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Could EU visa-free travel become a key incentive for western Balkans countries to establish better democratic institutions and the rule of law?

In recognition of the steady, but different stages of progress achieved by the western Balkans countries in implementing reforms, the European Commission should work to ensure that visa benchmark requirements are implemented and promote mutual security, and do not impose unnecessary burdens. The EC should also agree during the Czech EU Presidency a clear timeline for visa liberalisation for each country - Albania, Bosnia and Herzegovina, Macedonia, Montenegro, and Serbia.

SUMMARY

Enlargement serves the European Union's strategic interest in stability, security, and conflict prevention. It has helped to increase prosperity and growth opportunities, and to enhance the EU's weight in the world. In the light of recent challenges to stability to the east of the EU, the consistent implementation of the EU's enlargement policy has become more important than ever. Therefore, the Justice, Freedom and Security area is, and will be, the main focus

of scrutiny for the EU in the framework of the current western Balkans enlargement agenda.

The EU member states and the countries of the western Balkans share a mutual interest in the success of the roadmaps on visa liberalisation and the accompanying requirements in facilitating the removal of Albania, Bosnia and Herzegovina, Macedonia, Montenegro, and Serbia from the EU Visa Negative List and in putting them on track for future EU membership.

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RECOMMENDATIONS TO THE EUROPEAN COMMISSION AND THE CZECH EU PRESIDENCY

1. Facilitation of an improved and enhanced exchange of information between EU Institutions, EU member states, and the western Balkans countries;
2. Facilitation of dialogue between the western Balkans countries, and between EU member states and the western Balkans countries;
3. Set a clear timeline for visa liberalisation for each of the countries, and judge each country according to its own merits;
4. Secondment to the western Balkans countries of external experts from EU member states with the best relevant experience in implementing measures in the different benchmark areas, e.g. to support and consult the implementation of legislation and reform of the judiciary;
5. Co-operation in the exchange of information on the number of illegally employed immigrants entering the respective EU member states.

RECOMMENDATIONS FOR IMPLEMENTATION BY THE FIVE WESTERN BALKANS COUNTRIES

(country-by-country recommendations follow on subsequent pages)

1. Take necessary measures to ensure effective implementation of the Community Readmission Agreement;
2. Provision of secure identity documents - issuance of machine-readable biometric travel documents in compliance with International Civil Aviation Authority (ICAO) and EC standards, and gradually introduce biometric data, including photo and fingerprints;
3. Efficient implementation of the Integrated Border Management (IBM) strategy;

4. Conclusion of working arrangements and agreements with FRONTEX, the independent EU agency to co-ordinate operational co-operation between EU member states in the field of border security;

5. Implementation of legislation, strategies and action plans for fighting organised crime - in particular cross-border aspects, combatting trafficking in human beings, combatting money laundering and the financing of terrorism; national counter-drug strategies, and prevention of, and fight against, corruption;

6. Implementation of international conventions concerning judicial co-operation in criminal matters (in particular Council of Europe Conventions); application of measures aimed at improving the efficiency of judicial co-operation in criminal matters on the part of judges and prosecutors with the EU member states and with countries in the region; development of working relations with Eurojust, the EU's agency to co-ordinate judicial action to combat serious cross-border and organised crime - mainly through the Eurojust contact point;

7. Adoption and implementation of data protection legislation

The Genesis of the Visa Liberalisation Roadmaps

The first aspects of visa policies were brought within the Community framework with the **Maastricht Treaty (1992)**, concretely the determination of the third countries whose nationals must be in possession of visas when crossing the external borders of the member states, and the establishment of a standard model visa. The **Amsterdam Treaty (1997)** then broke ground for an expansion of the EU's visa policy. It was pooled in the newly introduced Title IV 'Visas, Asylum, Immigration and other Policies related to free movements of persons' and brought under the legal framework of the

Community. In addition, the **Schengen acquis** was annexed to the treaty, so that harmonisation measures regarding visas, upon which the Schengen members had agreed outside the Community, now became part of the Union's legal framework.

The western Balkans states were placed on the EU's negative visa list in 2001, and they were hoping for a quick visa liberalisation scheme. The 2003 Thessaloniki Agenda first introduced the prospect of a liberalised visa regime, once certain conditions have been met.

