedonia, the establishment of citizenship, the competent authority for solving citizenship cases, proving citizenship and keeping records of the citizens of the Republic of Macedonia are determined by the mentioned Law.

The competent state body for solving, keeping records and proving the citizenship of the Republic of Macedonia is the Ministry of interior.

The citizenship of the Republic of Macedonia can be obtained by origin, by birth on the territory of the Republic of Macedonia, naturalization and international agreements.

The citizenship of the Republic of Macedonia by origin is acquired if: at the time of the child's birth both parents are citizens of the Republic of Macedonia; at the time of the child's birth one of the parents is a citizen of the Republic of Macedonia and the child is born in the Republic of Macedonia, unless the parents have agreed that the child acquire the citizenship of the other parent, or at the time of the child's birth one of the parents is a citizen of the Republic of Macedonia and the other parent is unknown, holds unknown citizenship or holds no citizenship, and the child is born abroad.

The citizenship by birth on the territory of the Republic of Macedonia can be acquired only in cases when the child is found or born on the territory of the state and the parents are unknown or are with unknown citizenship or do not hold citizenship.

The citizenship with naturalization can acquire a foreigner who has submitted a request for admission to citizenship of the Republic of Macedonia, provided that he/she satisfies the following conditions:

1. That he/she is at least 18 years of age;
2. That he/she has legally and continuously been resident in the territory of the Republic of Macedonia for at least 8 years up to the time of the submission of the request;
3. That he/she is provided with housing and a permanent source of income in amount of which can provide material and social security under the conditions determined by the Law;
4. In the Republic of Macedonia and in the State whose citizen he/she is not to have been sentenced with prison duration for at least one year for criminal acts officially prosecuted and which are punitive according to the regulations in the Republic of Macedonia;
5. That he/she has had no criminal proceedings instituted against him/her in the State whose citizen he/she is or in the Republic of Macedonia;
6. That he/she speaks the Macedonian language to the level that he/she/ could easily understand;
7. not to have sentenced the measure prohibition for residence in the Republic of Macedonia;
8. His/her admission to citizenship of the Republic of Macedonia does not endanger the national security or defense of the Republic of Macedonia;
9. To sign an oath that he/she will loyal citizen of the Republic of Macedonia and
10. That he/she has discharge from foreign citizenship or has proof that discharge will be granted if he/she is admitted to citizenship of the Republic of Macedonia.

Citizenship of the Republic of Macedonia with naturalization can acquire a person without citizenship or person with recognized status as a refugee if from the moment of establishing not having citizenship, i.e. the recognition of the refugee status until the moment of submitting the request for admission to citizenship, legally and continuously lives on the territory of the Republic of Macedonia for at least 6 years, if he/she meets the abovementioned conditions from items 3 to 10.

An emigrant from the Republic of Macedonia, as well as his descendants from next of kin, can with naturalization acquire citizenship of the Republic of Macedonia although he/she does not meet any of the abovementioned conditions from items 2 and 10.

In spite of the mentioned, the Law predicts conditions for acquiring citizenship with naturalization based upon marriage, i.e. foreigner who is married with the citizen of the Republic of Macedonia at least for three years and up until submission of the request is legally residing for at least one year continuously on the territory of the Republic of Macedonia can with naturalization acquire citizenship of the Republic of Macedonia although he/she does not meet the conditions from items 2,6 and 10.

A foreigner who is married to a citizen of the Republic of Macedonia at least eight years, and is legally and continuously living abroad and with the Republic of Macedonia has strong and effective connection, can with naturalization acquire citizenship of the Republic of Macedonia although does not meet the conditions from items 2,6 and 10.

The Law predicts also that a foreigner who has 18 years of age and does not endanger the security and defense of the Republic of Macedonia can with naturalization acquire citizenship of the Republic of Macedonia if that is a specific scientific, economical, cultural, sport or any other national interest.

The Law predicts a termination of the citizenship of the RM which can be terminated in two ways, by discharge upon submitted personal request, and when several conditions shall be fulfilled predicted by the Law also with international agreements.

