



Republic of Macedonia

Update, 2 February 2009

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

The present document gives an update to the activities evaluated in the European Commission "Assessment of the implementation by the Republic of Macedonia of the roadmap for visa liberalization" of 25th November 2008 and is focused on the areas where continuous efforts and progress was required. The latest update, introduced in track-changes format, covers the month of January 2009.

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

Preparation for implementation of the second generation of electronic travel documents is ongoing.

Table 1. Personal documents issued according to the new standards (02.04.2007 to 20.01.2009.)

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	373.553	581	766	268.006	121.087	116	72	4.962

In accordance with the Action Plan for implementation of the Anti-corruption Program of Mol for 2009, permanent strengthening of the mechanisms and capacities of the Mol in direction of efficient fight against corruption and corruptive behaviour, with special emphasis on administrative services for issuing personal document, is envisaged.

II. BLOCK 2: Illegal migration, including readmission

Border management (benchmark 6-9)

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

Adoption of an overall strategy on integrated risk management

1. The National Coordination Centre for Border Management (NCCBM) has adopted "*Standard procedures for providing relevant risk assessment in the border management*" that regulates the general decision making process, raising the level of coordination and cooperation among the institutions involved in the IBM system. Risk analyses, in this context, refers to receiving data and information in the NCCBM and submitting the results from the processed data and information from the NCCBM to all users, conducted through the Duty Centre of the NCCBM. Besides the statistically collected data, there is an active analysis, proposing specific measures thus providing: facilitated cooperation among the authorities involved in the IBM system, capability to define joint goals without delay, capability to perform joint operations in the border management and submitting reports to the competent institutions in order to resolve the ascertained problems, receiving feedback from every participant.

Adoption of qualitative decisions based on strategic risk analyses performed through the NCCBM implies recommendations, measures and conclusions for the risk analyses on an operational level by the border services and all parties involved in the border management.

2. Sector for border affairs and migration in cooperation with the Department for organized crime prepared:

- *Strategy for implementation of Model on risk analysis in the area of border control,*
- Action Plan, with envisaged training program and fiscal implications.
- Handbook on the methodology for risk analyses preparation in the area of cross border crime, organized crime, organized **crossborder** crime and illegal migration

The implementation of the Action Plan is planned to be finalized by the end of June 2009 and the Border police to use the Model on risk analysis in its daily work as of July 2009.

3. Within the *cooperation with FRONTEX*, assistance in the area of risk analyses is foreseen. A National contact point in the area of risk analyses shall be appointed from the Sector for border affairs and migration, to participate in the relevant meetings of the FRONTEX Risk Analyses Network. FRONTEX shall provide the relevant analytical products to this Sector and under certain conditions the Sector will have access to the tailor-made risk analyses as well as to other information in this area.

Legal framework

Mol has drafted amendments to the Law on state border surveillance, which are aimed at further harmonization with the Schengen Border Code. The amendments are currently in governmental procedure. They regulate the following:

- The process of state border surveillance will encompass international security risk analysis and border security threats.

- Provisions in relation to human dignity and police officers behavior at the BCP.
- Security enforcement on the state border in order to prevent illegal crossings, fight against cross-border crime and carrying out actions against human traffickers.
- Criteria for border crossing, basic and detailed border control, police officers' duties while performing border control on persons, vehicles and goods.
- Keeping evidence on granted approvals for crossing the state border outside of the BCP and outside of the established working hours.
- Deadlines for keeping personal data, which were reduced compared to the previous Law.
- Defining the terms "third country residents", "EU citizens" and "threat upon the public health".
- Establishing provisions on Minimum and Detailed border control, procedure and terms for affixing the stamp in the travel document.

The amendments to the Law on state border surveillance along with the table of concordance were sent to the European Commission for comments.

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

Technical equipping

Elaborate for minimum/optimum standards for technical equipping of the police stations and the police sections for border control, police stations for state border security and the mixed police stations has been adopted (December 2008). Financial implications for its implementation are planned within the 2009 MOI budget.

Most important border crossing points (8 most frequent BCP) have been connected with the central data base in MoI. All border crossing points are planned to be connected during 2009, for which financial resources were allocated in the 2009 MOI budget.

TETRA technical equipment

In order to facilitate the usage of the digital police radio system TETRA, a Handbook has been prepared for the police operational work.

Final activities have been undertaken concerning the digital police radio system TETRA. Delivery of the additionally requested parts of the equipment for the system is underway. The procedure for evaluation of the most favorable bidder for these particular parts is expected to be completed by the end of January (the system is operational without them) and fully operational TETRA system be in place by the end of February 2009.

IT for IBM

Regarding the *IBM software*, preliminary application was conducted in MoI, Customs Office and the Phyto-sanitary Inspection Office on 16 December 2008. In accordance with Procurement Agreement, the software should be installed on 3 February 2009.

Regarding the *IBM hardware* (IP communication equipment, and upgrade of the SDH/PDH network), according to the procurement agreement (signed on 15.12.2008), the equipment should be delivered as follows:

Part 1 (SDH Network)

**CISCO equipment – 30 days from the date of entry into force of the Agreement;
SDH equipment - 60 days from the date of entry into force of the Agreement;**

Installing and configuration of SDH equipment -30 days from the date of delivery.

Part 2 (servers)

The equipment will be delivered, installed and configured, 20 days from the date of entry into force of the Agreement.

On 23 January 2009, a meeting with selected bidders was held in the National Coordinative Centre for Border Management in order to agree on time-schedule deadlines for delivery and configuration of the equipment in the line ministries. Selected bidders confirmed the arrival of the equipment/servers and the same will be installed within 7-10 days. The CISCO equipment will be configured for the period of two weeks and afterwards installed on 20 border crossing points. The whole procedure should be finalized until 15 March 2009. SDH equipment should be installed by 15 April 2009 with possible short delays, depending on weather conditions.

However, there are short delays in delivery for Part 1 (SDH Network) by the selected bidder. Therefore, the IT system for IBM should be completed and fully operational by the end of April 2009.

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

Strategic training plan for border police

According to the Annual Plan for advanced and specialized trainings for 2008, in 2008 72 trainings in total were performed for all levels of the border police, where 3307 border police officers participated.

According to the Anticorruption Program of the MOI and the Plan for realization of the anticorruption training, during November 2008, trainings were performed for total 139 employees in the administrative services of the MOI. In the next period, this type of trainings is planned for the border police as well.

Training Centre of the Ministry of Internal Affairs

With the amendments to the Law on Internal Affairs ("Official Gazette of the RM" no.84/2008), a Training Centre was established as an organizational unit within MOI. Basic trainings for police officer, special training and management training have been realized in the field of security (security management) of the employed persons of the Ministry based on curricula. The transfer of personnel from the previous Police Academy was finalized: 69 persons were deployed in the Training Centre and 45 in the Faculty of Security.

Regarding the division of assets of the Police Academy, a working group was established by MOI tasked to propose to the Government adoption of a relevant decision. Activities for signing the Memorandum of understanding between the Training Centre in MOI and the Faculty of Security regarding assets division are in its final stage.

Human resources management

Moi will amend the Strategy for human resources management on border police in the area concerning development of management skills.

9. Conclude a working arrangement with FRONTEX

Cooperation with FRONTEX

The Working arrangement for cooperation with FRONTEX was signed on 19 January 2009.

Asylum policy (benchmark 11 – 12)

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

Legal framework

Law on amendments to the Law on asylum and temporary protection

The Law on amendments to the Law on asylum and temporary protection was adopted by the Parliament of the RM in November (“Official Gazette of the Republic of Macedonia” No. 142 of 10.11.2008) and entered into force on 18.11.2008. The amendments consist of: amendments in the appeal procedure, exclusion of the category of persons under humanitarian protection, obligation to define a list of safe countries of origin by the Government.

The amendments stipulate that:

“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 execution of the decision.

The decision shall be made by the authorized court in a period of two months from the day of submission of the suit.

If the plaintiff so requests, the Asylum section shall postpone the execution of the decision until the final court decision is made, in cases and in the manner provided in the Law on administrative disputes.”

Among the technical normative amendments, the text of the Rulebook on the template for the application for the right to asylum, manner of taking fingerprints and photograph of the asylum seekers, the template and the procedure for issuance 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 and the manner of keeping records, needs to be harmonised with the amendments to the Law on asylum and temporary protection regarding determination of the template, manner and procedure for issuing personal ID for persons under subsidiary protection. The Draft Manual is submitted to the Secretariat for legislation and UNHCR for an opinion.