The Commission stipulated that through a 'case by case approach' each western Balkans state can achieve visa liberalisation on its own merits. In addition, each country's status as candidate or potential candidate should be taken into account.

The visa roadmaps are almost identical for all countries, **setting up clear benchmarks** to be met and listing a number of individual activities. However, they take into account the specific situation in each country in terms of existing legislation and practice. The requirements range from purely technical matters, such as the issuance of machine-readable passports with the gradual introduction of biometric data, to the adoption and implementation of a package of laws and international conventions, to very broad matters such as progress in the fight against illegal migration, organised crime, and corruption.

Politically, the benchmarks are related to a number of major concerns held by EU citizens, and can be summed up as the anticipation of measures to be taken in:

1. **Curbing the illegal immigration of potentially dangerous criminals either from the countries of the western Balkans, or through the countries of the western Balkans**

2. **Functioning of the judiciary in the following sense:**

- Higher rate of detection of perpetrators of crime who have a record of frequently visiting the EU member states;

- A high rate of indictment of perpetrators of crime;

- A swift process of law: passage of sentences or acquittals

The **roadmap** identifies four sets of issues to be covered by the dialogue:

- document security;
- illegal migration;
- public order and security;
- external relations and fundamental rights items linked to the movement of persons.

Key elements include:

- improvement of document security, in particular the introduction of biometrics in travel documents;
- better management of migratory risks;
- efficient law enforcement co-operation, including co-operation with Europol;
- enhanced measures to fight organised crime and corruption.

The effective implementation of the Visa Facilitation and Readmission Agreements is a concrete stage and pre-condition for the success of the visa liberalisation dialogue.

The objectives of this study have been:

1. To conduct a qualitative assessment and evaluation of the contents and requirements of the roadmaps for each state in the western Balkans.

2. To identify and survey all the measures that have been adopted and implemented by each western Balkans state in order to fulfil the requirements stated in the European Commission's roadmaps.

3. To formulate policy recommendations to the EU member states and the European Commission for lifting visa obligations for the citizens of those western Balkans states that have successfully implemented all the requirements set out in the respective roadmaps.

Individualised research terms of reference (ToRs) were developed for each of the western Balkans states that followed the four areas of regulation contained in the roadmaps. The activities also included the recruitment, with the support of the partner organisations, of five senior experts from each of the participating countries. The experts conducted the analysis and prepared individual reports with their findings, conclusions and recommendations. **Networking has been an important element of this regional project through the strengthening of existing information exchange mechanisms on visa issues and networks of experts.**

The research included one study trip by a senior expert to the European Commission in Brussels, where individual interviews were conducted at the European Commission Directorate-General for Enlargement and Directorate-General for Justice and Home Affairs with senior experts responsible for the implementation and update of the 2008 roadmaps on visa liberalisation. The European Institute, drawing on the lessons learned from Bulgaria's experience, co-ordinated and implemented the research. This policy brief draws on the individual country assessments produced by the respective partners in the five countries.

CORE CONCLUSIONS

The fulfilment of the roadmap's benchmarks can serve as a positive and powerful instrument of transformation in a very challenging area of Justice, Freedom and Security, where most of the states in the western Balkans region need to undertake substantial reforms in order to give them a convincing political perspective for EU integration.

There is a serious commitment on the part of the countries engaged in the visa liberalisation dialogue, and the steady implementation of major reforms has been evident in areas such as strengthening of the rule of law, combatting organised crime, corruption and illegal migration, and strengthening administrative capacity in border control and security of documents.

ALBANIA

On 3 June 2008, the European Commission presented the visa liberalisation roadmap to the government of the Republic of Albania.

To use European Commission language, ***additional progress is still required in most policy areas*** listed in the European Commission roadmap on visa liberalisation for Albanian nationals. Some key elements have to be addressed in a systematic way by the country in order to achieve the ultimate goal: the lifting of the visa regime.

Document Security

The introduction of biometric passports is foreseen at the beginning of 2009.

The digitalised National Civil Registry and the Address System should be in place before new identification cards and passports are produced. The pace of work, however, is rather slow.

