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A stack of passports with various stamps and seals, including a prominent red stamp and a circular seal, serving as a background for the title.

**MACEDONIAN PROGRESS
WITH REGARD TO THE
BENCHMARKS SET IN THE
ROADMAP ON VISA
LIBERALISATION**

October 2008

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1. Introduction¹

The Western Balkan (WB) countries face great challenges on their path to EU, where the 3 Copenhagen criteria are the basic milestones showing the right direction. Within, the Stabilisation and Association Agreement, the European partnership, and the financial aid provided by EU, the aim is to accelerate the development of these countries and to prepare them for membership. Yet while this approach has great success in the Europeanization of the Western Balkan, it lacks a capacity to transfer and promote the European values and ideas among the citizens of these countries, which are the crucial element and input of successful transformation. Although “people to people contacts” are mentioned in several key EU documents as a priority area², only modest steps were taken in this regard. In the enlargement strategy for 2007 and 2008, priority attention was given to maximisation of “people to people contacts” between the citizens of the Western Balkan countries and the EU, by setting a facilitated visa regime for these countries.

The negotiations between EU and Macedonia on visa facilitation were concluded in September 2007, when the agreement on facilitation of the issuance of visas was signed. This followed the fulfillment of the requirements set for Macedonia. Macedonia undertook concrete measures with regard to data security i.e. introducing biometric travel documents, integrated border management and signing a readmission agreement that replaced the bilateral readmission agreements signed with the Member States.

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² **Communication from the Commission to the European Parliament and the Council, Enlargement Strategy and Main Challenges 2007-2008**, Brussels, 6.11.2007 COM(2007) 663 final

Around twenty categories of citizens are main beneficiaries of the visa facilitation, as stipulated in the visa facilitation agreement³. According to the agreement, regardless of the increased visa fee for many countries worldwide, the citizens of the WB countries will pay 35 euro visa fee. Moreover, for some categories (e.g. students, pensioners etc.) the visas will be free of charge. The main goal of the agreement was to simplify the visa issuance procedure. In addition to this, for many categories this agreement foresees issuance of multi-entry visas with duration up to 1 year, or in some cases for period of 2 to 5 years. Unfortunately, this arrangement was not a great success since it did not meet its goal and expectations. Analyses show a great discrepancy between the declared aim of maximisation of “people to people contacts” and the facts on the ground⁴. The observations of the process of visa issuance, show many shortcomings. It was noted that people are not informed properly about the provisions of the visa facilitation agreement; furthermore the 35 euro cost of the visa processing can be offset by other costs involved to obtain an interview at the consulate; the 10 days delay to obtain a visa is generally respected but often at the expense of long waiting periods for getting an appointment, an issue not regulated by the agreement; applications can well be rejected, even without explanation; standards of good administration and politeness towards applicants are sometimes wanting etc⁵.

Moreover, at the start of the year, when this agreement had to be effectively applied, Macedonian citizens faced great problems, due to the resistance by some embassies to apply the new rules⁶. Although the agreement was in force the embassies required more documents than those foreseen by the agreement. Unfortunately, the situation was not improved even later on, when the problems

³ Agreement between the European Community and the Former Yugoslav Republic of Macedonia on the facilitation of the issuance of visas, Official Journal of the European Union, L 334/125, 19.12.2007

⁴ Monitoring of the Macedonia Visa Facilitation Agreement Visa Hotline Progress Report, MCIC; project “Does it really matter? Visa facilitation in the Western Balkans: Monitoring of the New Agreements” ECAS - European Citizen Action

⁵ Ibid.

⁶ Some citizens are complaining that the agreement is not respected by some of the embassies, Radio Free Europe, 8.01.2008

of the inefficient implementation of the visa facilitation agreement were felt mostly by students, transporters⁷ and journalists⁸.

Even EU is aware of the failure of its visa policy toward the Western Balkan countries. In May 2008, the General Directorate for Internal Services, issued an internal document⁹, which concludes that the visa policy has only negative impact on the WB overall, and is not the best solution in the fight against illegal migration and organized crime. Furthermore, this document recognizes the obstacle that the visa regime sets for the legitimate travels and with great self-criticism concludes that this regime alienates these countries from Europe. It has influenced the image of EU in the WB countries, since the procedures were seen as complicated and expensive, and the EU practice as in-transparent and problematic. Not only the visa regime hinders the progress in trade, business, education and the overall reform processes in the WB, but it has not achieved its initial aims and goals. Unfortunately, it seems as if the WB is an EU experiment that if successful will be applied towards the other new neighbours as the Union enlarges.

What is striking in the report is the awareness of the failure of the visa policy to deal with illegal migration and human trafficking. In addition to this, is the observation that the visa regime is completely inefficient to hinder the access of labor migrants and criminals in the Union, because those categories of people do cross borders at any price. In this regard only the readmission agreements are seen as effective measure that has shown positive results.

Moreover, regarding Macedonia, EU recognizes the need of visa liberalization, instead of the visa facilitation, as soon as possible. In this regard the European

⁷ Students and transporter are complaining that visa facilitation does not functions, Radio Free Europe, 14.04.2008

⁸ Visa facilitation for Macedonians citizens, BBC, 06.05.2008

⁹ Slobodanka Jovanovska, EU recognizes the failure of its visa policy, newspaper Untrinski vesnik, n.2697, 28.05.2008

Parliament¹⁰ stressed “that access to the EU countries still represents a big problem for citizens of Macedonia ...[and] that the country must have access rules equivalent to those applying in respect of Croatia”. Furthermore the European Parliament urges the Commission and the Member States to make the efforts for prompt full visa liberalisation for Macedonia.

It should be noted, that the agreement on visa facilitation explicitly refers to the period of facilitated visa regime as “a transitional phase towards visa free travel regime for the citizens of Macedonia”¹¹. In addition to this, the conclusions of the GAERC from 28 January 2008, have welcomed the intention of EC to launch a dialog with all WB countries for full visa liberalisation, based on the progress made by each of the countries. For this purpose the commission prepared tailored made approach in a form of “Road map for visa liberalisation” for each of the WB countries to be assessed on case by case basis.