Directions for recognition and continuation of the right to asylum for the purpose of subsidiary protection

In absence of transitional provisions of the Law on amendments to the Law on asylum and temporary protection, MOI at the end of January 2009 adopted the “*Directions for recognition and continuation of the right to asylum for the purpose of subsidiary protection*”. The Directions were prepared in coordination with the UNHCR and are planned to be signed by the Minister in the first week of February.

Harmonization of the national legislation with the international standards, i.e. with the legislation of the European Union

In January 2009, a Commission was established with representatives of the Ministry of Interior, Ministry of Labor and Social Policy and UNCHR, tasked to prepare the

contents of the amendments and supplements to the Law on asylum and temporary protection. The Commission is obliged by the end of March 2009 to submit draft Law to the Government. With the planned amendments and supplements to the Law, further harmonization of the Law on asylum and temporary protection with the Council Directive 2004/83/EC from 29.04.2004 shall be made, as well as with the Council Directive for minimum standards of procedures for the member states for awarding and deprivation of refugee status (2005/85/EC).

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

Plan for training of police officers at the border crossing points, Sectors for internal affairs and police stations of general competence in the area of asylum

The Ministry of Internal Affairs, in September 2008 adopted a Plan for training of police officers at the border crossing points, Sectors for internal affairs and police stations of general competence in the area of asylum. By the end of 2008, 200 police officers have passed the training.

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

With the purposes of personnel equipping of the Asylum Section within the MoI, in November 2008 one person was employed. In total, it is planned to employ 1 person in 2009 and 2 in 2010.

Amendments of the organization and systematisation of the Asylum Section within the MoI were carried out. These changes should increase the number of employees up to 23 employees through reorganization and internal takeovers from other sectors within MoI and provide for relevant division of their working competencies in accordance with the new EU asylum policies.

In December 2008, reconstruction on the premises of the Asylum Section has been performed for which finances have been provided from the 2008 MoI Budget (112.000 Denars). Also, for the same Section, there has been an agreement with UNHCR for donation of financial means (200.000 Denars) i.e. equipment (audio and photo equipment, IT, computers, printers, educational material, air-conditioning) that will be delivered in the first quarter of 2009. Part of the foreseen equipment is already delivered by UNHCR, while the Sub-Contract for Financial Support for 2009 is in phase of drafting.

ID's in the area of asylum

According to the provisions of the Law on asylum and temporary protection, the Asylum and temporary protection section issues the following documents:

1. As of 27.08.2008, the MOI Asylum Section started issuing IDs for asylum seekers. No financial compensations are requested and the procedure goes along with the international standards. By the end of December, 2008 there have been 42 asylum seekers identification documents issued.
2. As of 3.11.2008, the MOI Asylum Section started receiving requests for issuance of IDs for recognized refugees and travel documents for recognized refugees. The first IDs for recognized refugees were issued on 6.11.2008. By the end of December 2008 a total of 8 personal identification documents for recognized refugees have been issued. There have not been any requests submitted for travel documents.
3. As of 12.11.2008, the MOI Asylum Section started receiving requests for issuance of IDs for persons under humanitarian protection. By the end of December 2008 a total of 140 personal identification documents for persons under humanitarian protection have been issued.

In the first quarter of 2009, the issuance of the IDs for persons under subsidiary protection shall start.

The Ministry of Interior collects fees for issuing the documents under points 2 and 3.

Asylum Seekers Shelter Centre

By the end of February 2009, a total of 24 asylum seekers have been accommodated in the Reception Centre for asylum seekers.

The training for the employees in the Shelter Centre and the Social Work Centre is underway, performed within the building of the Social Work Centres, with duration of 30 days.

Training for the employees in the Shelter Centre for asylum seekers, employees in the Centre for social protection and other representatives of Nongovernmental organizations was organized in September 2008, aimed to exchange experiences in managing such Reception centres. It was organized by the Ministry of labour and social policy in cooperation with experts from the Danish immigration service and the Danish Red Cross.

Foreseen activities: Employment of 5 new persons in the Shelter Centre for asylum seekers by the end of 2009, with already provided budgetary means, and final technical equipping of the Shelter Centre.

Inter-ministerial body for strengthening the system of integration of refugees and aliens in the Republic of Macedonia

The Inter- ministerial body responsible for strengthening the system of refugees and foreigners prepared the Strategy for integration of refugees and foreigners which was adopted by the Government on 29.12.2008. The Strategy for integration of refugees and foreigners shall serve as basis for development of national action plans for integration of refugees and foreigners in the society, defining specific measures and activities for the fulfilment of the strategic objectives and guidelines contained in the Strategy, which shall be enacted within 6 months of the day of adoption of the Strategy. This Strategy sets the goals and the measures to be undertaken by the Government in order to make progress in the implementation of the national integration policy, covering the period 2008-2015. Specifically, a recommendation from the Action Plan for the area of asylum is adequate review on the accommodation issue, as support to the integration of the defined target group and improvement of the dialog with the main local self-governments.

The National Strategy is in compliance both with other national strategies in the country, as well as with the international legal framework. It would enable respect of human rights and would create comprehensive, sustainable and equal opportunities for individual's development through social-economic development.

This Strategy would serve as a basis for development of a National Action Plan for integration of newcomers in the society, defining the specific measures and activities.

By the end of December 2011 it is planned to establish a Centre for Integration as a final phase for implementation of the strategy for integration of refugees in the country.

Migration management (benchmarks 10, 13-17)

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

Law on foreigners and bylaws

Based on the Law on amendments to the Law on foreigners (Official Gazette of RM No.117/2008), the Government decided to provide the citizens of EU and Schengen member states entry into the Republic of Macedonia with valid personal ID.

According to the amendments to the Law on foreigners, special personal IDs for foreigners were also introduced, issued by MFA. For this purpose, Mol and MFA adopted changes to the Rulebook on travel and other ID documents for foreigners, including the template and content for the special foreigners' ID.

According to the Mol Action Plan for overcoming the deficiencies in the area of justice, freedom and security as noted in the 2008 EC Progress Report on Macedonia, amendments to the Law on foreigners's Rulebook on foreigners were adopted in January 2009 to exempt the **citizens of the EU and of the Schengen member states from the obligation to possess travel insurance when entering the Republic of Macedonia.**

Regarding statistics on migrants, harmonization of the national standards with international will be provided together with relevant classification (ISCED-97, ISCO-88, NUTS). The harmonization of the Law on foreigners with the Council Regulation 862/2007/EC has been planned in the course of 2009.

Inter-Ministerial group for creation of migration policy

The Inter-Ministerial group for creating a migration policy of the Republic of Macedonia has been established by the Government of RM and tasked, inter alia, to prepare a Resolution **on Migration Policy.**

Among the main tasks of this group are:

- Advisory role, through administering the respective Ministries to amend and supplement the existing laws and regulations with aim of creating an appropriate migration policy of the Republic of Macedonia,
- Establishing a mechanism for monitoring of the migration flows,
- Defining and updating of the migration profile annually. The Ministry of Internal Affairs is competent for the realization of this Decision.

The Inter-ministerial group for creating the migration policy, drafted a Resolution on Migration Policy which was adopted by the Parliament of the RM and published in the Official Journal of RM no. 06/09 from 15 January 2009. Having in mind that the Republic of Macedonia is committed for efficient management of the migration processes, which requires establishment and enforcement of active and consistent migration policy, the Resolution of migration policy of the Republic of Macedonia for 2009-2014 is considered as strategic document which foremost determines the principles, elements, criteria and presumptions of the migration policy, as well as the migration processes in the Republic of Macedonia.

Apart from drafting the Resolution on migration policy, the afore mentioned inter-ministerial group **prepared an update to the Migration profile of Macedonia (for 2008) which is in Governmental procedure, planned to be adopted by 15 February 2009. The inter-ministrial group is obliged to update this profile on annual basis.**

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

Inter-ministerial body for strengthening the system of integration of refugees and foreigners in the RM

An Inter-institutional group comprised by relevant national institutions and four representatives from the international community (IOM, ICMPD, UNHCR and MARRI) prepared the Strategy for integration of refugees and foreigners for the period of 2008-2015. The Strategy contains the following elements: situation with the refugees in Republic of Macedonia, 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. Beside that, 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 Strategy determines the activities that will provide easier access to employment, social housing, health protection, education etc. Pursuant the planed activities, the involved Ministries shall retrieve an action plan for implementation of the Strategy including financial implications.