Albanian legislation requires each citizen to be present at police offices or consulate offices abroad for the issuance of documents. Practice shows that in some cases such requirements are not met and the image of Albania and the level of security of Albanian documents are put at serious risk.

PRIORITY RECOMMENDATIONS

- Production of identity cards as an integral part of the reform;
- Coherent co-ordination of all components of production and distribution of identity cards;
- Data collection and its placement in identification documents in compliance with the Stabilisation and Association Agreement (SAA) obligations concerning personal data protection;
- Modernisation of the civil registry.

Illegal Migration, including Readmission

Some progress was made in this area.

PRIORITY RECOMMENDATIONS

In the Border Control Area:

- Infrastructural improvements at border crossing-points to ensure normal operations, including direct budget management and an end to the frequent structural changes and staff transfers;
- More effective, hands-on practical staff training at all border crossing-points, providing incentives for stability in the service;
- Increased attention to phytosanitary and veterinary services;
- Determination of special selection criteria for the Border and Migration Police (BMP) personnel;
- Achievement of full civilian command of the Albanian coast guard.

In the area of asylum provisions:

- The establishment of the Centre for Obtaining Information from the countries of origin;
- Increased co-operation with countries of the region, especially Croatia and Montenegro, since Albania does not have co-operation agreements with these two countries, but also with other European countries, on matters related to asylum, in particular concerning pre-screening procedures;
- Strengthening administrative capacities responsible for asylum.

In the fight against illegal migration:

- Control of migrants' flows and channelling such flows into legal forms of migration;
- Increasing the influence of education and professional training courses;
- Encouraging voluntary return of illegal migrants;
- Application of legal standards concerning treatment of foreign citizens coming to Albania for purposes of employment in line with international norms.
- Strict controls to ensure that Albania does not become an insecure entry point to other European countries for illegal immigrants.

Some of the measures that should be taken in order to implement correctly the readmission agreements are:

- Strengthen special readmission structures and staff;
- Provide special funds in the state budget for returning foreign citizens to their country of origin and for escorting them;
- Exhaustion of remedies in the Joint Readmission Committee as part of the Readmission Agreement with the European Commission;

Public Order and Security

This is an area of great concern to the European Commission, where serious additional efforts are needed.

Gaps and shortcomings

- Lack of co-operation between the prosecutor's office and police;
- Lack of a witness protection legal framework;
- Shortages in staff at the anti-trafficking police units;

- The partial implementation of the Anti-drugs Action Plan and the recommendations of the Dublin Mini Group - lack of co-operation of state structures and continuous lack of qualifications of the administrative capacities of these structures.

PRIORITY RECOMMENDATIONS

- A better definition of responsibilities of each law-enforcement structure, their reorganisation, and increased co-operation with each other;
- Increased usage of special investigation techniques and of specialised human capacities;
- Collecting and processing data that are useful to prevent criminal activities and illegal trafficking;
- Amending the Law on Witness Protection as an important part of the fight against organised crime.

External Relations and Fundamental Rights

The legal framework has been put in place, but not implemented.

The Albanian government should focus on tangible reforms guided by the roadmap. Reforms should be accompanied by an information campaign in order for the expectations of Albanian citizens to be realistic. Relevant information materials should explain the opportunities offered by the roadmap and the path that the country has to follow in order for the visa regime with the EU to be lifted. At the same time, public support for the reforms that need to be taken to achieve this objective should be properly ensured.

BOSNIA AND HERZEGOVINA

On 26 May 2008, the dialogue on visa liberalisation with Bosnia and Herzegovina was launched, and the roadmap was presented to the government of Bosnia and Herzegovina by the European Commission on 5 June 2008.

The roadmap gives clear indications to the authorities of Bosnia and Herzegovina concerning the measures that need to be taken in order to grant visa-free travel to all its citizens.

Document Security

The introduction of biometric passports is foreseen in January 2010.

The Ministry of Civil Affairs of Bosnia and Herzegovina has prepared the Information on the process of introducing biometric passports, which should begin by the end of 2009.

There is a lack of information about a Civil Registry and Address system.

Illegal Migration, including Readmission

Good progress was made in this area.