Macedonia has received its Roadmap on visa liberalisation on 8th of May 2008. Although, short period of time has passed since than, positive signals have been coming from the Commission that full visa liberalization could be expected in 2009¹². The progress in fulfilling the benchmarks set in the road map for visa liberalization has been recognized. In fact, measures have been undertaken by the Macedonian government much before the road map was received, and many important projects crucial for the liberalization are in the final phase of implementation. The final decision is in the hands of the EU Council. Consulting the European Parliament it is to decide with qualified majority to amend the regulation 539/2001¹³, listing the third countries whose nationals must be in

¹⁰ European Parliament resolution of 23 April 2008 on the 2007 Progress Report on the former Yugoslav Republic of Macedonia, 2007/2268(INI)

¹¹ Joint Declaration on the perspective on mutual free travel regime; Agreement between the European Community and the Former Yugoslav Republic of Macedonia on the facilitation of the issuance of visas, Official Journal of the European Union, L 334/125, 19.12.2007

¹² Svetlana Jovanovska, “Soon, the visas are going to be past[history],” *Dnevnik*, 05.09.2008, <http://www.dnevnik.com.mk/?itemID=0D0F08E496C58C4898D48DC3DD4B17CE&arc=1>

¹³ COUNCIL REGULATION (EC) No 539/2001 15.03.2001. The aim of this regulation is to provide full harmonisation as regards the third countries whose nationals are subject to the visa requirement, and those who are exempt of that requirement.

possession of visas when crossing the external borders and those whose nationals are exempt from that requirement. This will happen only on the basis of a Commission proposal recommending visa liberalization.

This analysis aim to assess and present the Macedonian progress, with regard to the benchmarks set in the Roadmap for visa liberalization. To secure positive recommendation by the Commission at the end of the year, Macedonia has to achieve significant progress in 4 main areas:

- Document security
- Illegal migration
- Public order
- Security and External relations

The measures that should be undertaken with regard to the before mentioned areas are concrete and easily measurable.

2. Document Security

The focus of the first area is put on passports/travel documents, ID cards and breeder documents. Macedonia has to show capacity to continue to issue biometric documents and to introduce biometric data. It should provide high level of security of these documents; strict procedures have to be defined regarding their issuance as well as the administrative capacity to be enhanced.

The legal base of issuance of travel documents is provided in the Law on Travel Documents for the Macedonian Citizens from 2004 and its amendments (from 2007 and 2008)¹⁴. In more detail the procedure is defined in the by-law, i.e. the Book of Rules on the travel document form and the visas of the Macedonian citizens, the rules for taking identification photographs and its amendments.¹⁵ The legislative framework is in compliance with ICAO and EC standards.

The **new passports** are been issued since 1 of April 2007. The Macedonian citizens will have time period of 5 years¹⁶ to apply for new biometric passports, which means that in 2012 all Macedonian citizens will have biometric passports. The new system has introduced ICAO and EU standards of citizen's data, meaning biometric data, including photo, fingerprints and digital signature¹⁷. Most of the necessary equipment was provided and put in place before the start of the new system¹⁸. In this regard, 6 base stations have been established within the Ministry of Interior Passport Issuing Unit in Skopje, and additional 39 base stations are established in 29 offices of the Ministry of Interior affairs countrywide. All these offices are equipped with a computer; special keyboard with card reader, scanner for taking fingerprints and special cushion for

¹⁴ Official Gazette n. 73/04, 21.10.2004, Official Gazette n. 19, 19.02.2007, Official Gazette n. 84, на 11.07.2008

¹⁵ Official Gazette n. 40, 30.03.2007, Official Gazette n. 161, 31.12.2007

¹⁶ On 1 of April will start the issue of the new biometric passports, 25.01.2007, www.a1.com.mk

¹⁷ Art 3, Amendments of the Book of Rules on the travel document form and the visas of the Macedonian citizens, the rules for taking photograph and failing, n.40, 30.03.2007.

¹⁸ Daniela Trpcevska, Ministry of Interior Affairs is finalizing the preparations of the for issue of biometric passports, 14.03.2007, Utrinski Vesnik, <http://www.utrinski.com.mk/?ItemID=0C0E8946281B234199C46B9CC0CF8299>

electronic signature. Furthermore, within this system 5 mobile stations are established, equipped with a lap top computer, camera, fingerprint sensor, as well as equipment for taking digital signature. This is important for those people, who due to different reasons, such as illness, are not able to apply for passports within the standard procedure. The data gathered in the base stations will be transferred to Skopje where the biometric passports are made. Furthermore, for efficient functioning of this system, trainings of the staff working in the base stations were provided during 2007.

The EU progress report for 2007 recognized progress in this area, which certainly was an advantage in the negotiations for visa facilitation conducted in 2007.

New biometric passports are being issued in line with international security standards.¹⁹

The same software and the same machine used for the biometric passports are used for issuance of the **Identity documents**. Great progress, as with the travel document, is also recognized in the area of issuance of ID. The amendments of the Law on Identity Cards from 2007 have introduced the most important changes- the establishment of EU standards in this area²⁰. The amendments stipulate that the international codes in the ID form are inscribed in accordance with international standards (ICAO Doc 9303). Fingerprints from 2 fingers and one photograph (art.4 and art.5) are required as a biometric data for the ID cards.

3. Illegal migration and readmission

a) Border management is area, in which Macedonia has to present concrete results regarding the requirements set by EU. The legislation referring to

¹⁹ Commission Staff Working Document, the Former Yugoslav Republic of Macedonia[sic] 2007, progress report accompanying the Communication from the commission to the European parliament and the council, Enlargement Strategy and Main Challenges 2007-2008 {COM(2007) 663 final}, pg.54

²⁰ Official Gazette, n.19, 19.02.2007

movement of persons at external borders and organization of border authorities should be implemented. All activities undertaken should be in line with the Integrated Border Management Strategy. Furthermore, EU expects enhancement of the administrative capacity in this area, as well as conclusion of a working arrangement with FRONTEX.

The Macedonian integrated border strategy was adopted in 2003, and the latest EU progress report noted progress regarding its implementation²¹. Since its adoption important step ahead was done in 2005 with the finalization of the transfer of the border management responsibility from the army to the border police²².

The legislative framework that regulates this policy area has also been adopted.