Programs for providing help for re-integration of returned persons in Macedonia based on Readmission Agreements

Ministry for labour and social policy, the Ministry for Internal Affairs, the Ministry for Foreign Affairs and the Ministry for health will prepare programs providing help for re-integration of returned persons based on Readmission Agreements. Upon the preparation of the programs, the necessary financial implications will be foreseen in the national budget, and the possibility to provide foreign assistance will be reviewed. During 2009-2010 the Ministry for labour and social policy is planning to open an Information Office where the persons returned based on the Readmission Agreements will be able to receive information regarding their rights.

Central Data Base for foreigners covering asylum, visa and migration

Working Plan for preparation of the Project for Central Database for foreigners has been drafted covering asylum, visas and migration. In view of strengthening the system for data collection in the area of asylum and migrations, draft version of the Feasibility Study for the central database has been prepared (January 2009). Upon finalization of the preparatory phase (future project) and the presentation of the proposed model, the Secretariat for European Affairs, along with the involved institutions, shall submit information to the Government. The Study defines the database model, the manner of exchange of the information between institutions authorised to deal with the issue of foreigners, time framework for its establishment and funds (grant and national participation). The Central Database for foreigners is planned for establishment by the end of the first quarter of 2010. The Working Plan and the organization of this Project foresees trainings for the end-users of the database (first half of 2010).

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

Risk analysis – for creating a Strategy for implementation of Model on risk analysis in the Border Police of the Republic of Macedonia see Border management (benchmark 6-9), page 2.

Training of officials involved in inland detection and fight against illegal migration – relevant activities on training of the border police are mentioned in Border management, page 3.

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)

Reception Centre for Foreigners

According to the provisions of the Law on foreigners, the Reception Centre for foreigners was established. The Reception centre is divided in two parts, thus in one part the foreigners - victims of trade are being accommodated and it has capacity for 40 persons, whilst in the other part the illegal migrants are accommodated. The part for illegal migrants is completely renovated and remodelled with finance provided by the Mol, and it has capacity for 60 illegal migrants. For accommodating foreigners in the Reception Centre, the gender and the age issue is taken into consideration. Foreigners from the same gender are being accommodated in the same facilities, in special section the juvenile foreigners are being accommodated, and the families are being accommodated in special facility. In the Reception Centre during 2008, a total of 118 persons were accommodated, out of which 112 illegal migrants (39 from Albania, 16 from China, 15 from Kosovo, 10 from Serbia, 8 from Afghanistan, 7 from Turkey, 4 from Palestine, 3 from Bosnia and Herzegovina) and 6 victims of trafficking with human beings. Currently, until 26 January, 23 illegal migrants are accommodated in the Reception Centre, out of which 2 victims of human trafficking, 5 supposed victims of human trafficking and the rest are illegal migrants.

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

Expulsions of the illegal migrants-number of return decisions issued and removals carried out

In 2008, procedures for forced return of 1301 persons were carried out in total.

In the mentioned period at the state border towards **Greece** a total of 763 persons were forcibly removed, out of which 750 persons were handed over to the foreign authorities, and 13 persons were escorted to the border crossing point.

In the same period at the state border towards **Albania** forcibly were removed 349 persons in total, out of which 213 persons were handed over to the foreign authorities, and 136 persons were escorted to the border crossing point.

At the state border towards **Serbia** forcibly were removed 171 persons in total, out of which 64 persons were handed over to the foreign authorities, and 107 persons were escorted to the border crossing point.

At the state border towards **Bulgaria** forcibly were removed 18 persons in total, out of which 2 persons were handed over to the foreign authorities, 16 persons were escorted to the border crossing point.

III. BLOCK 3: Public order and security

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

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

Fight against trafficking in human beings – organisational structure and trainings

Within the Section for witness protection the following activities are undertaken:

- 9 employees are foreseen out of which 8 are already employed;
- the budget for 2008 and 2009 is being approved, and it covers the accommodation of the victims;
- the protection of the witnesses is resolved;
- 3 special investigative measures related to human trafficking were applied.

Regarding the trainings for countering cross-border crime, the Unit for fight against trafficking in human beings and smuggling of migrants, in order to develop the capacities for leading international investigations, together with UNODC (UN Office for Drugs and Crime), performed training for trainers of two persons who will be responsible for training other employees regarding joint investigations.

Ratification and implementation of the Council of Europe Convention on Action against Trafficking in Human Beings

The Government of the Republic of Macedonia adopted the Information on the pre-ratification analysis of the Council of Europe Convention on Action against Trafficking of Human Beings (CETS 196). In accordance with the preratification analysis undertaken in 2007 and concerning the compatibility of domestic legislature with the CETS 196, the competent ministires carry out activities for further alignment of domestic legislature with the provisions of the Convention.

With the amendments to the Criminal Code of the Republic of Macedonia adopted in 2008 the term 'victim of a criminal act' and the criminal act 'Trafficking in human beings' were amended and the criminal act 'Trafficking of a minor' was introduced. In March 2008, the Government adopted the Standard Operating Procedures for treatment of victims of human trafficking. In August 2008, the Law on Family was amended and the amendments of the Law on employment and work of foreigners were adopted in January 2009.

Currently, there is an ongoing reform of the criminal justice system of the Republic of Macedonia. One of the aims of the goals of the reform is to align domestic legislature with the provisions of the CETS 196.

The Law on management of confiscated property, property gains and items seized in criminal or misdemeanour procedure was adopted in July 2008 (Official Gazette of the Republic of Macedonia, No. 98/08). The Law on International Legal Assistance in criminal matters is prepared. The amendments to the Law on Criminal Procedure are underway and with the amendment to the procedural law there is a proposal for establishment of a fund for compensation of victims in accordance with the provisions of the CETS 196.

After completing all the necessary preconditions and amending the legislation (as provided in the previous updates of the Roadmap) the procedure for ratification of the CETS 196 has started in the Government.

Policy on preventing and fighting financial crimes (benchmark 20, 23)

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)

Adoption and implementation of the draft Law on confiscation of assets, including the provisions addressing cross-border aspects

The Law on management of confiscated property, property gains and items seized in criminal or misdemeanour procedure was adopted in July 2008 (Official Gazette of the Republic of Macedonia, No. 98/08). The reason for adoption of the law is to avoid the misuse in the management of confiscated property as potential source of corruption. Agency for management of confiscated property will be established for implementation the law. The Director of the Agency is elected and activities for equipment of the Agency for managing the confiscated property and election of the Managerial Board are underway. The Law entered into force on January 1, 2009.

Premises where the Agency will be situated are already secured and a Depot for preservation of confiscated property has been built.

In accordance with the transitional and concluding provisions of the Law, the bylaws will be adopted as soon as possible. Moreover, in line with the transitional and concluding provisions, within six months counting from the day when the Agency becomes operational, the courts and other bodies will notify it and transmit all confiscated property that they hold.

With regard to the procedural and material provisions on confiscation, the amendments of the Law on Criminal Procedure and the Criminal Code are in the last phase of preparation. The novelties in these laws are in direction of overcoming the gaps in the legal provisions which are obstacles for the application of the confiscation measure by the courts and incorporation of the international standards in this area, with focus on 'extended confiscation' in line with the Council Framework Decision 2005/212/JHA of February 24, 2005 for confiscation of revenue, means and property related to crime.

In the course of 2007-2008 a significant number of criminal procedures for financial crimes (money laundering, abuse of official position and competence, bribery, forgery of official documents, tax evasion, etc.) were brought in front of the courts of the Republic of Macedonia. **In a total of 24 cases** in the area of financial crimes, apart from the fact that final verdicts with a prison sentence have been reached, the following measures were also pronounced to the perpetrators: confiscation of property and financial means; prohibition for working in the profession, duty or responsibility; compensation of damages which occurred in the criminal act (Annex 1 - Cases of confiscated assets).

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.

UN and Council of Europe Conventions

- The Council of Europe Convention for prevention of terrorism is submitted for ratification to the Government.
- The UN Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment– the Law on Ratification was adopted on December 30, 2008 (Official Gazette of the Republic of Macedonia, No. 168/08)

- The Council of Europe Convention on Action against Trafficking in Human Beings is submitted for ratification to the Government.