In the Border Control Area

- A revised integrated border management (IBM) strategy with an action plan was adopted in July 2008, defining the central co-ordinating roles in border management and including a financial implementation framework.
- A State Commission for IBM was established.

- An Agreement for Establishment of Operational Co-operation between FRONTEX and Bosnia and Herzegovina's Ministry of Security was due to be signed at the end of November 2008

PRIORITY RECOMMENDATIONS

- Additional efforts regarding border demarcation issues and the improvement of border crossing-points. The Commission for Border Administration consists of five to six different services that are located at the border. These procedures should be further harmonised. However, the key obstacle to date, with regard to some border crossings, is not related to the speed of border procedures, but rather to the physical access to border crossings (border infrastructure), often located too near to core town areas, substantially slowing down overall procedures;
- Further efforts to improve co-operation with the State Veterinary Office and the State Plant Health Agency;

Gaps and shortcomings

- A draft Law on Border Control clarifying responsibility for management of border posts has not yet been adopted;
- The delay in adopting the IBM strategy, as well as lack of definition of tasks and responsibilities between the main stakeholders for border management, led to incomplete land expropriation and reclassification of border crossing-points;
- Insufficient political attention - an obstacle to sustained improvement of the country's BCPs;
- The border police needs to address effectively the high number of vacancies.

In the Asylum Area

The procedures are largely in line with the international standards.

Gaps and shortcomings

- Bosnia and Herzegovina still lacks an appropriate permanent asylum reception centre. The centre is expected to become fully operational in 2011.
- The country has not yet assumed full responsibility for managing and financing the existing asylum centres.

In the Fight against Illegal Migration

- Border control activities in combatting illegal migration need to be stepped up;
- The National Migration Strategy has not been adopted;
- The legislation in the area of migration to implement the new Law on Movement and Stay of Aliens and Asylum has not yet been adopted.

Public Order and Security

As in most of the countries in the region, this area is the one where a lot of additional sustained efforts are required.

PRIORITY RECOMMENDATIONS

- Implement the 2006 Strategy to fight organised crime and corruption – not yet implemented;
- Implement the National Action plan to combat trafficking in human beings, which was adopted very late in 2008;
- Reinvigorate the Strategy for the fight against money laundering – inadequate, done by a single agency, the State Investigation and Protection Agency (SIPA), and lacking co-ordination with the other relevant institutions in the field of money laundering;

- Adopt a National Drug Strategy and National Drug action Plan - not yet adopted;
- Political will to tackle corruption. Anti-corruption has been treated as part of the General Strategy against organised crime, and there is no special, separate strategy to deal with corruption. The lack of political will to tackle this is a very serious problem;
- Appoint directors of police agencies. The new police "reform" package does not cope with the existing structures; three newly established police agencies at the state level remain without appointed directors due to slow and ethno-politicised procedures;
- Update and improve currently obsolete and inadequate national databases.

External Relations and Fundamental Rights

There is an adequate legal framework with problematic implementation.

Bosnia and Herzegovina has made limited progress in the area of civil and political rights, as well as in the area of minority rights, cultural rights and protection of minorities. One positive development has been the establishment of the Council of National Minorities at the state level. However, while it is still functioning in Republika Srpska, it has not yet been established in the Federation.

The authorities have not yet demonstrated sufficient capacity to take the necessary political steps and responsibility to meet all the key benchmarks in the visa liberalisation roadmap. Corruption remains widespread and is a serious problem. Improved results concerning the fight against organised crime, drug trafficking and money laundering will be a precondition for the start of a process of removing Bosnia and Herzegovina from the EU Visa Negative List.

MACEDONIA

On 8 May 2008, the European Commission handed over the visa liberalisation roadmap to the government of the Republic of Macedonia.

Macedonia is the country that had undertaken measures to fulfil most of the requirements for visa liberalisation well before the roadmap was received. Considerable additional progress has been made within the short period of time that has passed since May 2008, and positive signals have been coming from the European Commission about the expected and deserved visa liberalisation for Macedonia in 2009.

Document Security

Very good progress has been made in the area of security of documents.