²¹ Commission Staff Working Document, the Former Yugoslav Republic of Macedonia 2007, progress report accompanying the Communication from the commission to the European parliament and the council, Enlargement Strategy and Main Challenges 2007-2008, {COM(2007) 663 final}, p.54

²² Macedonia Completes Border Management Reform, South-eastern European Times, 30/08/2005 http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/newsbriefs/2005/08/30/nb-06

- The law on border surveillance²³
 - The amendments of the law on border surveillance²⁴
 - Book of Rules on the execution of the surveillance of the state border and control of the crossing of the state border²⁵
 - Decision on the establishment of National commission on integrated border management²⁶
- It establishes a institution responsible for implementation of the Strategy on integrated border management, as well as a contact point for coordination of all relevant institutions*
- National coordination centre for integrated border management²⁷
- Sets legal basis for establishment of the main institution responsible for coordination, exchange of information and better integration within the border management*
- Decision on the establishment of executive board for the digital communication system of integrated border management and integral digital connection of the border points and their connection with Brussels²⁸

The **national coordination center** for border management is the main institution responsible for the flow of information, coordination of all relevant ministries and control of the external borders. It was established by the financial support of the European Agency for Reconstruction.²⁹ The decision of its establishment was adopted in 2007, but only in September 2008 the National coordinative centre became fully operational. One of the “chapters” for visa liberalization was successfully closed. The Coordinative Centre will gathered information from all relevant institutions and will be responsible for the overall coordination of the integrated border management. This system will record all goods, capital, persons and services which enter and exit from Macedonia.

²³ Adopted by the Parliament on 30.05.2006, n.07-21921

²⁴ Adopted by the Parliament on 18.05.2007, n.07-2275/1

²⁵ Adopted on 25.12.2006, n.13.1-72486/1, Ministry of Interior Affairs (in force since 01.04.2007)

²⁶ Decision adopted on 7.04.2006, n. 19-1740/1, Government of RM

²⁷ Official Gazette n.35, 22.03.2007

²⁸ Official Gazette n. 111, 03.09.2008

²⁹ A.S., The National Coordination center for integrated border control was opened, Vecer, 05.09.2006, n.13290

Beside the 8 ministries which are coordinated in this system together with the Directorate for radiation security, all border points and the two airports are also interconnected. It has sophisticated technology aiming to prevent and to work against all forms of border and cross border organized crime. The system started to function on 31st of January this year but become fully operational in September 2008.³⁰

Another important issue³¹ is the finalization of the EU project providing technical support to the Ministry of Foreign Affairs for the establishment of the **National Visa Centre N-VIS**. The newly established system is in line with the international standards and the National Strategy on Integrated Border Control. This new development will have positive impact on the border control and on the issuance of visas according to EU standards. The practice criticized in the EU progress report for 2007, when visas were issued at the borders³² will be completely abandoned with the new system. Moreover, the Law for Aliens from 2006 stipulates that only the diplomatic and consular missions are responsible for visa issuance (art. 39). Since 2008 this is effectively applied.

The N-VIS is going to be completely operational by the end of the year, when all 45 diplomatic missions and consular offices, six border points and the two airports and the Sector for Aliens (within the Ministry of Interior Affairs) will be interconnected. The system was opened at the beginning of the 2008; it was tested in May this year, and finally by the end of the year will become fully operational. It is a key institution of the new system, and therefore enhancement of its administrative capacity is planned³³. In 2007, the number of staff in the National visa centre was 5, whereas for the period 2008-2010 the number will

³⁰ Macedonia Informative Agency, Vice Prime minister Bocevski and the Minister Ivanovski in visit of the National Coordinative Centre of integrated border management, 15.09.2008

³¹ Bocevski Expects visa liberalization by 2009, 02.09.2008, web portal Kirilica, <http://kirilica.com.mk/vest.asp?id=15843>

³² Commission Staff Working Document, the Former Yugoslav Republic of Macedonia 2007, progress report accompanying the Communication from the commission to the European parliament and the council, Enlargement Strategy and Main Challenges 2007-2008, {COM(2007) 663 final}, pg.54

³³ NPAA, Annex 2, 10.03.2008, Employment dynamic for the period 2008-2010

increase with 5 more. Furthermore, in 2010, the IT sector within the National visa centre will be equipped with four people.

In addition to this, Macedonia has undertaken measures to ease the access of EU citizens in the country. Government decision was adopted, allowing entrance in Macedonia, only with ID card issued in a European Member State, or other country signatory of the Schengen agreement³⁴.

One of the requirements in the area of border management that Macedonia had to fulfill was a conclusion of a **working arrangement with FRONTEX**. In line with the fight against organized crime and better regional cooperation, all candidate countries, inter alia Macedonia, have concluded working arrangements with FRONTEX³⁵, with which another requirement set by EU has been fulfilled.

Carriers Responsibility

In the context of border management, an issue of relevance for EU is a clear definition of air **carriers responsibility**. One of the criteria to be fulfilled is the adoption and implementation of the legislation on air carriers responsibility. In this regard several EC regulations have been adopted by Macedonia in 2008³⁶:

- Regulation of the Council of the European Union, n. 2027/97, 9 October 1997, on air carrier liability in the event of accidents
- Regulation EC n. 785/2004 of the European Parliament and the Council from 21 April 2004 on insurance requirements for air carriers and aircraft operators

³⁴ Official Gazette no. 123, 02.10.2008, pg.2

³⁵ Commission Staff Working Document, *Accompanying the* communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions, Towards a Common Immigration Policy, Interim progress report on the Global Approach to Migration, COM(2007) 780 final, Brussels, 5.12.2007, SEC(2007) 1632, pg.8

³⁶ Official Gazette n.85, 11.08.2008

- Regulation (EC) n. 889/2002 of the European Parliament and of the Council of 13 May 2002 amending Council regulation (EC) N. 202/97 on air carrier liability in the event of accidents
- Regulation (EC) No. 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC

b) Another requirement set by the European Commission is implementation of the asylum legislation in line with international standards and establishment of adequate infrastructure and training of the relevant institutions.

The Law on asylum and temporary protection was adopted in 2003³⁷. At that time this law successfully passed the EU expertise and was positively assessed. It has met the EU standards³⁸ with regard to the conditions on granting asylum status; asylum treatment; it has also set the legal basis for establishment of asylum center etc.

Subsequently, changes of the Law on Asylum and temporary protection were adopted, which have integrated the institution of subsidiary protection and introduced harmonization of the sanctions with EU standards. Furthermore, the amendments of the law take into account the qualification directive, which was an important step in line with the obligations imposed by the EU integration process.³⁹ In detail, the procedure is regulated by the adopted Book of Rules in 2004⁴⁰. In 2007 a great step ahead was done with the adoption of the decision on founding the Reception Centre for Asylum Seekers.