GRECO Recommendations– Update on remaining recommendation

GRECO recommendations partially implemented:

- Recommendation **i** - *project for implementation of the new proceeds of crime legislation on confiscation and seizure and connected issues, including the establishment of guidelines and thorough training for the officials concerned and to collect detailed information on the use, and failure to use, confiscation and interim measures in order to be able to evaluate how the system operates in practice*

Regarding recommendation **i**, the following was achieved:

- The amendments to the Law on Criminal Procedure and the Criminal Code is in the last phase of preparation. The novelties in these laws are in direction of overcoming the gaps in the legal provisions which are obstacles for the application of the confiscation measure by the courts and incorporation of the international standards in this area, with focus on 'extended confiscation'.

- The Law on management of confiscated property, property gains and deprived objects in the criminal and misdemeanour procedure was adopted in July 2008 (Official Gazette of the Republic of Macedonia, No. 98/08). The reason for adoption of the law is to avoid the misuse in managing of confiscated property as potential source of corruption. Agency for managing the confiscated property is being established for implementing the law.

- In cooperation with the Academy for training of the judges and prosecutors, 10 seminars on confiscation and temporary measures were organised with the participation of 179 judges, public prosecutors, administration personnel and representatives of other institutions.

- In the frames of the Twinning Project for the Unit for fight against organised crime and corruption in the Public Prosecutors' Office, several seminars on confiscation and other temporary measures were organised.

- Recommendation **viii** - *to consider establishing a regulatory framework of modern administrative principles for the large number of public officials who are not civil servants, which correspond, to the extent possible, to the regulations applicable to civil servants.*

For implementation of the recommendation 8-Currently an analysis is being prepared concerning the requirements for the adoption of the Law on the status and the conditions for employment of the public servants (31.03.2009) and the adoption of this law should follow in the course of 2009.

- Recommendation **ix** - *to introduce codes of conduct for all public officials including clear rules for reporting suspicions of corruption and to provide training on such matters as well as the risks of corruption, preventive measures and public awareness rising.*

The preparation of the Code of conduct of the public servants is foreseen for 2009, which will contain rules on reporting the suspicions for corruption.

- In relation to the conduct of trainings on corruption, risks of corruption, preventive measures and public awareness raising – the Academy for training of judges and public prosecutors in the period 01.10.2007 until 01.10.2008, 9 trainings on this subject have been realized, with a total of 182 participants. The Civil Servants Agency organized trainings on 17 and 31 October 2008, concerning anticorruption

measures and ethics in the civil servants and for the civil servants employed in the state administrative bodies. Five more seminars are under preparation and will be carried out in March 2009.

- Recommendation **xiv** - *recommended establishing extensive training for police, prosecutors and judges on corporate liability of legal persons and the implications of corporate liability legislation for the investigation, prosecution and adjudication of relevant cases.*

Training of the police, prosecutors, and judges for liability of legal entities is ongoing-

- In 2008, the Academy for training of judges and public prosecutors organized 2 trainings on the topic – Corporate liability of legal persons with the participation of 33 judges and 9 public prosecutors.

- The recommendation **xii** - *to adopt legislative or other measures to ensure that legal persons can be held liable for the criminal offence of trading in influence, in accordance with Article 18 of the Criminal Law Convention on Corruption (ETS 173) is not implemented.*

According to the amendments of the Criminal Code the criminal liability will be introduced for domestic and foreign legal entities for the criminal act of unlawful mediation. The Criminal Code should enter governmental procedure by October 2009).

The preparations for the third evaluation round by GRECO are ongoing. It focuses on two topics: the incriminations in the Criminal Convention on anti corruption, its Additional Protocol and the leading principle 2, as well as the transparency in the financing of the political parties. The answering of the questionnaire is ongoing and the team of GRECO evaluators will visit Macedonia during the period from 21-25 September 2009.

The ratification of the OECD Convention on combating bribery of foreign public officials

The Republic of Macedonia is not a member of OECD, and according to Article 13 paragraph 2 of the Convention RM has not received invitation for membership in this organisation. Therefore, there are legal obstacles for the ratification of the Convention.

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

Government Action Plan for fight against corruption

The Government Council headed by the Prime Ministers holds regular meetings for monitoring the implementation of the Action Plan for fight against corruption. The last meeting of the Council was held 26.11.2008 where the recommendation provided in the 2008 Commission Report, the Blueprint for addressing the recommendation of the EC Report and the status of realisation of the Government Action Plan for fight against corruption were discussed. An annual report for the status of implementation of the Government Action Plan was adopted by the Government on 20 January 2009 (Annex Annual Report for the status of implementation of Government Action Plan for fight against corruption 2007-2011). Regular reporting on the Government Action Plan will continue in the forthcoming period and will be carried out on a monthly basis by all stakeholders involved in the implementation of this Plan. The Government Council responsible for the implementation of the Action Plan would report quarterly to the Government on the status of implementation.

Cooperation among the Law Enforcement Agencies in the fight against corruption

The cooperation between the relevant institutions in the area of fight against corruption and organised crime is enhanced. In December 2007 the Protocol for cooperation was signed between 12 institutions (State Commission for Prevention of Corruption, Public Prosecution Office, Judicial Council, State Attorney, Ministry of Interior, Customs Administration, Financial Police Office, Public Revenue Office, State Audit Office, Directorate for prevention of Money Laundering and Financing Terrorism and the Cadastre). In March 2008, the Bureau for Public Procurement signed the Protocol as well. In January 2009 the Protocol was signed by Council of Public Prosecutors, State Commission for complaints on public procurements and State Election Commission.

Regular working meetings are held between the Ministry of Interior, Financial Police and the Directorate for Prevention of Money Laundering and Financing Terrorism.

The Protocol is a very important tool because it allows the exchange of information, documentation and data in cases of reasonable doubt concerning a case which is in the competence of another state body in the shortest possible timeframe. The SCPC is in such a way in a communication on a daily basis with the other competent institutions and not only uses their data for its own procedures and activities but it also submits its own data with regard to certain cases according to the needs of the competent institutions.

On a daily basis Mol and other Law Enforcement Agencies exchange information regarding persons, vehicles etc. The information is shared in writing and on the joint meetings. As of October 2007, the Public Prosecutor's Office on organised crime and the Financial Police realised 5 joint investigations which are processed to the Public Prosecutor's Office and investigations for 10 cases are ongoing. Public Prosecutor's Office on organised crime and Customs Administration accomplished 4 joint investigations which resulted with 3 criminal charges submitted by Mol and one by CA. PRO and Direction for Money Laundering in continuity are exchanging data on uncertainties in the activities of the firms and on money laundering.

Other activities of the SCPC

The SCPC actively participates in the work of the working group responsible for preparation of the amendments to the Criminal Code in line with the Strategy for Reform of the Criminal Legislation. There is a proposal of the SCPC which will allow increase of the minimal punishment for the corruption related criminal acts.

In December 2008, 10 representatives from SCPC (members of the Commission and employees in the Secretariat) attended the training for developing the Strategy for Public Relations and strengthening communication skills, supported by USAID WL. In January 2009, Guidelines for development of the Strategic Plan for Public Relations was developed. The goal of the PR Strategy, which will be adopted in February and will be implemented continuously, is that the State Commission for Prevention of Corruption in accordance with its mission is generally recognized as a leading institution responsible for prevention, repression, education, research and reporting on issues connected to corruption and promoting transparency in its operations.

An updated list of the Indicative high profile corruption and organized crime cases is provided in Annex 3.

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

Implementation of additional measures for anti-corruption in the relevant state institutions, including further intensification of the role of the State Commission on anti-corruption

The Ministry of Interior is continuously performing anti-corruption training, related to the Anti-corruption Programs of the Ministry. During 2008 several trainings are conducted encompassing the Police Officers who are dealing with travel documents issuance, as well as the Police Officers that are working on the issues regarding the approval for travel documents issuance and visas for right to a temporary residence of foreigners in the Republic of Macedonia. These Police officers had trainings on the following topics: Procedures for travel documents issuance and visas for temporary residence for foreigner in the Republic of Macedonia; The Code of ethics and the Code of conduct whilst performing activities; Control and control mechanisms on the duty; What is corruption and goals in its countering; How to recognize the corruption and measures for handling the corruptive phenomena; Aspects of the manager's role; Activities of the State Commission on corruption prevention and the position of the R. Macedonia towards the phenomena of corruption.

At the same time, the training of the Police Officers from the Police Stations for Border Control in the Republic of Macedonia is ongoing and it is foreseen to end by the end of January 2009.