New machine-readable biometric travel documents, drivers' licences and temporary and permanent resident permits are being issued. The process started on 1 April 2007. To date, 321,831 travel documents complying with ICAO and European Commission standards have been issued.

The process will be completed by April 2012 according to the corresponding legislation.

Illegal Migration, including Readmission

Good progress was noted in the fields of border management, asylum and migration. The Integrated Border Management (IBM) strategy and the action plans have been almost fully implemented. Since the adoption of the strategy in 2005, important steps have led to its finalisation and the transfer of border management responsibility from the army to the border police.

PRIORITY RECOMMENDATIONS

- Complete the central database for aliens, covering asylum, migration and visas - currently in the process of preparation;
- Amendments to the asylum law should be introduced in compliance with the recommendation of the United Nations High Commissioner for Refugees (UNHCR) and the European Commission;
- Strategic training programme for border police;
- Measures for improvement of the integration policy with regard to legal migrants and refugees;
- A mechanism for monitoring migration flows should be established and effectively applied. Furthermore, a methodology for inland detection of illegal migration and organised crime should be applied, as well as improvement of the administrative capacity of the relevant institutions.

The readmission agreement between the European Community and the Republic of Macedonia, signed in September 2007, is now in force and effectively applied. The only minor problem is the still non-existent implementing protocols defining the official communication between Macedonia and the EU member states.

Public Order and Security

The efforts applied in this area by most of the law enforcement and judicial institutions in the past couple of years have led to substantial progress. An almost complete legislative framework is in place, especially in trans-border co-operation, including the relevant by-laws and action plans in the area of organised crime. Police and judicial reforms have taken place. Specific bodies and services have been set up, although there is still a deficiency of human and financial resources. The strengthened co-operation between law enforcement services and the judiciary, as well

as inter-agency co-operation as a whole, could set an example event to the brand new EU member states, Bulgaria and Romania. Some results have been seen in prosecutions related to organised crime, trafficking in human beings, and money laundering.

PRIORITY RECOMMENDATIONS

- The establishment of the national intelligence database;
- Implementation of further anti-corruption measures and strengthening the role and capacity of the State Anti-Corruption Agency (currently understaffed and technically ill-equipped);
- Adoption and implementation of a law on confiscation of assets, also addressing cross-border aspects;
- Ratification and implementation of the Council of Europe Convention on Action against Trafficking in Human Beings;
- Further improvement in the financing of the shelter-centres and in the help provided to the victims of trafficking;
- Measures to be taken regarding enhancement of the human capacity of the Directorate for Personal Data Protection.

External Relations and Fundamental Rights

A proper legal framework has been put in place and efforts have been made to guarantee freedom of movement and access to personal documents to every citizen of the Republic of Macedonia, including minority and vulnerable groups.

However, there are still some Roma and ethnic Albanians who are without personal documents - which is a problematic issue. In the past, the problems were much greater, but some progress has been achieved with the help of NGOs

and the United States Agency for International Development (USAID), for instance in recently issuing identity documents to Roma citizens.

The country should continue and reinforce efforts to ensure the access to documents for the Roma, improve the implementation and co-ordination of the Roma strategy, and work for the adoption of an anti-discrimination law.

Macedonia has complied with most of the requirements set out in the roadmap for visa liberalisation. From the technical perspective, all criteria have been fulfilled. The administrative capacity is an area that needs further enhancement, although some progress has been noted. A concrete time frame has been set for further improvement of human resources in each of the relevant sectors. Therefore, the country should be given the well deserved visa liberalisation perspective very soon.

MONTENEGRO

On 28 May 2008, the visa liberalisation roadmap was presented to the Montenegrin government by the European Commission. Montenegro, as a new and small state, has made substantial efforts to align its policy and legislation with the roadmap's requirements.

Document Security

After Macedonia, Montenegro is the second western Balkans country to have made very good progress and completed most of the requirements in the first set of issues from the roadmap i.e. document security. The Law on Citizenship and the Law on Registries of Temporary and Permanent Residence of Citizens were adopted in February 2008, and in March 2008 the Law on travel documents was adopted, as well. Since May 2008, about 56,000 new biometric passports and ID cards, fully compliant with EU standards, have been issued.