The Law on citizenship of the RM from 1992 predicted a possibility the citizens from the other republics in the former SFRY and the citizens of former SFRY who has registered the residence on the territory of the Republic of Macedonia, to acquire citizenship of the Republic of Macedonia, if upon one year of entering into force of this Law submit a request, if they have permanent source of income, are mature persons and up until the request legally has resided on the territory of the Republic of Macedonia, for at least 15 years. The mentioned provision, by its content, had a temporary character, i.e. lasted one year after entering into force of the mentioned law, i.e. until 12.11.1993 and with it the extenuating conditions were predicted under which a certain category of citizens acquired citizenship of the Republic of Macedonia.

Upon the stated legal base, around 55 000 persons acquired citizenship of the Republic of Macedonia, and for the reason of not fulfilling the legal conditions predicted in the mentioned article, around 44 000 persons did not acquire the Macedonian citizenship.

With the Law on amendments and supplements of the Law on citizenship of the Republic of Macedonia from 2004, again, with a new provision was predicted the possibility for acquiring citizenship of the Republic of Macedonia, of the citizens of the other republics of former SFRY and the citizens of former SFRY which on the 8 of September 1992 had registered residence on the territory of the Republic of Macedonia and had real and effective relation with the Republic of Macedonia, if in a period of two years upon entering into force of this law has submitted a request, if a criminal proceedings were not instituted against them in the Republic of Macedonia for criminal acts which endanger the security and defense of the Republic of Macedonia, if they have had 18 years of age, and know the Macedonian language. From normative-legal nature, this would be transitional provision with validity to 02.03.2006 and practically upon the termination of this period, the same would terminate its validity.

The contents of this provision was outlined for harmonization of the present legislation with chapter VI "State succession and citizenship" from the European convention on citizenship

and creation of the normative solution for overcoming the problem of not having citizenship upon falling apart of the former common country.

With the mentioned provision again was created a normative possibility for regulation of the citizenship status of the persons who originate from the former SFRY and who has lived many years and continued living on the territory of the Republic of Macedonia, but from various objective and subjective reasons do not regulated their citizenship status. The predicted legal possibility till 20.05.2008, have used 4838 persons who had acquired Macedonian citizenship, and for 353 persons there are proceedings carried out on this bases for acquiring citizenship of the Republic of Macedonia. By total submitted requests for acquiring citizenship of the Republic of Macedonia according to the mentioned provision, 358 requests from persons were rejected, from which 134 request are rejected for the reason that the applicants do not had registered residence on the territory of the Republic of Macedonia, for 201 person it is established that they did not lived continuously on the territory of the Republic of Macedonia, whilst for 23 person it is established that do not know the Macedonian language.

This provision has its validity until 02.03.2006. The foreigners happen to be, also as all others have the possibility for regulating citizenship in the Republic of Macedonia according to all other provisions from the Law, but it should be pointed out that a basic principle of the Law is the principle of free will, i.e. to acquire citizenship the one should firstly submit a request for it.

Statistical data

During 2007 citizenship of the Republic of Macedonia acquired 1747 persons, from which 189 persons by origin, 116 persons according to article 11 of the Law (an emigrant from the Republic of Macedonia and his descendant up till first next of keen), 826 persons according to the abovementioned provision, 446 by marriage, 20 by residence, 63 according to the article 14 (special cultural, sports, economical or national interest) and 87 juvenile persons whose parents in previous procedures acquired citizenship of the Republic of Macedonia.

During 2008 up to the 20.05.2008 decisions for acquiring citizenship were made for total 574 persons, from which 82 persons by origin, 79 according to article 8 of the Law (person without citizenship or person with a recognized status of refugee), 15 according to article 11 (an emigrant and his descendant until first next of keen), 176 according to article 14 (special cultural, sports, economical or national interest), 9 according to article 7 (by residence), 207 according to article 9 (marriage), and for 6 juveniles according to article 12.

38. Ensure investigation of ethnically motivated incidents by law enforcement officers in the area of freedom of movement, including cases targeting members of minorities

The MOI Sector for internal control and professional standards undertakes controls on the legal and professional work of the police and the respect of human rights and freedoms in the police work. In cases of violation of official authorizations by the police resulting with injuries or death, the Sector for internal control and professional standards conducts an investigation and prepares Report containing assessment on the use of force and firearms. In cases of complaints received by citizens, nongovernmental organizations, the ombudsman or other institutions dealing with protection of human rights and freedoms, the Sector for internal control and professional standards investigates the allegations and informs the claimants on the results of the investigations.