Measures and activities taken in the field of anti-corruption

State Program for Prevention and Repression of Corruption

In November the competent institutions responsible for implementation of the State Program for Prevention and Repression of Corruption were presented with forms concerning the status of implementation of activities and indicators of activities stemming from the State Program. The process of gathering and analysing the data is ongoing.

Implementation of the Action Plan of the State Program for Prevention and Reduction of Conflict of Interests

On November 5th, 2008 an Informative Guide was adopted for managing of conflict of interests, which contains rules of conduct for officials in situations of existing conflict of interests, as well as specific measures and activities for the state bodies, officials and other subjects and factors that could prevent conflict of interests and its consequences.

First session of trainings for prevention of conflict of interests, took place in November 2008, in four cities in Macedonia – Gostivar, Stip, Bitola, Skopje, where courts of appeal are located, and included judges and public prosecutors. At the first sessions, a total number of 119 participants were present of which 97 representatives from the courts, and 22 representatives from the public prosecution offices.

The aim of the training is to present to the participants how to recognise the conflict of interests, what does it mean and the way to overcome it – especially the conflict between public and private interests. Informative Guide for Managing of Conflict of Interests, prepared by the State Commission for Prevention of Corruption (SCPC) and domestic and foreign experts, is used as a practical tool on the trainings.

In the course of 2009, additional trainings are planned for the representatives of the legislative and law enforcement authorities and the local self-government as well as continuing training for representatives of the judiciary.

Conflict of interests – cases

Regarding the implementation of the Law on Prevention of Conflict of Interests, 70 cases were delivered to the SCPC, 45 of them are completed, and 25 are in the procedure.

Of the total number of cases – 17 were initiated by the SCPC, 7 were submitted anonymously, 41 were initiated by other interested parties and 5 cases were processed on request of official authority.

Monitoring the property condition of elected and appointed officials

The State Commission for Prevention of Corruption (SCPC) with the financial support of the USAID, acquired the necessary technical equipment (Web server and router firewall) thus fulfilling the technical conditions for safe and good quality network connection with the Public Revenue Office (PRO). The activities for inter-connection of the data bases of both institutions are ongoing and are in the direction of strengthening the role of SCPC and PRO for providing record on the property condition and declaration of assets checking.

With continuous entry and update of data in the database, the SCPC and PRO will have opportunity to obtain:

- Information on persons that have obligation to fulfil the declarations of assets
- Information on persons that submitted the declaration of assets correctly
- Review of persons that have changes of property condition in the declaration of assets (change of the property status and change of office) with complete information about the change
- Simultaneously can compare data from the property lists with data that PRO has on presented income tax return.
- Rulebook on the technical and organisational measures for securing privacy and protection in processing personal data in line with the Law on personal data protection is in preparation.
- The system is still in the test – phase, but around 1071 declarations of assets are already imported in the data base.

The system will become fully operational after the identified weaknesses are overcome in the beginning of 2009. Hence, the two competent institutions will have an overview in the data and will allow for comparison of data of declaration of assets with the data of the PRO concerning the mandatory annual tax forms for revenue submitted by all citizens of the Republic of Macedonia.

Publication of the declaration of assets and results

As of 31.07.2007 (beginning of publication of the declaration of assets) until now there has been published data on the declaration of assets for 916 elected and appointed persons and everyday update on persons with changed property situation.

Positive results from publication of data from declaration of assets on the website of the SCPC are that the people who delivered declaration of assets diligently deliver the change on their property situation which can be seen by the following preview:

Year	2005	2006	2007	2008
No.of delivered reports	74	86	153	197

Results from the assessment of the material situation based on the declaration of assets

In 2007 SCPC submitted to the PRO 23 requests for examination of property situation and in 2008 submitted 16 requests.

The role and administrative capacity of the SCPC

The data on the number of received cases and the number of processed cases shows that the SCPC is very active in exercising its competences.

The strengthened role and capacity is especially notable with the beginning of work of the new members of SCPC (since 5th of February 2007). In 2008 SCPC received 767 complaints, 566 are completed of which 27 are Initiatives for criminal prosecution submitted to the Public Prosecutor's Office.

There is an ongoing procedure for filling five posts in the Secretariat of the SCPC, of which 4 on managerial posts.

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

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

Ratification and implementation of the 2nd additional Protocol to the European Convention on Mutual legal assistance in Criminal Matters

The Law on Ratification of the 2nd Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters was adopted on June 24, 2003 (Official Gazette of the Republic of Macedonia, No. 44/2003).

In August 2008, the Parliament adopted the Law amending the Law on Ratification of the 2nd Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (Official Gazette of RM 103/2008).

The Ministry of Foreign Affairs submitted the instrument of ratification of the Republic of Macedonia of the said Protocol, to the Council of Europe (November 2008). Upon a request of the Council of Europe/Treaty Office, the Ministry prepared further information about the competent authorities of the Republic of Macedonia authorised for the implementation of the provisions of the Protocol. The information about the entry into force of the said Protocol in regard of the Republic of Macedonia is on the web page on the Council of Europe and the enforcement date is April 2009.

A comprehensive information on the current implementation of the 2nd Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters since the adoption of the Law on ratification of the 2nd Additional Protocol in June 2003 (Official Gazzette of the Republic of Macedonia No. 44/2003) is provided by the Ministry of Justice and the Basic Public Prosecution Office for prosecuting perpetrators of criminal acts of organized crime and corruption. See Annex 4 - on the implementation of the Second Additional Protocol to the European Convention on mutual legal assistance in criminal matters of 1957.

The Ministry of Justice provides the information about the contact persons and the Sector (for International Legal Assistance in the MoJ) responsible for implementation of the 2nd Additional Protocol to the PCOC Committee of the Council of Europe. The renewed list of contact persons responsible for the implementation of the Protocol is under preparation and will be sent to the Council of Europe.

Furthermore, in the forthcoming period (Feb-Apr 2009) the Ministry of Justice in cooperation with the Academy for Training of Judges and Public Prosecutors will organize several activities designed to further familiarize the stakeholders at national and local level, which would be implementing the 2nd Additional Protocol, with practical implications of its implementation. The Academy for Training of Judges and

Public Prosecutors will organize Counseling with all the relevant domestic stakeholders, and the TAIEX instrument will be utilized to invite foreign experts and practitioners involved in the area of international legal assistance in criminal matters.

The average timing for replying to mutual legal assistance requests and on the use of legal bases

The average timing for replying to incoming requests is approximately three (3) months. There are cases related to some requests in which a number of legal actions need to be undertaken and the person to whom the request is related is unavailable to the competent authorities. These elements could prolong the procedure and the request could be answered in a longer time period. The Ministry of Justice keeps a track record and special care for speedier reply to the request by the competent national judicial authorities.

The Ministry of Justice acts upon the requests according to different legal basis dependent on the requesting state. The legal basis which is used depends whether the state requesting is a signatory to the international conventions regulating criminal matters, or whether there is a bilateral agreement signed between the two parties if the requesting state is not a party. If the requesting state is not a party to the international conventions and there is no bilateral agreement signed between the two states, than the request is processed in line with domestic legislation.

In the period January – November 2008, the total number of cases (in civil and criminal matters) in the Directorate for International Legal Assistance of the Ministry of Justice was 7570.

In the period between 01.12.2008 until 27.01.2009, the Sector for International Legal Assistance within MoJ received the following number of cases in criminal and civil matters:

- 1) Rogatory requests 1422
- 2) Transfers 2
- 3) Extraditions 14

The trend of increased number of extradition procedures continues. The data for the period 01.01.2008 until 31.12.2008 shows the following situation regarding extraditions – there are 67 ongoing procedures and 59 extradition procedures have been completed.

With regard to the transfer of convicted persons the situation is the following – 8 transfers have been concluded all of which are concerning Macedonian citizens which were serving prison sentences in foreign countries and 2 foreign national who were serving a prison sentence in Macedonia were transferred back to their country of origin.

In October 2008, The Ministry of Justice of the Republic of Macedonia signed a Protocol on Judicial Cooperation with the Ministry of Justice of Monte Negro.

The draft Law on International Legal Assistance is prepared and its adoption is aligned with the adoption of the amendments to the Law on Criminal Procedure and the Criminal Code in line with the Strategy for Reform of the Criminal Legislation in 2009.