The process of replacement of the old documents with the new ones is to be completed by the end of 2009.

Illegal Migration, including Readmission

Taking into account the fact that Montenegro is a relatively new state, and based on the positive signals coming from the national report, the European Commission and some other independent sources, it can be stated that the country has started successfully to address priorities in the area of border control and asylum, both legislatively and in practice. Further efforts are required in the area of migration policy and management.

Many activities related to the implementation of the Action Plan of the Integrated Border

Management are underway. Therefore, a cross-sectoral commission was established in January 2008, adopting an analysis and schedule with deadlines for the implementation of the above-mentioned activities. Police cross-border co-operation, especially with the neighbouring countries, has become a priority for the government, with the implementation of the Police Co-operation Convention for South-East Europe.

Progress has been seen in the establishment of the legal framework in the field of asylum.

On 11 September 2008, the Montenegrin government adopted a Strategy for Migration Management with an Action Plan for its implementation. The general aim of the Strategy is to enhance the state's capacity and that of the local authorities in accordance with EU standards in this field. However, a lot of efforts are required for the implementation of the strategy to fill in the existing legislative and structural gaps.

Montenegro does not yet have detention facilities for foreigners found to be staying illegally in the country. Although Montenegro is not a serious source of illegal immigration into EU countries, cases of illegal immigration in Montenegro are related to organised crime activities, like sex-trafficking or drug-related crimes.

A lot of measures in the field of state border management were accomplished successfully. A key problem is that the new legislation on state border surveillance and its implementing legislation have not been adopted yet. Inter-agency agreements for co-operation on border management are not sufficient. Furthermore, negotiations on a working arrangement with Frontex have not yet started.

PRIORITY RECOMMENDATIONS

- Adoption of a law on foreigners;
- Working arrangement with FRONTEX;
- Border demarcation with Serbia;

- Implementation of the inter-agency agreements for co-operation on border management.

- Establishment of clear relations and commitments between police organs in different states, and establishment of special centre for placement of illegal foreigners to ensure respect for their basic human rights.

Public Order and Security

This area can be considered the weakest for Montenegro. Poor inter-agency co-operation, insufficient operational and investigative capacity, as well as widespread corruption, seriously hamper effective law-enforcement co-operation and the fight against organised crime. The leading four institutions severely damaged by corruption, according to research conducted by the Center for Democracy and Human Rights (CEDEM), are: Health Service, Customs, Police, and Judiciary.

Some progress has been seen in the second half of 2008. The Action plan against organised crime and corruption was updated by the National Commission that monitors its implementation. The country ratified the Council of Europe Civil Law Convention on Corruption and the additional protocol to the Criminal Law Convention on Corruption, and adopted a new law on financing of political parties in July 2008, as well as other new measures and clearer indicators.

PRIORITY RECOMMENDATIONS

- Further efforts to cope with corruption (to date, actions have been mainly focused on tackling low-level corruption), not least supporting the new competences of the Judicial Council to raise the professional standards of judges and prosecutors;
- Closer inter-agency co-operation;
- Adoption and implementation of the new law on conflict of interests;

- Adoption and implementation of a separate law on confiscation of criminally gained assets;
- Results in the investigations of cases concerning trafficking of human beings;
- Better co-operation between the governmental and non-governmental institutions in the implementation of the Anti-Trafficking Strategy and, more particularly, in the victim identification and legal assistance;
- Delays in legislative procedures need to be overcome to secure adoption of data protection legislation and urgent harmonisation of the country's legislation with Community rules.

External Relations and Fundamental Rights

It is recommended that Montenegro should put more efforts into further developing the legislation in this area and ensure its proper functioning.

In the area of anti-discrimination, the draft law on prohibition of discrimination is still pending in a parliament procedure. The Montenegrin Parliament adopted the Law on Gender Equality, which has been implemented since August 2008. However, in addition to legislative efforts, comprehensive anti-discrimination measures are needed.

Significant progress in the area of visa policy has been achieved. However the current visa regime is still not fully in the line with European standards. It is necessary to finish the negotiations on dual citizenship between Serbia and Montenegro, and also to finish the passage of legislation concerning foreigners' position. Generally, Montenegro meets its priorities in the area of visa policy, but further work is required.