The Sector for internal control and professional standards has not received complaints referring to discrimination, racism or violence committed against ethnic minorities during police proceedings. Complaints have been submitted by members of ethnic minorities, but none referred to police procedure motivated by racial, national, religious, political, social, gender or other prejudice.

Statistical data

In 2007, the Ombudsman processed 4068 complaints where citizens requested protection of their rights. Only 6 or 0.2% of the submitted complaints referred to discrimination and equitable representation. Ethnically motivated incidents in the area of freedom of movement have not been registered.

The 6 complaints submitted to the Ombudsman referred to breach of working rights based on inconsistent implementation of the principle of equal representation.

39. Ensure that constitutional provisions on protection of minorities are observed

The Strategy and Action Plan for equitable representation, adopted in 2007, provide coherent medium-term framework for further promotion of equitable representation of non majority communities in the state and public administration. The Government introduced liability mechanism for institutions that will not comply with the equitable representation targets of the Action Plan. The Secretariat for implementation of the Ohrid Framework Agreement submits three-monthly reports to the Government on the implementation of the Strategy and Action Plan.

A progress could be noticed in the equitable representation of non majority communities in the public administration. At the end of 2006 the equitable representation amounted to 17.3%, while in April 2008 - 20,9%.

The Constitution of the Republic of Macedonia regulates the rights of the members of communities and religious groups on two levels: the first one is through the principle of equality of all citizens before the Constitution and the laws, and the other one is through the prohibition of all forms of discrimination. The first principle has been clearly defined in Article 9 of the Constitution.

This level as a primary value and a basis of the democratic and liberal society secures the protection of individual rights of every citizen of the Republic of Macedonia. The second level represents a system of special rights of the members of the communities and religious groups. It provides for protection of and guarantees to the right to cultural identity of all citizens of the Republic of Macedonia as well as the equality of distinctive cultural communities as groups.

The second level of constitutional guarantees, further on developed through the relevant legal norms, secures the rights of every citizen to self-identification and to self-definition in a cultural sense as well as the right to fair opportunities for promotion of the cultural diversity and distinctiveness of the various ethnic communities. This second group of norms has been defined in Article 48 of the Constitution. The constitutional amendments initiated by the signing of the Framework Agreement introduced a large number of measures for active and fast changing of the degree of participation of non-majority communities in many spheres, primarily by ensuring adequate and equitable representation and by positive discrimination.

The legal framework of the ethnic communities' position has been regulated by the Constitution of the Republic of Macedonia pursuant to which respective laws regulating and elaborating the rights of communities' members have been adopted.

Article 7 of the Constitution regulates the use of languages of the members of non-majority communities:

“The official language on the whole territory of the Republic of Macedonia and in its international relations is the Macedonian language, written using its Cyrillic alphabet.

Any other language spoken by at least 20 percent of the citizens is also an official language, written using its alphabet, as specified in this article.

Official personal documents of citizens speaking an official language other than Macedonian shall be issued in the Macedonian language, as well as in that language in accordance with the law.

Any citizen living in a unit of local self-government in which at least 20 percent of the citizens speak an official language other than Macedonian may use any of the official languages and their alphabets in communication with the local office of the central government. The local offices with competencies in these units of local self-government shall reply in the Macedonian language and its Cyrillic alphabet, as well as in the official language and alphabet used by the citizen. Any citizen may use any official language and its alphabet to communicate with Ministries, which shall reply in the Macedonian language and its Cyrillic alphabet, as well as in the official language and alphabet used by the citizen.

In the bodies of the Republic of Macedonia, any official language other than Macedonian may be used in accordance with the law.”

Furthermore, in the units of local self-government, the language and the alphabet used by at least 20 percent of the citizens of the municipality is also an official language in that municipality, in addition to the Macedonian language and the Cyrillic alphabet. The bodies of the units of local self-government decide on the use of the languages and alphabets spoken by less than 20% of the citizens in that unit of local self-government.