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

Academy for Training of Judges and Public Prosecutors

In the period of June-September 2008, the Academy organised/cooperated in organisation of 26 different seminars with participation of total of 351 participants (388 judges, 84 prosecutors, 13 court/prosecutors clerks and 52 other participants), with total of 301 hours of training.

The detailed Training Calendar for September-December 2008 was adopted by the Managing Board of the Academy and it is distributed to all courts, public prosecutor's offices and to the Ministry of Justice.

In the period of 15 December 2008 until 26 January 2009, the Academy organised/cooperated in organisation of 14 seminars with participation of total 328 participants (133 judges, 23 public prosecutors, 36 court/prosecutors professional civil servants, 86 court/prosecutors administrative civil servants and 50 other participants), with total of 145 hours of training.

Academy provided training activities for judges and public prosecutors on different subjects such as: prevention and fight against human trafficking, fight against corruption, improvement of the mechanisms for fight against financing of terrorism, confiscation and temporary measures, liability of legal entities, prevention of conflict of interest, financial crime and money laundering ect.

The Academy in cooperation with the World Bank prepared and started to implement a Programme for training of Judges from the Administrative court and a specialised Programme for training of judges who work on misdemeanour cases and for the members of the Commissions for misdemeanours in the state institutions (150 participants). So far, there have been 4 training sessions for judges who work on misdemeanour cases and for the members of the Commissions for misdemeanours. Training sessions on these subjects are also foreseen in the Calendar of training activities for 2009.

The Academy prepared and delivered to all judges and public prosecutors an Annual Calendar of training activities as well as Quarter Calendar of training activities January - March 2009. This Calendar foresees a wide range of training activities on relevant subjects such as: asylum and migration, corruption, convention for prevention, international co-operation in criminal and civil matters ect.

International dimension in the continuing training is also present. Total of 13 judges and prosecutors participated in 8 regional and international trainings, conferences, study visits and exchange programs with total of 165 hours of training. In the period of 15 December 2008 until 26 January 2009 one judge, one public prosecutor, one representative from the Academy and three other participants, participated on a study visit to the School for magistrates and the High council of justice of the Republic of Albania.

The cooperation with the European Judicial Training Network (EJTN) continued. The Academy participated in the EJTN project with the Judicial School in Barcelona in the criminal justice area in two programs during the reporting period. The preparatory activities for the programs in the next period are ongoing. The cooperation with EJTN is extended in civil matters with signing of the Partnership declaration for the project "European Forum for judicial training in civil matter (training for trainers). Academy is included in EJTN Calendar for 2008. The activities in EJTN Exchange Program continued.

Within this Programme a total of 6 participants participated in the exchange (2 judges, 1 public prosecutor, 2 candidates from the initial training and 1 trainer). Also, the Academy hosted a total of 6 participants within the Exchange programme (5 public prosecutors from Belgium, Latvia and Spain, 1 trainer from Estonia).

In the reporting period the representatives of the Academy participated in the meetings organised or co-organised by EJTN. The activities with the HELP Program of the Council of Europe continued through organisation of the Pilot Program for distance learning for judges and prosecutors. The Academy took activities in programs regarding the future trainings on intellectual property.

The Academy became a member of the Bureau of the Lisbon network with mandate of two years. The Bureau has a status of an executive body between the annual plenary sessions of the largest network of institutions responsible for education of judges and public prosecutors in Europe.

The Academy took activities in preparation of different projects, which are in process of realization, with: IRZ, GTZ, OSCE SMMS, UNICEF, Council of Europe, Repairs, and French Embassy. The Academy for Training of Judges and Public Prosecutors in co-operation with the German Foundation for International Legal Co-operation – IRZ and the Administrative Court of the Republic of Macedonia organised a seminar on “Development of the law by the administrative courts: implementation of the general principles, decision in cases where there is no explicit solution in the written law: practical experiences in Macedonia and the European Union with special overview on Germany and the Czech Republic”. Also, with this project a seminar has been held on subjects related to financial crime.

In co-operation with OSCE, the Academy organised a roundtable on “Trail within a reasonable time”.

The Academy in co-operation with UNHCR organised a seminar about introduction to the refugee law, analysis and procedural guarantees for claims of asylum.

Within the Academy’s cooperation with UNICEF, the following training activities were realized: training on implementation of the new Law on juvenile justice, regional conference about the current situation in the field of juvenile justice.

The co-operation of the Academy with the Council of Europe resulted with implementation of 4 training sessions for judges and public prosecutors from all appellate districts in the country about all aspect of the European convention of human rights especially the articles 6, 3 and 1 of the Protocol 1 from the Convention. This cooperation will continue also in 2009.

The Academy in co-operation with USAID and State Commission for prevention of corruption organized trainings on fight against corruption and conflict of interests.

Within the Italian TWINNING Project for fight against organized crime and corruption with Public prosecutor’s office of the Republic of Macedonia, the Academy provided trainings for criminal judges and public prosecutors on subjects related to fight against organized crime, human trafficking, special investigative measures, financial crime and money laundering.

In co-operation with the Spanish TWINNING Project several training sessions have been held on following subjects: fight against financing of terrorism, taxes, external market, customs, smuggling, money laundering, special investigative techniques.

PPO

The training of the public prosecutors and judges is continuous, within the system established trough the Academy for Training of Judges and Public prosecutors. Additional trainings were provided through the twinning project in the Public Prosecutor’s Office with Italian experts on: trans-national organised crime, threats and trends of corruption in the region, strategies and methods for preventing and combating corruption, preventing and deterring all forms of criminal associations and

5 groups, human trafficking. Prosecutors have been attending numerous trainings covering a wide range of issues going from the practical work to the international cooperation.

Within the frame of regional project PROSECO - Support of the Public Prosecutors Network in South Eastern Europe- regular conferences and trainings are ongoing in the region on various subjects (i.e. cyber crime workshop was held in Ohrid in November 2008) directed towards further strengthening of regional cooperation for fight against organized crime.

The Public Prosecution Office of Macedonia has established contacts with the European Anti-Fraud Office (OLAF) with the aim of signing an Agreement of Cooperation. The Agreement of Cooperation concerns the competencies of the signatories in the direction of effective fight against fraud and other illegal actions which could be detrimental to the financial interests of the European Union member states as well as the Republic of Macedonia, the mutual support and assistance in the execution of competencies and exchange of relevant information. The negotiations for signing an Agreement of Cooperation are ongoing pertaining to the formal procedures which will allow for the signing of the Agreement.

The Strategy for Reform on Criminal Justice System is in its implementation phase and numerous activities delineated in the Action Plan have been realized. The Strategy is intended to design a new criminal justice system in the Republic of Macedonia and to allow for the transfer of investigation from the investigative judge to the public prosecutor as well as to amend the substantive and procedural law. The new Criminal Code is prepared and is sent for a public debate as well as for opinions from the courts. The new draft Law on Criminal Procedure and the Criminal Code is in the final stage on preparation and are subject to wider scientific debate. Their adoption is planned for 2009.

In the meantime, a second Action Plan is prepared and includes activities to be realized before and after the new Law on Criminal Procedure and the Criminal Code enter into force. The new Action Plan will include four types of activities: normative activities which will include amendments of laws in order to align them to the new Law on Criminal Procedure; Trainings of all stakeholders in order to strengthen the capacities and inform them about the new system in cooperation with the Academy for Training of Judges and Public Prosecutors and the Police Academy; Strengthening of institutional capacities and organization of Counseling/Workshops/Seminars targeting specific segments of the reform. The activities of this action plan will be implemented in the course of 2009-2010. For the period 2010-2011 and IPA project for the implementation of the new Criminal Justice System is approved and will be implemented.

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

The Agreement on Cooperation between the Republic of Macedonia and Eurojust was signed 28 November 2008 after the formal approval of the Agreement at the Council of Ministers meeting in Brussels.

The Agreement was signed after it was successfully negotiated by both parties – Eurojust and the Republic of Macedonia (headed by the Ministry of Justice) after concluding all the necessary preconditions such as the adoption of the Law on Public Prosecution Office, the adoption of the amendments to the Law on Personal Data Protection, the ratification of the Additional Protocol to the Council of Europe 108 Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

The Agreement will enter into force upon ratification in the Parliament of the Republic of Macedonia. The Law on Ratification of the Agreement on Cooperation between the Republic of Macedonia and Eurojust is in governmental procedure.