³⁷ Official Gazette n. 49/03

³⁸ Referendum- visa against visa, newspaper Vest, n. 1342 , 12/17/2004

³⁹ Official Gazette n. 66. 31.05.2007

⁴⁰ Book of rules on the form of asylum requests, the procedure of taking fingerprints and taking photograph of the alyssum seekers, the form and the procedure for issuing and change of ID of people who have asylum status or temporary protection in RM and keeping the record, Ministry of Interior Affairs n.161-35326/1, 24.07.2004,

Although, the 2007 EU report recognized progress in this respect, many shortcomings of the **asylum policy** were pointed out. One of the problems was the issuance of documents for people covered by the law. This issue was solved with the adoption of the Decision⁴¹ regulating the changes of the prices of the forms used in the Ministry of Interior Affairs. It foresees that issuance of these documents will start in October this year the latest, after the administrative preparations in the Ministry will be over⁴². The documents will be free of charge for the categories covered in the Law, while the administrative taxes and forms are substantially reduced.

In addition to this, EU expressed concerns regarding the independence of the government commission that deals with appeals against first-instance decisions on refugee status. In order to address this problem amendments of the Law on Asylum are prepared and are in procedure. At this point, the amendments of the Law are waiting for the approval of the other relevant institutions⁴³; and it is estimated that by the end of September they will be adopted.⁴⁴ These changes aim to adjust the terminology of other relevant laws with the law on asylum, as well as to transfer the appeal procedure from the controversial government commission to the administrative court. According the new amendments⁴⁵ of the law on administrative procedure, if the administrative court does not issue a decision in the foreseen period stipulated in the law, it will be recognized as if it passed a positive decision, i.e. approval. This will have positive impact on the appeal procedures of the asylum seekers, who will no longer face inefficient and long procedures.

⁴¹ Official Gazette n.108, 29.08.2008

⁴² 12.09.2008, Interview with the Head of the Asylum Department, Ministry of Interior affairs

⁴³ Ministry of Foreign Affairs, Ministry of Labor and Social policy, the Sector for European integration, UNHCR etc.

⁴⁴ 12.09.2008, Interview with the Head of the Asylum Department, Ministry of Interior affairs

⁴⁵ Changes of the Law on the administrative procedure, Ministry of Justice, Government of RM, Newspaper Dnevnik, 12.09.2008

Compared to the National programme for approximation of the *acquis*⁴⁶, the reforms in the area of asylum policy are conducted faster than planned. The legislation will be completely harmonized in 2009, although the initial plan was 2010⁴⁷. Only the amendments of the Book of Rules will wait longer (it will not be adopted in the dead line set in the plan), because of UNHCR and EC suggestions. It was suggested that the changes of the Book of Rules should wait until 2009. Then, the latest version of the law incorporating all amendments or new law on asylum will be adopted, on the bases of the EU directive 2005/85.

The Reception Center has started to function in 2008, and all asylum seekers from 2008 are accommodated there. The reception center is not fully equipped with staff; some posts, mostly managerial, are still not filled. However, that does not substantially impact the normal functioning of the center, in terms of services provided to the asylum seekers accommodated there⁴⁸.

Great progress is noted regarding enhancement of the administrative capacity.⁴⁹ All police stations from the Southern and Eastern regional centres have been trained, whereas the police stations in the Northern and Western regional centres will be trained by the end of the year. Furthermore, police instructions on all relevant issues related to asylum policy are prepared and in near future will be published and distributed to the police stations.

The central data base for aliens, covering asylum, migration and visas, has not yet been developed, but is in the process of preparation. The Asylum sector within the Ministry of Interior Affairs has its own data base for asylum seekers⁵⁰. The asylum seekers data base will be integrated in the central, once the central data base on migrants is established. At the moment, a feasibility study, on the establishment of a central data base, is in preparation, financially supported by the Norwegian government. The finalisation of the feasibility study is expected in

⁴⁶ Laws in the NPAA, Secretariat for European Integration, http://npaa.sep.gov.mk/npaa/vNLpodredenilist.aspx?x_Poglavje=24&z_Poglavje=%3d%2c%2c&vNLpodredeni_psearchtype=&vNLpodredeni_psearch=

⁴⁷ 12.09.2008, Interview with the Head of the Asylum Department, Ministry of Interior affairs

⁴⁸ Ibid

⁴⁹ Ibid

⁵⁰ Ibid

November this year, whereas the establishment of the data base on migrants is expected in 2009.

c) Macedonia has several tasks to complete with regard to the migration management. Mechanism for monitoring migration flows should be set up and effectively applied, furthermore a methodology for inland detection of illegal migration and organized crime should be applied, as well as improvement of the administrative capacity of the relevant institutions. Fight against illegal migration is issue of paramount important for EU; hence the efficient application of the readmission agreement is crucial.

A Cross Sectoral Group for migration policy was established in September 2008⁵¹. A decision on the group's members was adopted, appointing representatives from the ministry of interior affairs, the ministry of labor and social affairs, the Ministry of Economy, Ministry of Foreign Affairs, and Ministry for Education, the Secretariat for European Integration, the State Statistical Office and MARRI. The tasks⁵² of this group are:

- ❑ To establish a mechanism for the monitoring migration flows,
- ❑ Consultative role;
- ❑ To provide suggestions for amending the existing and proposing new regulations to create coherent migration policy
- ❑ Preparation of the Resolution on migration policy
- ❑ Definition and annual update of the migrant profile

The group has started to function and has set ambitious agenda by the end of 2008. A mechanism of monitoring migration flows was established with the creation of this group. A resolution on migration policy, which will define the migration profile, is planned to be adopted. This group will be responsible for data collection and monitoring of migration stocks and flows. Concrete results

⁵¹ Official Gazette n.109, 1.09.2008

⁵² Ibid

with regard to the benchmarks set in this area are expected by the end of this year⁵³.

In September 2007 Macedonia and EC signed a **readmission agreement**.⁵⁴ The agreement is in force and effectively applied since 2008.⁵⁵ In 2007, 14 readmission agreements were ratified, with 16 EU member states⁵⁶. However, these bilateral agreements were replaced by the agreement between the European Community and Macedonia on the readmission of persons residing without authorisation signed in September 2007. The official position⁵⁷ is that all necessary measures ensuring effective implementation of the agreement have been undertaken and that all readmission procedures in 2008 were conducted on the bases of this agreement. However “Implementing protocols” defining the official communication procedure and the language of communication between Macedonia and the Member States are lacking. The “implementing protocols” will standardise the procedure of communication between the officials in Macedonian and the member states (MS), whether that will be through the diplomatic-consular missions or directly between the relevant national institutions (within the ministry of interior). However, this issue has not been an obstacle for efficient implementation of the EC readmission agreement, by now. At the moment all the topical questions on the “implementing protocols” are decided on the basis of the previous bilateral agreements. Although, it does not hinder effective readmission of illegal migrants, it impacts the administrative capacity of the relevant institutions.⁵⁸ More precisely, because of the non existence of “implementing protocols” the official use of language between Macedonia and MS is not unified and standardized, and in some cases the sector

⁵³ 19.09.2008 Interview with a representative from the sector for foreigners, Ministry for Interior.