Pursuant to this Law, provisions regarding the use of an official language other than Macedonian and its Cyrillic alphabet have been incorporated in laws regulating the issues of personal documents (such as identification card, passports, certificates), civil, criminal and administrative procedures, the publication of the laws in the Official Gazette of the Republic of Macedonia, as well as the laws regulating the employment in public institutions, enterprises and other legal entities rendering public services, state and municipal bodies and the City of Skopje.

Rights of the members of communities are also guaranteed with Article 8, paragraph 1, subparagraph 2 of the Constitution, which refers to the principle of equitable representation of members of all communities regarding the employment in state administrative bodies and other public institutions on all levels. This principle has already been implemented in the Law on Civil Servants (“Official Gazette of the Republic of Macedonia”, Nos. 59/00, 112/00, 34/01, 103/01, 43/02, 98/02, 17/03, 40/03, 85/03, 17/04 and 69/04), the Law on Labour Relations (“Official Gazette of the Republic of Macedonia”, Nos. 80/93, 3/94, 14/95, 53/97, 59/97, 21/98, 25/00, 34/00, 50,01, 25/03 40/03 and 80/03 consolidated text) and the Law on Public Enterprises (“Official Gazette of the Republic of Macedonia”, Nos. 38/96, 9/97, 6/02 and 40/03).

Article 9 of the Constitution determines that citizens of the Republic of Macedonia are equal in their freedoms and rights, regardless of gender, race, colour of skin, ethnic or social origin, political and religious beliefs, property and social status. It means that all citizens are equal before the Constitution and law.

The Members of communities are also entitled to the free expression, fostering and development of their identity and community attributes. They may also use the symbols of their communities. The state guarantees protection of the ethnic, cultural, linguistic and religious identity of all communities (Article 48 of the Constitution)

The members of communities have a right to found cultural, artistic and educational institutions, as well as scientific and other associations for the expression, fostering and development of their identity. As regards education, the members of the communities have the right to instruction in their language in primary and secondary education in a mode determined by law. In schools where education is carried out in another language, the Macedonian language is also studied (Article 48 of the Constitution).

The Constitution guarantees the protection, promotion and enhancement of the historical and artistic heritage of Macedonia and all communities in Macedonia and the treasures of which it is composed, regardless of their legal status (Article 56, paragraph 2).

Pursuant to provisions in Articles 9, 48 and 56 of the Constitution, laws regulating the rights of members of communities in the area of culture and the protection of cultural heritage contain provisions that directly relate to the protection and promotion of culture and cultural heritage of the members of the communities in the Republic of Macedonia.

When adopting laws that directly affect culture, use of language, education, personal documentation, and use of symbols, the Assembly makes decisions by a majority vote of the Representatives attending, within which there must be a majority of the votes of the Representatives attending who belong to non-majority communities (Article 69). Article 69 also applies during the adoption of local self-government laws, as well as laws on local finances, local elections, municipal boundaries and the City of Skopje (Article 114, paragraph 5).

According to Article 77 of the Constitution, the Assembly elects the Ombudsman by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives belonging to the communities not in the majority in the Republic of Macedonia. The Ombudsman protects the constitutional and legal rights of the citizens when bodies of state administration and other bodies and organisations with public mandates violate them. This provision emphasises that the Ombudsman shall give particular attention to safeguarding the principles of non-discrimination and equitable representation of communities in public bodies at all levels and in other areas of public life (this principle has also been incorporated into the Law on the Ombudsman ("Official Gazette of the Republic of Macedonia", No. 60/03).

The legal and constitutional guarantees of the rights of members of communities in the Republic of Macedonia have also been expressed in Article 104, paragraph 2 of the Constitution pursuant to which three of the members of the Judicial Council of the Republic shall be appointed by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives who belong to the communities not in the majority in the Republic of Macedonia.

Same voting principle (Article 69 of the Constitution) applies during the appointment of three judges of the Constitutional Court of the Republic of Macedonia (Article 109, paragraph 2).