The implementation of the Agreement on Cooperation between the Republic of Macedonia and Eurojust will lead to direct communication and exchange of information between the judicial authorities in Macedonia and Eurojust on cases related to fight against serious forms of crime, including terrorism and mutual legal assistance.

Law enforcement cooperation and the operational capacities among the competent services (benchmarks 27-30)

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.

During September 2008 the first meeting of the Steering Board of the project for establishing the National Intelligence Database was held, where a decision was made on establishing working groups tasked for carrying out the phases determined in the Action Plan. Thus 4 Working Groups were established in order to have more successful implementation of the activities foreseen with the Action Plan. The Working Groups are:

- Working Group A, tasked for preparing a Law on information exchange through establishment of the National Database;
- Working Group B, tasked for defining the concept on the establishment, connection, location, security, maintenance and administration of the NID;
- Working Group C, tasked to prepare a summary of the crypto communication network for all NID institutions;
- Working Group D, tasked to define the model for database for NID for the Feasibility study and the tender's file related to that (types of data, structure of data, profile and roles).

At the same time, at the beginning of November 2008 an Agreement was signed for consultancy services from Italian experts. At the moment, the established Working Groups are working on defining legal solutions for establishing the national system for intelligence data exchange, as well as establishing technical solutions. According to the provisions from the Action Plan, several activities are ongoing: The preparation of the Project Initiation Document; defining who will administer the NID; defining the physical location of the NID; defining the institutions that should be connected with the NID; defining the types of data and the platform; defining the procedure for insertion of data according to the system 4x4; defining the level of access (profile and roles). The Project Initiation Document was adopted on the Second meeting of the Steering Board, held on 24 December 2008. However, on 14 January 2009 the third meeting of the Steering Board was held, when the First Draft of the Feasibility Study was adopted, which determines the NID requirements and project risk management. Therefore, this draft version is also focused on the NID technical development elements. At the same time, work is being done on drafting the Second and the Third version of the Feasibility Study in order to fulfil the activities foreseen in the Action Plan for the Development of the National Intelligence Database. Regarding the Action Plan for establishing of NID, an activity is envisaged for developing strategies for training of all representatives from the relevant institution involved in activities of this base.

Regarding the Action Plan for establishing of NID, an activity is envisaged for developing strategies for training of all representatives from the relevant institution involved in activities of this base.

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

Continuous intensification of the regional and international cooperation in law enforcement

Regarding the strengthening the international cooperation in the area of countering the international organized crime, the Ministry of Internal Affairs during 2008 has concluded the following agreements:

- On the 25 of January 2008 the Ministry of Internal Affairs of the Republic of Macedonia has signed the Police Cooperation Agreement with the Federal Ministry of the Internal Affairs of Austria.
- On the 21n March 2008 the Government of the Republic of Macedonia and the Council of Ministers of Bosnia and Herzegovina have signed Cooperation Agreement in the fight against terrorism, organized crime, illicit trade with narcotics, psychotropic substances and precursors, illegal migration and other crime acts;
- On 16 of June 2008 the Government of the Republic of Macedonia and the Government of the Republic of Poland have signed Cooperation Agreement in the fight against organized crime and other types of crime.

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

Appropriate implementation of the new legal frame for special investigative measures and interception of communications

Amendments to the Law on Interception of Communications (“Official Gazette of RM” No. 110/08 dated 02.09.2008), which entered into force on 10.09.2008, made it possible to apply the special investigative measure of authorized interception of communications for a broader variety of criminal offenses. Previous legislation allowed interception of communications to be applied only upon reasonable suspicion that the target person is a perpetrator of a criminal offense punishable by at least 4 years imprisonment or upon reasonable suspicion that a criminal offense punishable by up to 5 years imprisonment has been or is being perpetrated by an organized group, gang or other criminal association; the purpose of the interception of communications is to collect data and evidence required for proper conduct of the criminal procedure that cannot be obtained otherwise. In contrast, the new legislation allows the court to issue warrants for interception of communications for certain grave criminal offenses, regardless of whether they are perpetrated by an organized group. These criminal offenses are expressly enumerated in the Law on Interception of Communications, as follows:

- unauthorized production and distribution of narcotic drugs, psychotropic substances and precursors, pursuant to Article 215,
- extortion, pursuant to Article 258,
- blackmail, pursuant to Article 259,
- laundering money or other proceeds of crime, pursuant to Article 273,
- smuggling, pursuant to Article 278,
- customs fraud, pursuant to Article 278-a,
- abuse of official position and authority, pursuant to Article 353,
- embezzlement in official service, pursuant to Article 354,

- fraud in official service, pursuant to Article 355,
- unauthorized use of official property, pursuant to Article 356,
- receiving a bribe, pursuant to Article 357,
- giving a bribe, pursuant to Article 358,
- illegal intermediation, pursuant to Article 359,
- illegal influence over witnesses, pursuant to Article 368-a,
- criminal association, pursuant to Article 394,
- terrorist organization, pursuant to Article 394-a,
- terrorism, pursuant to Article 394-b,
- criminal offenses against the state (Chapter XXVIII) and
- criminal offenses against humanity and international law (Chapter XXXIV), as well as criminal offenses perpetrated through means of electronic communication.

Public Prosecutors Office Statistics on the Use of Special Investigative Measures In 2008

In the year 2008, the Public Prosecution Office used special investigative measures indicated in Article 142-d in relation to Article 142b of the Law on Criminal Procedure, in **26 cases**. Of these, **6 cases** that have been the subject of 10 warrants issued by investigative magistrates (against 84 persons), also pertain to the use of the special investigative measure indicated in Article 142b paragraph 1 item 1 of the Law on Criminal Procedure - Interception of communications and entry into residences, other premises or means of transport for purposes of enabling interception of communications, under conditions and procedures established by law, applied according to the Law on Interception of Communications.

Among these 26 cases, in 22 cases the special investigative measures have been used by the Primary Public Prosecution Office for Organized Crime and Corruption, and in 4 cases the special investigative measures have been used by other Primary Public Prosecution Offices - Skopje (2), Ohrid (1) and Prilep (1).

Of these 26 cases, 21 are registered in the 2008 registry, and 5 cases are registered in the 2007 registry, whereas the measures are also being used in 2008.

An analysis of all 26 cases where special investigative measures (including interception of communications) have been used follows below.

At the request of the Mol, the Prosecution Office has issued **19 orders** for use of special investigative measures against unknown perpetrators of criminal offenses and has submitted **40** applications to investigating magistrates for use of special investigative measures against named persons; these applications were granted by the investigative magistrates and **40** warrants were issued (by the investigative magistrates).

The following table summarizes the number of applications, warrants and orders for the year 2008:

	Applications to investigative magistrate/ warrants issued by investigative magistrate	Orders issued by Prosecution Office
2008	40	19

One warrant/order or application may concern multiple special investigative measures and multiple persons. In any given case, either an order issued by the Prosecution Office or an application submitted to an investigative magistrate could be used, or both could be used at the same time. See Annex 6 for orders issued by the Prosecution Office involving special investigative measures.

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

MOI of the RM on 28.10.2008 has adopted the Roadmap for signing the Operational Agreement with EUROPOL and Memorandum of understanding for establishing the secure communication link between the Ministry of Internal Affairs of the Republic of Macedonia and EUROPOL in order to have information exchange.

Pursuant to the Action Plan on Implementing the Strategic Agreement and initiation of the negotiations for signing the Operative Agreement with EUROPOL, the EUROPOL Unit in MoI in December 2008 established the Sub-register for Classified information. At the same time, this Unit initiated establishment of channels for strategic cooperation with the Europol Team, competent for the Western Balkan countries as well as with the IMT 4 (Sector for information management of Europol).

Protection of personal data (benchmark 31, 32)

Clarification of the limited application of the Law on protection of personal data in the area of state security and defence and the role of the Directorate for personal data in this regard

With the recent amendments to the Law on Personal Data Protection (August 2008), Article 4(2) 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”*. Provisions from section VI, VII and VIII relate to inventory of personal data collections and Central registry, transfer of personal data to third countries and disclosing personal data to the recipients.