⁵⁴ Official Journal of the European Union, L 334/7, 19.12.2007

⁵⁵ 22.09.2008, Interview conducted with a representative of the sector for foreigners and readmission within the Ministry of Interior Affairs

⁵⁶ Commission Staff Working Document, the Former Yugoslav Republic of Macedonia 2007, progress report accompanying the Communication from the commission to the European parliament and the council, Enlargement Strategy and Main Challenges 2007-2008, pg.53

⁵⁷ 22.09.2008, Interview conducted with a representative of the sector for foreigners and readmission within the Ministry of Interior Affairs

⁵⁸ Ibid

on readmission lacks human resources that could communicate in a particular language. A good example, are the problems faced in the communication with the relevant institutions of the Benelux countries, because the communication is conducted in French. Unfortunately, the Macedonian sector on readmission does not have administrative capacity to conduct the communication in French.

In the EC progress report for 2007 the administrative capacity was assessed as weak. However, according the representatives of the sector for readmission within the Ministry for Interior affairs, in 2008 the administrative capacity was assessed as optimal for proper and effective implementation. The institutional structure dealing with this issue is divided at two levels, ministerial and regional level. Within the Ministry for Interior a Sector for Foreigners and Readmission exist, which in the past was only a Sector for Foreigners. Furthermore, 4 regional centres exist at regional level, where inspectors for foreigners and readmission work on this issue. At the moment the administrative capacity is at satisfactory level, which enables efficient fulfilment of the obligations set in the readmission agreement⁵⁹.

Another important issue⁶⁰ in this context is the planned enhancement of the administrative capacity of the **detention center for illegal migrants**, with more employees, psychologists, social workers and inspectors. In addition to that, the infrastructure of the center will be improved. The cooperation is at high level with the embassies and the resident states of illegal migrants, except with some African states, such as Nigeria, where the institutional capacity lacks.

Not only illegal migration, but legal migration is of interest for EC when assessing the fulfillment of the criteria for visa liberalization. Macedonia has made great progress regarding the legislative framework of the status of aliens. The law on admission and stay of foreigners was adopted in 1992, and was amended several times (1993, 2002 and 2007); the law on aliens was adopted in 2006 and

⁵⁹ Ibid

⁶⁰ 19.09.2008 Interview with a representative of the sector for foreigners, Ministry for Interior

amended in 2007, when stricter fines were introduced. This law at the time of adoption was assessed as compliant with EU standards. The latest novelty in this area was the adoption of the law on Establishment of Employment Relations with Foreign Nationals, which has set the conditions and the procedures under which foreign nationals could establish employment relations in Macedonia. The laws related to the status of aliens are actively implemented and applied. However, the integration policy of the legal migrants, at the moment is not so much in the focus as the issue of illegal migrants, their detention and readmission. The measures undertaken in this regard will be known and much clearer, after the adoption of the resolution on migration policy.

4. Public Order and Security

Macedonia has to implement its Action Plans and Strategies on organized crime, trafficking of human beings, money laundering, terrorism, drugs, and corruption. Significant progress has been shown in the cooperation with the international community and the adoption of international standards. Interagency cooperation is on a higher level than before and regional and European cooperation among relevant institutions is also beginning to resemble the desired picture.

- a. Finalizing the implementation of the 2003 Action Plan for the fight against organised crime (in particular cross-border aspects) with appropriate human and financial resources*

A Sector for Border Issues within the Department for Fight against Organized Crime of the Ministry of Interior has been finally equipped, according the projection in the National Programme of Approximation of the Acquires. As far as

the general Department for the Fight against Organized Crime of the Ministry of Interior, no further employments are planned, except in the Special Investigative Techniques Sector – Electronic Surveillance Section, where by 2010 the number of staff will rise to 6 employees⁶¹.

The cooperation with Interpol is increasing, while use of its databases in border-management is planned.⁶²

b. *Implementation of the 2006 Strategy for Combating Trafficking in Human Beings and the 2006 Action Plan with appropriate human and financial resources*

The US Department has put Macedonia in the TIER 1 – a group of countries which completely fulfils the criteria in the fight against human trafficking. It is great success since Macedonia is the only country from the region to be a part of this group.⁶³ Still, further improvement must be done in the financing of the shelter-centres and generally the help provided to the victims of trafficking.⁶⁴

The *Standard Operating Procedures for Treatment of Victims of Trafficking in Human Being* has been issued by the OSCE Spillover Mission to Macedonia to help the government in this area. Also, nation-wide training sessions have been organized to help the responsible institutions.⁶⁵

⁶¹ NPAA, Annex 2, 10.03.2008, Employment dynamic for the period 2008-2010

⁶² The wonderful cooperation with Interpol confirmed. Ministry of Interior website. 09.01.2008 <http://www.mvr.gov.mk/ShowAnnouncements.aspx?ItemID=4677&mid=993&tabId=118&tabindex=0>

⁶³ America commends Macedonia in its fight against human trafficking. Utrinski Vesnik 14. 08. 2008. <http://www.utrinski.com.mk/?ItemID=24D68752BAF8CB42BE59DEFED272FC10>

⁶⁴ National Commission for the Prevention of Human Trafficking and Illegal Migration – January-June 2008. Ministry of Interior website. <http://www.moi.gov.mk/ShowAnnouncements.aspx?ItemID=5709&mid=979&tabId=73&tabindex=0>

⁶⁵ OSCE Mission to Skopje supports co-ordination mechanism to help trafficking victims. Maria Dotsenko. 14 April 2008. http://www.osce.org/skopje/item_2_30693.html

Macedonia is a part of the Trans-National Mechanism for the Guidance of Victims of Human Trafficking, along with other 10 countries from the region, and has doubled its staff in the last two years.⁶⁶

c) Implementation of the 2005 National Strategy to Combat Money Laundering and Financing of Terrorism, including necessary legislative measures; implementation of relevant legislation on confiscation of assets of criminals (including the provisions addressing cross-border aspects)

The National Strategy to Combat Money is being implemented. The Law on Money Laundering Prevention and Other Financial Proceeds from Criminal Offence and Financing of Terrorism has been adopted in 2008. The institution in charge is the Bureau for the Prevention of Money Laundering and Financing of Terrorism, which succeeded the Direction for the Prevention of Money Laundering⁶⁷. The latest European Commission Progress Report states that the Direction is understaffed with only 10 employees.⁶⁸ As can be seen from its Annual Activity Report for 2007, the Direction has confiscated assets twice that year.⁶⁹ However, the Law on Ratification of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism has not been passed yet,- it is planned to be adopted in 2009⁷⁰.