Article 131, paragraph 4 determines that a decision to amend the Preamble, the articles on local self-government, and any provision relating to the rights of members of communities, including in particular issues on the language use of members of communities; equitable representation of members of communities; equality of all citizens before the Constitution and laws in freedoms and rights; freedom of religious confession and conviction; fostering and enhancement of the identity of community members; protection, promotion and enhancement of the historical and artistic heritage of Macedonia and all communities; voting in the Assembly on legal acts addressing issues of community members not in the majority in the Republic of Macedonia (language, education, personal documents, use of symbols); voting on the Ombudsman and his/her competences regarding the principle of non-discrimination and equitable representation of members of communities at all levels; the composition of the Committee on Inter-Community Relations and its competence; the appointment of three members of the Judicial Council of the Republic and the appointment of three judges of the Constitutional Court of Macedonia, as well as a decision to add any new provision relating to the subject-matter of such provisions and articles, shall require a two-thirds majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives who belong to the communities not in the majority in the Republic of Macedonia.

In addition to the foregoing Constitutional provisions on the legal status of members of ethnic communities and religious groups, Articles 8 and 118 of the Constitution secure the full implementation of international instruments in this area, which are directly applicable in the national law. Given that Macedonia has signed and ratified all significant international universal and regional human and minority rights instruments (except the European Charter for Regional or Minority Languages, which is in procedure of ratification), it is safe to conclude that Macedonia belongs to the small group of states in Europe that provides the highest legal protection of the rights of the members of the ethnic communities and religious groups.

With the new Law on traffic safety, in the areas of local self-government where at least 20% of the citizens speak an official language other than the Macedonian language, road traffic signs are placed in that language as well. These measures complement the already extended right to the use of languages in the local self-government, issuing of personal documents, elections, courts, communication with the central administration, Parliament, National TV, etc.

With the amended Law on Public Holidays, several religious and community holidays of the various non-majority communities (Albanian, Turkish, Serb, Bosniac, Roma, Vlach and Jewish Community) were declared state/public holidays.

State funding for university education in Albanian language is ensured, while the number of enrolled students from non-majority communities significantly increased. In the 2007/2008 academic year, at the State University of St. Cyril and Methodius in Bitola and the State University of Tetovo there are 12,731 enrolled students out of which 3,282 (25.8%) belong to communities. In addition, out of total number of 1,280 students at the University of South Eastern Europe in Tetovo 1,006 (79%) belong to communities. With the amended Law on Secondary Education, making the secondary education obligatory, additional number of classes are added in 2008/2009 curricula in the languages of members of communities (32 classes in Albanian, 3 in Turkish and 2 in Serbian).

Significant amount of budget resources were allocated in 2007 for renovation of mosques, religious facilities and cultural monuments of the non-majority communities (Albanian Theater in Tetovo, Institute of Albanology in Skopje, monument of the Albanian national hero Skenderbeg in Skopje, University library in Tetovo, etc.). The Institute for Culture and Spiritual Heritage of the Albanians in Macedonia was opened in November 2007. The newly established institution shall study and research the Albanian language and literature, the history of the Albanians in Macedonia, their ethnology, history of arts and architecture.

The Ministry of Education and Science launched initiatives for facultative studying of the Roma language, giving scholarships to 30 secondary-school Roma students; commenced construction of a secondary school in Suto Orizari; facilitated access for admission of Roma students at the state secondary schools. This year such an access is provided for 918 secondary-school students. An activity has commenced for establishing a study group in Roma at pedagogical faculties and the Department for Roma studies. The percentage of representation of Roma in the additional quota for equitable representation of students belonging to communities has increased to 4%.

The Ministry of Labour and Social Policy implements the following projects: Inclusion of the Roma children in pre-school education and Roma information centers.

The eight information centers (RIC) in the towns where the Roma community is represented in higher percent (Skopje, Tetovo, Gostivar, Bitola, Prilep, Stip, Delcevo and Kumanovo) have kept on providing support to the Roma population in regard to their practical needs and their faster integration. RIC have signed Memoranda for cooperation with the local units of the Centers for social work, Fund for Health Insurance, Employment Agency, local government, local units for education and urbane planning.

The support for better access to kindergartens for the Roma children is implemented through a Project of the Ministry of Labor and Social Policy, assisted by the Roma Educational Fund of Budapest. This Project is implemented in 15 kindergartens throughout

the country, where 450 Roma children at the age of 4.5 – 6 are supported. The Project is to be completed in July 2008.