Montenegro has made progress and has shown political will on most EU integration matters. Most institutions have taken measures and focused their attention to answer the expectations and the

requirements listed in the European Commission roadmap on visa liberalisation. However, despite the progress, corruption, organised crime and questions about the independence of the judiciary remain a particular concern to most of the EU member states. The efficiency of the judicial and law enforcement systems is still weak. These factors might be, albeit indirectly, an obstacle to a speedier visa-lifting process.

SERBIA

Serbia was the first of the five western Balkans countries to be encouraged and officially presented the visa liberalisation roadmap on 7 May 2008. The country has the capacity for fulfilling the requirements pursuant to the benchmarks of the roadmap. However, it is necessary to overcome the parliamentary delays in legislative reform and for greater determination to be exercised by the authorities to adopt and implement the necessary legislative and practical measures in the following fields:

Document Security

Serbia started to issue new biometric travel documents in August 2008 according to the relevant procedures of the Law on Travel Documents. However, it is still uncertain if the process of the replacement of the old, unsafe documents will be completed by the end of 2009, a deadline already postponed from the end of 2008. Problems existed during the technical preparation of passports, which significantly delayed the beginning of issuing them. As for the ID cards, the problems occurred after the beginning of their issuance, and they were connected with the non-existence of electronic/biometric card-readers for institutions that deal with citizens on an everyday basis.

Gaps and shortcomings

- The technical capacities of agencies involved in the issuing of visas, including equipment and training to detect forged and falsified documents, have not improved significantly;
- It is not acceptable for Serbia to continue to allow citizens to choose whether they have a biometric identification card or not.

PRIORITY RECOMMENDATIONS

- Legislation on data protection and on storage of biometrical data;
- Equipment of the consular representation with devices to detect forged and falsified documents;
- Training staff from all the institutions responsible for implementing measures introducing new biometric passports and ID cards;
- Electronic system for ensuring reporting for lost and stolen passports to Interpol;
- Statistical information on delivery of passports abroad.

Illegal Migration, including Readmission

Based on the research conducted, it could be said that some progress has been made, although very slowly, on the whole set of issues - border control, asylum and migration.

In the border control area, the new Law on Protection of the State Borders was adopted on 23 October 2008, after having been in a Parliamentary procedure for almost a year. Serbia, however, needs to put a lot of effort into implementing it, and to making the border management system work effectively.

The main objectives set out by this law - to develop the Border Police Administration and to improve human and technical resources - should be realised very soon.

Bilateral protocols on regular meetings of the heads of border services have been concluded with Montenegro and the Republic of Macedonia.

However, implementation of the national integrated border management strategy (IBM) and the action plan has been slow and not

efficient. More attention should be given to the implementation of the Action plan and, more specifically, to inter-agency cross-border co-operation.

Talks with Frontex have been successful, and were close to the conclusion of an agreement by the end of 2008.

Asylum policy is being implemented at all levels, addressing the main priorities. There is a very good regular co-operation between UNHCR and the Ministry of Interior. The new Asylum law, adopted in 2007 and in force since April 2008, enabled Serbian authorities to take over from UNHCR the responsibilities for handling the asylum. The reception centre in Banja Koviljaca became operational.

The migration policy could be considered the weakest area, and practically non-existent. The law on foreigners, adopted on 23 October 2008, remains solely on paper without any implementing steps. The intention of the authorities to adopt a comprehensive Migration Strategy and to establish an administrative body for migration management is still in the planning stage.

PRIORITY RECOMMENDATIONS

- Measures for the implementation of the new Law on Protection of the State Borders and time-frame for the secondary legislation;
- Agreements and measures for inter-agency co-operation between all the institutions involved in the implementation of the IBM;
- Facilities and technical equipment at all the border-crossing points, including IT systems, establishing on-line connection between border-crossing points and national databases;
- Training programme for Border Police, including ethics code and anti-corruption training;
- Adoption and implementation of a strategy on the reintegration of returnees;

- Finalise the adoption and implementation of the Migration Management Strategy;

- Capacity for inland detection and for coping with the illegal migration and return management policy;

- Enforcing the provisions of the Law on Foreigners regulating the roadmap's requirement for carrier's responsibility.