The newly established Bureau is in close cooperation with the Customs Office , in order to monitor all capital flowing to and from the country. Being a part of the

⁶⁶ Manual for the procedures of treatment of human trafficking victims promoted. Government of RM website. <http://www.vlada.mk/?q=node/18>

⁶⁷ <http://npaa.sep.gov.mk/npaa/NLview.aspx?NLID=885>

⁶⁸ The Macedonia 2007 Progress Report. p. 29. European Commission. Brussels, 6.11.2007

⁶⁹ Annual Report of the Direction for the Prevention of Money Laundering 2007 p. 40. Ministry of Finance Skopje, March 2008

⁷⁰ <http://npaa.sep.gov.mk/npaa/NLview.aspx?NLID=2235>

EGMONT group, an organization of the Financial Intelligence Units, and representing Macedonia at Moneyval (Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism) Plenary Sessions, the Bureau is in daily exchange of valuable information with its counter-parts from abroad, thus strengthening the web around the money laundering.⁷¹

d) Implementation of the 2006 National Drug Strategy; interagency cooperation and information exchange with international partners;

The National Drug Strategy is in line with the EU Drug Strategy for 2005-2012.⁷² The Government adopted the National Action Plan to implement the Strategy in May 2007.⁷³ “Under the EU-funded twinning project, key laws were prepared in line with EU legislation, including a law on precursors and a law on narcotic drugs. A Government Decree was also adopted in May 2007 to establish the national focal point for the European Information Network on Drugs and Drug Addiction – a network that links the national information systems of the 27 Member States and Norway and their key partners to the European Monitoring Centre for Drugs and Drug Addiction. The Ministry of Health will be entrusted with the establishment of the National Focal Point.”⁷⁴

The Inter-ministerial Commission on Narcotic Drugs, formed in November 2006 is now part of the Ministry of Health, and coordination between the ministries involved has been strengthened.⁷⁵ Macedonia has signed the 1988 UN Drug

⁷¹ Annual Report of the Direction for the Prevention of Money Laundering 2007 p. 31-32. Ministry of Finance Skopje, March 2008

⁷² The Republic of Macedonia 2007 Progress Report, p. 56. European Commission. Brussels, 6.11.2007

⁷³ International Strategic Report for the Control of Narcotics – 2008. International bureau for the fight against narcotic trafficking and law implementation. 06.03.2008.
<http://www.mvr.gov.mk/ShowAnnouncements.aspx?ItemID=4948&mid=1094&tabId=201&tabindex=0>

⁷⁴ Twinning partners to conclude EU-funded project to combat drugs in the former Yugoslav Republic of Macedonia. EAR press release 24. 08. 2007.

http://www.ear.eu.int/publications/main/pub-press_release_mac_24082007.htm

⁷⁵ *ibid*

Convention, the 1961 Single Convention on Narcotic Drugs along with the 1972 Protocol amending it, and the 1971 Convention on Psychotropic Substances.⁷⁶

As a proof of the successful international cooperation, in January 2007, the Macedonian authorities captured nearly 500 kg of cocaine coming from Venezuela aimed at Greece, at the north border. This action was in coordination with UNMIK and DEA.⁷⁷

e) Implementation of legislation on preventing and fighting corruption and improvement of the results of the State Anti-Corruption Commission

Macedonia has ratified the Council of Europe Criminal Law Convention on Corruption CETS No.: 173 in 2004⁷⁸ and the UN Convention Against Corruption ARES/58/4 in 2007.⁷⁹ The Law for the Prevention of Corruption from 2002 has been amended in 2004 and 2006, and in 2007 the Law for the Prevention of Conflicts of Interest has been brought.

The latest Progress Report of the European Commission stated that “[the] legal and institutional framework was strengthened, and strong political commitment yielded some results”⁸⁰ in the fight against corruption. Further, the Government has adopted a new Action Plan. “Cooperation with the Public Prosecutor's Office and other state bodies improved. Law enforcement agencies, in particular the Ministry of Interior and the public prosecution service, and also the customs administration, demonstrated a stronger determination.”⁸¹ However, the Progress Report has marked the Anti-Corruption Commission as understaffed

⁷⁶ International Strategic Report for the Control of Narcotics – 2008. International bureau for the fight against narcotic trafficking and law implementation. 06.03.2008.

<http://www.mvr.gov.mk/ShowAnnouncements.aspx?ItemID=4948&mid=1094&tabId=201&tabindex=0>

⁷⁷ *ibid*

⁷⁸ See

<http://conventions.coe.int/treaty/Commun/ChercheSig.asp?NT=173&CM=8&DF=9/24/2008&CL=ENG>

⁷⁹ National Gazette 37/07 from 26.03.2007

⁸⁰ The Macedonia 2007 Progress Report. p. 12. European Commission. Brussels, 6.11.2007

⁸¹ *Ibid*

and technically insufficient, which prevents it from fully engaging in its work, such as the electronic publication of financial assets of officials.⁸² In this regard, new employments in the Secretariat of the Commission are planned – from 16 in 2007 to 18 by 2010.⁸³

f) Implementation of the relevant UN and Council of Europe conventions as well as GRECO recommendations on fight against terrorism.

The EC Progress Report from 2007 states that most of the GRECO recommendations have been implemented by the Macedonian government.⁸⁴ The 2005 Council of Europe Convention on Prevention of Terrorism has not yet been ratified,⁸⁵ however Macedonia has ratified the Protocol Amending the European Convention on the Suppression of Terrorism. Regarding the obligations as UN member state, Macedonia is positively assessed in this regard. “The activities within the UN are articulated through the implementation of the conventions and instruments to which Macedonia has acceded; 11 (eleven) out of 13 (thirteen) conventions have been ratified.”⁸⁶ Furthermore, in compliance with the UN Security Council Resolution 1373 (2001), “Macedonia has supported the UN Global Counter-Terrorism Strategy, adopted on 8 September 2006, and is committed to the implementation of the Action Plan and the measures contained in the Strategy.”⁸⁷

Judicial co-operation in criminal matters

⁸² Ibid p. 13

⁸³ NPAA, Annex 2, 10.03.2008, Employment dynamic for the period 2008-2010

⁸⁴ The Republic of Macedonia 2007 Progress Report. p. 12. European Commission. Brussels, 6.11.2007

⁸⁵ Ibid p. 56

⁸⁶ Goals and Priorities. Ministry of Foreign Affairs website.