In December 2007 the Ministry of Labor and Social Policy commenced a pilot-project for employment of the Roma. The training lasted for 3 months and it was implemented with the assistance of employers. This project was successfully realized for 50 persons registered as unemployed.

The National Action Plan and the Operative Plan for the Roma woman and her specific needs were prepared and adopted.

With the 2008 Budget, the implementation of the NAP for the Roma Decade 2005-2015 and the Roma Strategy are supported with allocation of 20 mill. denars (around 327.000 euros).

40. Implement the relevant policies regarding minorities, including Roma

In accordance with the curricula and programs, primary and secondary school instruction is carried out in Macedonian, Albanian, Turkish and Serbian language. In higher education institutions, in addition to the Macedonian language, the instruction is also carried out in Albanian language. Furthermore, in primary education, there are optional classes in Roma, Vlach and Bosniak language. With the introduction of the nine year primary education, optional classes are introduced in Roma, Vlach and Bosniak language and culture.

In ethnically mixed communities, schools can offer Albanian language classes, as part of optional subjects, for pupils belonging to other ethnic communities. These classes are organized from the VI to the IX grade, two classes a week. The optional subject that pupils choose becomes part of the regular curricula and the pupils' success is graded.

The **Law on the Use of Language Spoken by at least 20% of citizens in the Republic of Macedonia and in the Local Self-Government Units adopted in 2008** codifies all provisions that concern this issue in different areas: use in the Assembly of the Republic of Macedonia; communication of the citizens with the ministries; court procedures; administrative procedure; execution of sanctions; Ombudsman; election process; referenda; issuing of citizens' personal documents; personal registries; application of police authorisations; broadcasting field; infrastructure objects; local self-government; finance, economy, education and science, culture, free access to information, publication of laws. The Law grants improved use of the non-majority language spoken by at least 20% of the citizens of the Republic of Macedonia by the MP's in the Parliament (Committee sessions, materials of the Assembly).

The **Election Code** provides for the use of languages of persons belonging to non-majority communities in the Republic of Macedonia. The instruction for voting will be printed in Macedonian language and its Cyrillic alphabet and in the languages and alphabets of the other communities mentioned in the Preamble of the Constitution of the Republic of Macedonia. As stipulated by the Election Code, while carrying out the elections, in the local self-government units where at least 20% of the citizens speak an official language different from the Macedonian language, the election commissions and the electoral boards shall use, in addition to the Macedonian language and its Cyrillic alphabet, also the official language and alphabet spoken by at least 20% of the citizens in that local self-government unit.

In the academic year 2007/2008 in the state Universities "Ss. Cyril and Methodius" in Skopje, "St. Kliment Ohridski" in Bitola and the State University in Tetovo, from the total number of 12731 enrolled students, 3282 (25,8%) are members of non-majority communities. In addition, from the total number of enrolled 1280 students at the private University of South Eastern Europe in Tetovo, 1006 (79%) are members of non-majority communities.

On 23 November 2007, the Institute for Cultural and Spiritual Heritage of Albanians in Macedonia, established by the Government was inaugurated. The newly established

institution will study and research the Albanian language and literature, history of Albanians in Macedonia, as well as their ethnology, history of art and architecture.

In November 2006, the Government of the Republic of Macedonia established a Committee of Ministers for monitoring and coordination of the activities referring to the promotion of equitable representation of the members of communities in the administration bodies and in public enterprises, which is composed of three Vice-presidents of the Government and headed by the Vice-president of the Government in charge of implementation of the Ohrid Framework Agreement.

On 29.01.2007, the Government of the Republic of Macedonia adopted the Strategy for Equitable Representation of the members of the communities in the RM that envisages a set of measures and activities focused on accelerating and efficient fulfilment of the principle of equitable representation of the members of the communities in the Republic of Macedonia.

Progress can be registered in the **equal representation of non-majority communities** in the civil service. At the end of 2006, the representation of the non-majority communities amounted to 17,3%, while at the end of April 2008, members of non-majority communities represented 20,92% of the civil service. Furthermore, the principle of equitable representation is guaranteed throughout the procedure of election of judges, lay-judges and employment of personnel in the courts. This provision is assured by the Law on Courts. While creating the bodies of the Academy for training of judges and prosecutors, the appointment of the trainers, the establishment both of the Committee on qualification and acceptance of candidates and the Committee on the final exam as well as the acceptance of the new candidates the principle of equitable representation of non- majority communities is applied.

