

## Sector fiche – IPA National programmes / Component I

### 1. IDENTIFICATION

<b>Title</b>	<b>Home Affairs Sector</b>
<b>MIPD Sector Code</b>	2. Justice and Home Affairs
<b>ELARG Statistical code</b>	23 -Judiciary and fundamental rights 24 -Justice, freedom and security
<b>DAC Sector code</b>	15130
<b>Total cost</b> (VAT excluded) <sup>1</sup>	8.650.000 EUR
<b>EU contribution</b>	7.795.000 EUR
<b>Management mode</b>	Decentralised
<i>Decentralised mngmt:</i> <b>Responsible Unit or National Authority/Implementing Agency(ies)</b>	Central Finance and Contracting Unit (CFCU) - Ministry of Finance and Economy, Department for Contracting and Financing of EU Funded Projects Programme Authorising Officer (PAO) – Assistant Minister at the Ministry of Finance and Economy, Head of Department for Contracting and Financing of EU Funded Projects Mrs. Nataša Šimšić
<b>Implementation management</b>	Nominated SPO at the Ministry of Interior, Željko Kojić, Assistant Minister, Department of Finance, Human Resources and Common Affairs Beneficiaries: Ministry of Interior, Ministry of Justice and Public Administration (Public Prosecutor Office), Commissariat for Refugees and Migration, Office for Kosovo and Metohija
<b>Implementing modality</b>	Sector Based Approach
<b>Zone benefiting from the action(s)</b>	The Republic of Serbia

### 2 RATIONALE

Results and measures have been identified based on the strategic framework presented in the SIF sections (2.1, 2.2.1 and 2.2.3). In addition, they are compliant with recommendations from other relevant policy documents such as:

According to the **EC 2012 Progress Report**, organised crime remains a serious concern in Serbia. Although criminal investigations have been launched in a number of organised crime cases, final convictions remain rare. Capacity to carry out complex, in particular financial, investigations needs to be built up. Certain specialised services, in particular the unit for witness protection, lack sufficient staff, resources and adequate premises. The level of inter-agency cooperation, information flow and exchanges between law enforcement agencies needs to be improved. A centralised criminal intelligence system has not been established and there is a lack of harmonised statistical data. Risk assessments and crime mapping need to be used more broadly and intelligence-led policing needs to be developed. The dependence of

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<sup>1</sup> The total cost should be net of VAT and/or of other taxes. Should this not be the case, clearly indicate the amount of VAT and the reasons why it is considered eligible.

the police on the security intelligence agency to carry out certain special investigative measures in criminal investigations is not in line with EU standards.

Organised crime is changing and becoming increasingly diverse in its methods, group structures, and impact on society, reveals Europol's 2011 **Organised Crime Threat Assessment (OCTA)**. The bi-annual report, which assesses current and expected trends in organised crime affecting the European Union, explores how a new criminal landscape is emerging, marked increasingly by highly mobile and flexible groups operating in multiple jurisdictions and criminal sectors. Strong levels of cooperation exist between different organised crime groups, more than ever before, transcending national, ethnic, and business differences. Of all the hubs the **South East** has seen the greatest expansion in recent years, as a result of increased trafficking via the Black Sea, proliferation of numerous Balkan routes for illicit commodities to and from the EU, and a significant increase in illegal immigration via Greece. These developments in the region have contributed to the formation of a **Balkan axis** for trafficking to the EU, consisting of the Western Balkans and South East Europe. New transit hubs are in the process of being formed in countries such as Hungary, where several Balkan and Black Sea routes converge. Albanian speaking, Turkish and Former Soviet Union criminal groups are seeking to expand their interests in the EU, and may exploit opportunities in the possible accession of Bulgaria and Romania to the Schengen Zone, and recent and prospective EU visa exemptions for Western Balkan states, the Ukraine and Moldova.

The EC 2012 Progress Report states that the number of asylum claims has increased. Criteria for verifying safe countries of origin and the list of safe third countries still remain to be fully aligned with the *acquis*. A new reception centre is being built but additional reception facilities for asylum seekers are needed. Capacities and practices, including staff training, need to be improved. A national database for checking personal data and fingerprints of asylum-seekers is still missing. Overall, Serbia continues to be in the early stages of implementing the asylum policy.

The available data shows that in the area of organized narco crime in 2010, a total of 35 criminal groups were discovered, 5701 seizures were realised with a total of 1.7 t of narcotics, which is almost 400 kg more than in 2009 and therefore conclusion is that smuggling of heroin and modified marijuana also known as "skunk" has increased. . In the following year 2011, 22 criminal groups were discovered, 5253 seizures were realised in which more than 1.4 t of narcotics was seized. When it comes to organized financial crime, 10 organized criminal groups were revealed in 2010 (3 organized groups specializing in money laundering, organized criminal activity in the field of health and 5 groups that were engaged in various abuses in the trade of excise goods and consumer goods). In 2011, 4 organised groups were discovered of which two were involved in illegal providing of credit for the unemployed citizens and companies, and two for the tax evasion. Regarding the fight against human trafficking, as well as in the past few years, there are trends related to the presence of so-called internal trafficking which affected mainly our citizens, data for 2010 shows that out of 76 victims 73 were citizens of Serbia and 72 out of 74 in 2011.