The amendment provides for full applicability of the law in the area of public security and criminal proceedings. Regarding the implementation of the article 4(2) the Directorate has the following competences:

- To perform inspection over the implementation of this law and other acts adopted pursuant to this law in the authorities in charge of the state security and defence of the country, such as law enforcement agencies, Ministry of Interior, Ministry of Defence and other intelligence institutions. The procedure for running inspections will be the same as the inspection for the other institutions;
- To conduct administrative procedure and issue decisions when acting upon requests for establishing of violation of the right of personal data protection submitted by natural persons. This would mean that if a citizen considering that there is violation of his/her right of personal data protection from the relevant institutions (law enforcement agencies, competent bodies for state security and defence), he/she could submit request and start administrative procedure for establishing a violation of the right. The Director of the Directorate delivers a decision for violation of the rights. The Director's decision may also contain measures for removing the established violations. Against Director's decision an administrative dispute could be initiated within 15 days of the receipt of the decision;
- To develop policies and guidelines regarding personal data protection. The Directorate could issue recommendations and guidelines with concrete measures that should be employed during processing of personal data by the data controllers (in this case: law enforcement agencies, MoI, MoD etc.), measures on the period of storage of personal data in the collections, measures on the rights of the data subject that should be provided by the data controllers

and other measures which are in direct connection with the data protection principles;

- To evaluate the legality of personal data processing through performing inspection and other competences stipulated in Article 41 of the Law
- To implement the data protection principle.

Following the end of the transitional period of the amendments to the Law, regular supervision will be conducted by the Directorate to the law enforcement agencies. The regular supervisions of the law enforcement agencies are envisioned in the 2009 Annual Supervision Plan of the Directorate. Data concerning the current supervision as well as cooperation with the law enforcement agencies is provided in the updated Annex 5 (1.1.2008-31.12.2008).

According to the provisions of Law on Personal Data Protection the Director of the Directorate is obliged to adopt the bylaws stated in this law within 60 days of its entry into force.

The following bylaws are adopted:

- Rulebook for the manner of the evidence files for the misdemeanour, the sanctions imposed and the decision adopted, as well as for the manner of access to the information contained in the evidence files (Official Gazette of RM 136/08)
- Rulebook for the manner of performance of inspections (Official Gazette of RM 143/08)
- Rulebook for the manner of the form and content of the official identity card, as well as the manner of issuance and revocation (Official Gazette of RM 143/08)
- Rulebook for the form and the notification form as well as the manner of notification in the Central Register of personal data collections (Official Gazette of RM 155/08).

IV. BLOCK 4: External Relations and Fundamental Rights

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

Roma Strategy and Decade Action Plans

A Unit for implementation of the Roma Strategy and the Roma Decade action Plans has been set up in the Ministry of Labour and Social Policy for coordinating the activities between all institutions involved in the implementation of the Roma policy, cooperation with the local self government units, NGOs and the National Coordinator for the Roma Strategy and Roma Decade. It is planned that this Unit by the end of this year will employ 3 Roma employees, while in the first half of 2009 additional two employees will be hired.

For the purpose of the implementation of the Roma Strategy and the Roma Decade Action Plans the MLSP has continued with the implementation of the following projects:

- Inclusion of Roma children inclusion in pre-school education

The support for improved access to pre-school education for Roma children has been implemented through the joint project of the Ministry of Labour and Social policy, 15 Local self governments and the Roma Educational Fund from Budapest. [MLSP allocated from its own budget 175 851,00 euro, REF - 72 275,00 and LSG 14 512,00 euro.](#) 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. From September 2008 up to now, additional 253 childrens were enrolled.

- Roma Information Centres

The 8 Roma Information Centres (RIC) opened in cities with considerable Roma community population (Skopje, Tetovo, Gostivar, Bitola, Prilep, Shtip, 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. RIC 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. In line with their competences, the RIC in their everyday work deal with citizens, visit Roma municipalities; provide advice, information, support for drafting appeals, requests for documents etc. and representation. The employees of the RIC also offer legal advice and support in the area of social and health protection, health insurance, help in police procedures and filing employment applications.

So far, the RIC have administered trainings with the local administration, the regional offices of the centres for social work, the Employment Agency and the Health Fund in order to acquaint the employees of these institutions with the problems of the Roma community. The RIC employees maintain regular contact with the citizens and institutions at the local level. The RIC maintain records of the requests filed to them and their everyday work.

In April 2009, it is foreseen to open 4 additional RIC, 2 in Skopje and 2 in other towns in the Republic of Macedonia.

- Employment of Roma through training

With the funds allocated for 2008, the MLSP with the Agency for employment will employ 250 persons through the active employment measure with employee training in the municipalities with predominant Roma population. The project commenced in December 2007 offering employers that included Roma representatives in their qualification trainings 8.000 MKD per month out of which 4.000 MKD was handed over to the trainee.

In March 2008, the National Action Plan for Roma women was adopted with operational plans for the period 2008-2010. The NAP for Roma women focuses on 5 areas: education, employment, health, political participation of Roma women, as well as antidiscrimination and human rights. The NAP sets clear indicators of success for the implementation of the foreseen activities.

In the area of education, the following activities have been undertaken:

The administrative and technical procedure for building a high school in the municipality Shuto Orizari has been completed. A complete project for this high school has been prepared and approved. The administrative procedures with the municipality of Shuto Orizari have also been completed, whereas the construction work is to begin in early 2009.

In line with the Action plan for education, easier access of Roma students has been provided at the University St. Kliment Ohridski in Bitola, the State University in Tetovo and the University Goce Delcev in Shtip, which have uptaken an obligation to enrol at least 2 Roma students, while the Pedagogical Faculties have taken an obligation to admit 10 Roma students for the purpose of increasing the number of available Roma faculty.

In addition, activities have been undertaken for inclusion of Roma refugee children in high schools.

In the area of health, the following activities have been undertaken:

In the course of 2008, as part of the Ministry of Health campaign for free health examinations, two stations were set up in the neighbourhoods with majority of Roma population (in "Topana" neighbourhood, Tetovo, Delcevo, Bitola, Kumanovo and Prilep), with 966 citizens undergoing preventive examinations.

In Prilep, Gostivar, Tetovo and Kumanovo, through the public health offices, continuous immunisation and systematic examination of Roma children took place, paying special attention to children that have not been immunised so far. 216 Roma families were visited by the health workers in Shtip.

In the area of housing, the following activities have been undertaken:

The Ministry of transport and communications in its yearly programme for spatial planning included 1.500.000 MKD for the Decade for Roma inclusion. In total, the Ministry has allocated 11.224.866,00 MKD for the implementation of the Strategy and Decade Action Plans for 2008.

The following are major ongoing projects in this area:

- Building a sewer system in a Roma municipality in Sveti Nikole in the amount of 2.224.866,00 MKD;
- Water supply system is being implemented in Shuto Orizari in the amount of 3.000.000,00 MKD;
- Project for sewer system in the Trizla municipality in Prilep in the amount of 4.500.000,00 MKD.

In the area of employment, the following activities have been undertaken:

In line with the Operational Plan for active programmes and measures for employment for 2008, the Agency for employment undertakes regular activities for including the Roma in its projects. Since the beginning of 2008, 304 Roma were included in the ongoing activities (162 men and 142 women). 60% of them were participating in the Programme for preparation for employment.

In the framework of the Project for self-employment by crediting, a total of 95 Roma have made use of these credits (68 men and 27 women).

As part of the regular activities of the Employment Centres, 416 Roma have taken place in the activities for professional orientation. A total of 65 Roma have been released from the obligation of personal tax on the basis of self-employment. A total of 1829 persons have participated in the active employment measures, out of which 720 women.

Adoption of the general anti-discrimination law

In 2008, the activities for preparing the draft-Law on Antidiscrimination have been initiated. According to the plans, a working group have been established, consisted of relevant state institutions, social partners and civil society representatives. This working group has prepared the initial draft version of the Law on Antidiscrimination. With the aim to ensure transparency and wider participation in the preparation of the Law, the Ministry of Labour and Social Policy has organised six public debates in six cities around the country, where the draft-Law was presented and the participants were asked to provide their comments, suggestions and recommendations in the process of preparation of the Law.

The draft version of the Law was submitted for review and comments to the ODIHR and to the Venice Commission in Strasbourg, as well as to the EC Delegation in Macedonia.

In line with the requirements of the European directives, regarding the administrative capacities, the Sector for equal opportunities within the Ministry of Labour and Social Policy has been established, as a responsible state body that shall promote equal opportunities between women and men and shall implement the provisions against all forms of discrimination. This Sector comprises two Units, one for equal opportunities, and other for anti-discrimination.

According to the new draft-Law, the Ombudsman has been appointed as an independent state body responsible for prevention of discrimination, protection against discrimination and ensuring equal opportunities.