The **Law on advancement and protection of the rights of non-majority communities representing less than 20% of the population in the Republic of Macedonia** was also adopted in 2008. The Law determines the procedure for monitoring the advancement of the protection of the rights of the non-majority communities representing less than 20% of the population in the Republic of Macedonia. The Law establishes an Agency for realisation of the rights of these communities responsible for harmonisation of the work of the State Administrative bodies regarding the questions which refer to the implementation of the Framework Agreement and refer to the advancement and protection of the rights of the communities representing less than 20% of the population in the Republic of Macedonia.

Roma Strategy and Roma Decade

The Ministry of Education undertook the following activities under the Roma Inclusion Decade:

- Provision of 30 scholarships for secondary Roma students.
- Raising and support to initiatives for optional Roma language classes.
- Introduction of optional Roma language classes in Primary School in Tetovo.
- Introduction of optional Roma language classes in five schools in Kumanovo.
- Support to the initiative for establishment of a secondary school in the Municipality of Shuto Orizari: continued coordination of activities and procedures for construction of the secondary school in the Municipality of Shuto Orizari.
- Support for project activities of non-governmental organizations working on education promotion in the Roma community.
- Enabling facilitated access for Roma students for enrolment in state secondary schools in accordance with the Education Action Plan under the National Roma Strategy - facilitated access has been ensured for 918 secondary school students.
- Initiated activities against segregation of Roma students in primary and secondary schools.

- Introduction of Roma language and culture as an optional subject in primary education, under the nine year primary education concept.
- Establishment of a Roma Language Study Groups at the Pedagogical Faculties; Establishment of a Roma Studies Department.
- Procurement of text-books for students from most affected underprivileged families.
- Adopted budget program for the Roma Decade under the Budget of the Ministry of Education and Science.
- Measures for increasing the number of Roma university students.
- Design of project activities for ensuring free of charge textbooks for the Roma language.

In the 2008 Budget a total of 20.000.000,00 MKD (327.000 EUR) are allocated for implementation of the Roma Decade Action Plan and the Roma Strategy.

The Ministry of Transport and Communications under the Urbanisation of Roma Settlements in 2007 realised 1.800.000,00 MKD for Municipalities of Bitola and Prilep.

The Ministry of Education and Science in line with the Action Plan initiated courses for optional learning of the Roma language, scholarships for 30 Roma high school students, construction of the High School in Suto Orizari Municipality, alleviated access of 918 Roma pupils to state high schools. Activities commenced for initialisation of Roma language study group on the pedagogical faculties and on the Department for Roma studies. The additional quota for equitable representation of students belonging to Roma community increased to 4 %.

Ministry of Labour and Social Policy implements the projects for Roma children inclusion in pre-school education and for the Roma Information Centres. The 8 Roma Information Centres (RIC) opened in cities with considerable Roma community population (Skopje, Tetovo, Gostivar, Bitola, Prilep, Stip, Delcevo and Kumanovo) continued with their work to provide support for the Roma population in the realisation of their practical needs and their faster integration. RIS signed MoU with regional offices of the Social Works Centres, Health Insurance Fund, Employment Agency, Local-self government, regional offices for education and urban planning.

The support for improved access to kindergartens by Roma children has been implemented through the project of the Ministry of Labour and Social policy financed by the Roma Educational Fund from Budapest. The project is implemented in 15 kindergartens throughout the country, where in the course of two years, 450 Roma children at 4.5 – 6 years of age were being supported. (MLSP allocated 220 000 EUR while REF participated with 160 000 EUR). The project ends in July 2008. In order to increase the benefit from the project, 15 woman educators from the Roma community were temporarily engaged through the Employment Agency.

The Ministry of Labour and Social Policy in December 2007 commenced a pilot project for employment of Roma community representatives. The employers that included Roma representatives in their qualification trainings received 8.000 MKD per month out of which 4.000 MKD was handed over to the trainee. The project was successfully completed for 50 unemployed persons from the Roma community.