<http://www.mfa.gov.mk/default1.aspx?ItemID=308>

⁸⁷ Ibid.

The Ministry of Justice has established the Sector for Information-Communications Technology in 2007, aimed at the efficient sharing of information with the internal institutions as well as with international partners.⁸⁸

Macedonia has signed the following international treaties, regarding the judicial cooperation in criminal matters:

1. European Convention on Extradition
2. European Convention on Mutual Assistance in Criminal Matters
3. European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders
4. European Convention on the Transfer of Proceedings in Criminal Matters
5. Additional Protocol to the European Convention on Extradition
6. European Convention on the International Effects of Deprivation of the Right to Drive a Motor Vehicle
7. European Convention on the Suppression of Terrorism
8. Additional Protocol to the European Convention on Information on Foreign Law
9. Second Additional Protocol to the European Convention on Extradition
10. Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters
11. Convention on the Transfer of Sentenced Persons
12. Additional Protocol to the Convention on the Transfer of Sentenced Persons
13. Criminal Law Convention on Corruption
14. Convention on Cybercrime
15. Additional Protocol to the Convention on cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems
16. Protocol amending the European Convention on the Suppression of Terrorism

⁸⁸ Strategy for information-communications technology in the legal system 2007-2010. Ministry of Justice of RM. Skopje, July 2007.

17. Additional Protocol to the Criminal Law Convention on Corruption⁸⁹

"Technical Assistance to Support the Creation of Training Institute for the Judiciary - Phase II" is a CARDS programme aimed at setting the grounds for establishing a Judicial Academy, and enables the judiciary to, among other, successfully implement EU law in Macedonia and cooperate with its counterparts from the other countries. With this purpose, several trainings for judicial officials have been conducted since 2006.⁹⁰

In April 2008, Macedonia has officially started the negotiations for a strategic agreement with EUROJUST, which is yet to be finished.⁹¹ In addition, the country has signed and ratified bilateral treaties with France, Switzerland, Slovenia, Moldova, Finland, Bosnia and Herzegovina, Bulgaria, Serbia and Montenegro, Mission of UNMIK in Kosovo, and Albania about the institutional cooperation in criminal matters, customs, extradition, etc.⁹²

Law Enforcement Co-operation

The Sector for Information-Communications Technology established in 2007 is an appropriate mechanism for the exchange of relevant information with the governmental institutions which require it.⁹³ The Law for Border Supervision from 2006 establishes the National Coordination System for Border Management, where information about the borders can be shared among the Ministry of Interior, Ministry of Defense, Customs Office, Ministry of Agriculture, Forestry, and Water, Ministry of Transport, Ministry of Environment and

⁸⁹ Improving judicial cooperation in the criminal justice field. Contribution of the Ministry of Justice of RM at the High-Level Conference of the Ministries of Justice and Interior in Moscow. 9-10 November 2006.

⁹⁰ Technical Assistance to Support the Creation of a Training Institute for the Judiciary, phase II - An EU-funded project managed by the European Agency for Reconstruction. <http://www.tasctij.org.mk/en/events.html>

⁹¹ Eurojust and the former Yugoslav Republic of Macedonia [*sic*] start talks on a judicial co-operation agreement. Eurojust Press Release. *The Hague, 10 April 2008*. http://eurojust.europa.eu/press_releases/2008/10-04-2008.htm

⁹² <http://www.pravo.org.mk/results.asp?ID=2>

⁹³ Strategy for information-communications technology in the legal system 2007-2010 p. 13. Ministry of Justice. Skopje, July 2007.

Environmental Planning, and other institutions dealing with the issues of border management.⁹⁴

In the international co-operation, Macedonia is a signatory of the Convention on Police Cooperation in South-East Europe, and the Minister of Interior has taken part in a Conference for the Enforcement of this Convention in July 2008.⁹⁵ In March 2008, representatives of the Macedonian Ministry of Interior had visited the Croatian Ministry of Interior, in order to exchange experiences in the international cooperation, in specific the work with Europol.⁹⁶

For the successful capacity building of MOI, many trainings have been conducted for law-enforcement officials from trainers from international organizations such as: NATO, OSCE, IOM, UNHCR, UNMIK, UNDP, ICITAP, COE.⁹⁷ At the moment, Macedonia is in negotiations for a formation of a SELEC centre – a legal successor of the SECI centre from Bucharest for the regional cooperation in police and customs matters.⁹⁸

After ratifying the Strategic Agreement with Europol in early 2008,⁹⁹ the government issued the Action Plan for its implementation, and started negotiations for an operational agreement.¹⁰⁰ As part of this Action Plan, a Contact Point and National Section for Europol have been established. In September 2008, a workshop for the establishment of operational capacities of

⁹⁴ Law for Border Supervision, National Gazette number 71 from 08.06.2006

⁹⁵ Daily Briefings – Ministry of Interior website. 16.07.2008 .

<http://www.mvr.gov.mk/ShowAnnouncements.aspx?ItemID=5556&mid=1401&tabId=126&tabindex=0>

⁹⁶ Realized a study visit of the Ministry of Interior of Croatia. Website of MOI.

<http://www.moi.gov.mk/ShowAnnouncements.aspx?ItemID=5030&mid=1391&tabId=276&tabindex=0>

⁹⁷ Integrations. Website of MOI.

<http://www.moi.gov.mk/DesktopDefault.aspx?tabindex=0&tabid=114>

⁹⁸ Action Plan for the Implementation of a Strategic Agreement with Europol. 133rd Session of the Government of Macedonia Skopje, December 2007.

<http://www.moi.gov.mk/ShowAnnouncements.aspx?ItemID=5031&mid=1391&tabId=276&tabindex=0>

⁹⁹ Strategic Agreement between the Republic of Macedonia and the Europol Office. National Gazette Nr. 17 from 04. 02. 2008

¹⁰⁰ Action Plan for the Implementation of a Strategic Agreement with Europol. 133rd Session of the Government of Macedonia. Skopje, December 2007.