Public Order and Security

As a whole, a lot of additional steps should be taken and efforts on behalf of all Serbian institutions should continue in order to comply with the requirements from the roadmap and to make sufficient progress in this very challenging area for all the western Balkans countries. Serbia has the professional expertise and realises the responsibilities and the importance of the obligations arising from the listed benchmarks.

However, essential legislation for combatting organised crime, corruption and drug trafficking is still in the preparatory phase, and its adoption and implementation is being delayed. The new Criminal Procedure Code has not yet entered into force. Therefore, there is little co-ordination between law enforcement and judicial authorities in the most important areas, such as organised crime and corruption.

The Strategy for fighting organised crime is still not in place. It is still being prepared with the assistance of the Organization for Security and Co-operation in Europe (OSCE) without any deadlines. It is replaced, on an ad-hoc basis, by several smaller strategies or plans covering only small parts of the issue. The restructuring of the police and prosecution services is delayed, thus hampering inter-agency and international co-operation.

The strategy for combatting trafficking in human beings, adopted in December 2006, has not been properly implemented, due to the frequent government changes and the long-pending appointments of the new members of the Council for Combating Trafficking in Human

Beings and of the National Co-ordinator. The strategy is expected to be more actively implemented by the Ministry of Interior in the upcoming period. There has been an increase in instances of Serbian citizens and underage persons becoming victims of trafficking, as well as an increase in internal human trafficking.

The National Strategy against Money Laundering and Financing Terrorism was adopted in September 2008, and the Law on the confiscation of assets generated through a criminal offence was adopted in October 2008.

The National Drug Strategy (2008-2012) is still in a preparatory phase, waiting to be adopted. The co-ordination of its implementation will be assumed by the Ministry of Health, with the active participation of the Ministry of Interior and Ministry of Justice regarding their parts of the Strategy. A commission is being set up for Prevention of Drug Misuse, to be chaired by the Minister of Health.

Following the implementation of the Anti-Corruption Strategy of 2005 and the recently revised action plan, the Law on the Anti-Corruption Agency was adopted in October 2008. Its enforcement is expected, in line with the timetable, for 1 October 2009.

PRIORITY RECOMMENDATIONS

- Quicker adoption and implementation of the remaining legislation and strategy documents in the whole field;
- Information or statistics for the results achieved, and concrete examples of cases in the fight against organised crime;
- Better law-enforcement co-operation at national, regional and international level;
- Specific training activities for judges and prosecutors in the area of international co-operation to develop and improve direct international contacts with judicial authorities;

- Independent and efficient data protection supervisory authority to guarantee the proper implementation of the existing data protection rules.

External Relations and Fundamental Rights

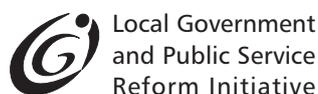
Overall, the legal framework for freedom of movement, access to identity documents, anti-discrimination, and for the protection of minority rights in Serbia seem to be in place. Additional efforts should be undertaken towards the implementation of the provisions. In practice, there is widespread discrimination, especially against national minorities. An anti-discrimination law has not yet been adopted. Insufficient attention has been paid to resolving the status of refugees and internally displaced persons (IDPs).

The Republican Council for Minorities has not been convened so far. Bilateral agreements with most of the neighbouring countries on protection of national minorities are not being fully implemented. The joint commissions required by the agreements have either not been established or are not fully operational.

As a whole, it seems that Serbian authorities realise the importance of the practical results in the whole Justice, Freedom and Security area. However, further efforts are needed in order to ensure the independence, accountability and efficiency of the judicial system. Corruption and organised crime remain widespread, and a serious problem Serbia shares with most of the new EU member states.

An additional problem is the misunderstanding on the part of government officials of the time-frame or the deadlines of most of the listed benchmarks from the roadmap. The fact that the roadmap does not contain deadlines does not mean that the speed of fulfilment of its requirements is of no importance to the EU. The institutional slowing-down and postponement of most legislative and practical measures might become an obstacle for the country's near future visa liberalisation.

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Policy Association for an Open Society



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