<http://www.moi.gov.mk/ShowAnnouncements.aspx?ItemID=5031&mid=1391&tabId=276&tabindex=0>

the national institutions for the cooperation with Interpol was conducted, where governmental officials gained valuable knowledge about Europol.¹⁰¹ The operational agreement is yet to be signed.

Data protection

Data protection is regulated by the Law on Data Protection adopted in 2005¹⁰². In the 2007 EC progress report it was pointed out that alignment with the Data Protection Directive lacked. This problem was addressed with the amendments of the Law on Data Protection, adopted in July this year¹⁰³. The Convention Protection of Individuals with regard to Automatic Processing of Personal Data was adopted in 2005.¹⁰⁴ As a key requirement for the authorities, the adoption of the additional protocol to the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data regarding supervisory authorities and trans-border data flow was set. This criterion was also satisfied and the protocol is in force since July 2008¹⁰⁵. Concrete measures are undertaken regarding enhancement of the human capacity of the Directorate for Personal Data Protection, which was assessed as understaffed by EU. In the period of 2008-2010, 11 new staff will be employed. The situation on 31.12.2007 was such that the Directorate had 14 employees, while in 2010 it is expected that number to rise to 25¹⁰⁶.

5. External Relations and fundamental rights

Macedonia has to grant full access to identity documents to all categories of citizens, refugees, and internally displaced persons. Conditions for acquisition of

¹⁰¹ Workshop about Europol. Website of MOI. 11.09.2008.

<http://www.moi.gov.mk/ShowAnnouncements.aspx?ItemID=5761&mid=1391&tabId=276&tabindex=0>

¹⁰² N.07-378/1, 25.01.2005

¹⁰³ Official Gazette n.103, 19.08.2008

¹⁰⁴ Official Gazette n.7, 01.02.2005

¹⁰⁵ Official Gazette n.103, 19.08.2008

¹⁰⁶ NPAA, Annex 2, 10.03.2008, Employment dynamic for the period 2008-2010

Macedonian citizenship should be specified. Furthermore, legislation against discrimination should be implemented.

Every citizen of Macedonia has the right and obligation to have proper identity documents, according to the Law for Personal Registry from 1995,¹⁰⁷ and to travel documents, according to the Law for Travel Documents from 1992.¹⁰⁸ Persons under temporary humanitarian protection and with status of refugees can receive personal documents from the Ministry of Interior.¹⁰⁹

In the past, problems have occurred with the issuance of personal documents from marginalized groups, especially the Roma. However, great progress has been achieved in this area. In 2007, with the help of USAID 370 identity documents had been issued to Roma citizens.¹¹⁰ However, the Non-Governmental Organizations are alarming that about 2500 Roma do not have documents of citizenship, due to the high costs of obtaining it.¹¹¹

The internally displaced persons, whose number is about 755, are well documented and generally taken care of by the government, which pays them rent and monthly allowances.¹¹² There is vast number of unprocessed applications for obtaining a refugee status, and the Ministry of Interior plans on a stronger approach towards issuing documents for them beginning in October, when all administrative preparations will be over (see chapter 3, section b of this report).

¹⁰⁷ Law for Personal Registry. National Gazette Nr. .08/95 form 15.02.1995

¹⁰⁸ Purified Text of the Law for Travel Documents. National Gazette 46/2004 from 08. 10. 2004.

¹⁰⁹ Government Services Website.

<http://uslugi.gov.mk/UslugaDetali.aspx?UslugaID=67B5CBD27D2B4581A446F286BA34C9F9>

¹¹⁰ USAID helps 370 Roma to get IDs.

http://macedonia.usaid.gov/Macedonian/Articles/rights_through_citizenship.htm

¹¹¹ Bread or Citizenship. Spic Daily Newspaper. 31.05.2008.

<http://www.netpress.com.mk/vest.asp?id=31228&kategorija=7>

¹¹² The Republic of Macedonia 2007 Progress Report. p. 17. European Commission. Brussels, 6.11.2007

Besides becoming a citizen of Macedonia on the bases of jus soli or jus sanguinis, one can become a naturalized citizen if he/she person fulfills the conditions from Part 3 of the Law for Citizenship.¹¹³ The costs for completing this procedure are 80 Euros. Aside from discrimination being constitutionally banned¹¹⁴, the Penal Code also specifically forbids any discrimination based on ethnic, religious, political, cultural, national, or gender criteria.¹¹⁵ The Constitutional Amendments VI-XVIII, as agreed upon in the Ohrid Framework Agreement from 2001, regulate the inter-ethnic relations, cultural, religious, and linguistic diversity in order to prevent any forms of discrimination and inequality.¹¹⁶

“As regards the Roma, the implementation of the four action plans prepared by the Ministry of Labor and Social Policy in the framework of the 2005-2015 Decade of Roma Inclusion has continued.”¹¹⁷ However, the EC Report states that no visible results can be seen, as the discrimination against Roma continues, their primary education enrollment rate is below 30%, there are still reports of police targeting and violence, and the unemployment rate is very high.¹¹⁸

Conclusion

Macedonia has complied with most of the requirements set in the Roadmap for visa liberalization. From the technical aspect all criteria are fulfilled. The administrative capacity is area that needs further enhancement, although some progress has been noted. Concrete time frame is set, for further improvement of human resources in each of the relevant sectors.

On 15 of November, the Commission report on the progress made by Macedonia, with regard to the benchmarks set in the Roadmap for visa liberalization, will be issued. According EU officials there is serious possibility for

¹¹³ Law on Citizenship, National Gazette 45/04 from 07.07.2004

¹¹⁴ Constitution of the Republic of Macedonia. National Gazette 52/1991

¹¹⁵ Penal Code Article 417. National Gazette 19 from 30.03.2004.

¹¹⁶ Amendments VI-XVIII. National Gazette 91 from 20.11.2001

¹¹⁷ The Macedonia 2007 Progress Report. p. 17. European Commission. Brussels, 6.11.2007

¹¹⁸ Ibid.

abolishment of the visa regime for Macedonia in 2009. In addition to that, such a decision could be expected to be adopted by the Council, in December¹¹⁹.

¹¹⁹ Macedonia could hope on visa liberalization next year, Tanja Milevska. Kanal 5, 5.10.2008, <http://www.kanal5.com.mk/ShowNews.aspx?ItemID=38645&mid=1500&tabId=1&tabindex=0>