Over the 3 year implementation of the Law on Asylum, the number of asylum seekers has increased dramatically: from 275 cases in 2009, 522 in 2010, 3,134 in 2011 and 2732 in 2012. Until 2011, the existing capacity for providing accommodation and basic living conditions were adequate but 600% increase in the number of asylum seekers in relation to 2010 has produced additional challenges for the institutions of RS. Parallel to the increase in the number of asylum seekers (AS), a change in the age structure and other capacities has been identified: In 2010 and 2011, the arrival of whole families with small children has been recorded which previously was not the case; the number of minors seeking asylum is increasing and currently amounts to 27.3% of the total; women asylum seekers make up 14%;

while in 2012 a constant flow of unaccompanied minors asylum seekers (UMAS) accounted for 18.3% of the total population; AS predominantly arrive from Afghanistan–54%, Somalia–15.69%, Pakistan–11.1%, Libya–4.43% and Palestine–2.99%.

The EC 2012 Progress Report, states that there are around 66.000 refugees and 210.000 internally displaced persons in Serbia. The number of collective centres fell further from 29 to 24. The programme for supporting municipalities which prepare local action plans for the improvement of the status of refugees and IDPs has continued and some improvement has been recorded concerning the displaced persons housing situation. However, the living conditions of many refugees and internally displaced persons are still difficult. Many are unemployed and live in poverty. Internally displaced persons who do not have personal documents are in a particularly difficult position as they are not able to exercise their basic rights.

Other NAD relevant measures, such as **strengthening the capacities of state authorities for processing war crimes, money laundering and other criminal acts**, as well as **enhancing border management and migrations management mechanisms** (apart the asylum system) will not be supported through this SF since IPA 2011 already supports establishment of Stationary and Mobile Video Surveillance System for State Border Protection and Surveillance and Strategic Planning and Improvement of Horizontal communication within the Ministry of Interior, while IPA 2012 will support migration management through effective policies and coordination procedures and development. In the area of **border management**, the new Law on State Border Protection is being implemented and a cooperation agreement between the ministries involved in border management was signed in February 2009. While it is evident (also in the EC Analytical Report) that modernisation and upgrading of equipment and infrastructure are required, both at border crossing points and for surveillance purposes, this outstanding issue is being addressed in the scope of a particular PIF on Customs within IPA 2013 program. As for the **fight against illegal migration**, they are also targeted with the planned MB IPA 2013 Programme aimed to establish effective mechanism for return of irregular migrants and improved cross border cooperation within region.

Measures under this SF are directly linked and will build up on programme for prevention and fight against corruption which is integral part of the same IPA 2013 National Programme, as well as MB IPA Programmes.

## **2.1 LINKS WITH NATIONAL SECTOR OBJECTIVE(S) AND MIPD SECTOR OBJECTIVE(S)**

In the **Multi-annual Indicative Planning Document (MIPD) 2011-2013, Republic of Serbia** (3.1 Justice and Home Affairs, 3.1.3 Sector Objectives for EU support over next three years) “Within the area of rule of law, special attention is to be paid to judicial reform and the fight against corruption and organised crime”. The following specific objectives are that IPA assistance will focus on (page 15): To improve the fight against corruption and **organised crime**, including through increasing the capacity and expertise of law enforcement bodies – especially in areas such as financial investigations – and enhancing their national and international cooperation. Also, support should be given to help Serbia to strengthen and implement the relevant legislative framework and improve alignment with European standards. Additionally, the MIPD underlines the need to strengthen the functioning of border controls and the customs administration and to improve the fight against illegal migration and to strengthen migration management and the asylum system. Republic of Serbia invested significant efforts to establish all-encompassing migration management system which resulted with the adoption of the Law on Migration Management. Apart from the improvement of the legislative setting, The Republic of Serbia is faced with insufficient capacities for the accommodation of the asylum seekers, which could lead to deterioration of the health situation and entire wellbeing of the asylum seekers and represent the most pressing need in

this moment Additionally, the competent institutions in charge for the functioning of the asylum system are aware of the necessity of further development and alignment of national legislation and relating procedures with EU *acquis* and international standards in the area of asylum.

The **EC Progress Report Conclusions on Serbia 2012** state (page 2):” In the *fight against organised crime*, the legal framework is generally adequate and continued to be implemented. Improved inter-agency coordination and regional and international cooperation has led to concrete results against organised crime groups. Organised crime remains a serious concern in Serbia, in particular regarding money laundering and drug smuggling. The track record of investigations and convictions needs to be built up further.”

Also **MIPD** underlines as one of the three major priorities (social inclusion and reconciliation) identified for EU support during this period is the integration of vulnerable groups and minorities, including the Roma as well as refugees, IDPs and returnees, in accordance with the Readmission Agreement. Within the Justice and Home Affairs sector objectives it is specified that attention will be given to human rights, the protection of minorities and migrants.

Recently published **EC Progress Report 2012** states the following (page 54): “Serbia remained a country of origin, transit and destination for trafficking in human beings. Some steps were taken to implement the action plan of the national strategy to combat human trafficking. A temporarily seized house was in October 2011 turned into a safe house for victims of trafficking. However, the strategy and associated action plan remain to be updated. A uniform database for criminal reports and proceedings and a specific monitoring mechanism in this area have not been established. The effective compensation and social inclusion of victims, through a special fund, in line with existing EU standards remains to be ensured. Overall, Serbia is moderately advanced in fighting trafficking in human beings.”

It also emphasise that (page 53): “Regarding **asylum**, no progress has been made. Claims are still temporarily processed by the Border Police Asylum Unit, as the Asylum Office intended to operate as the first-instance body has not yet been formally established. The mandate of the Asylum Commission, the second-instance body, was renewed in September 2012 and its members were appointed. The number of asylum claims has increased. Criteria for verifying safe countries of origin and the list of safe third countries still remain to be fully aligned with the *acquis*. A new reception centre is being built but additional reception facilities for asylum seekers are needed. Capacities and practices, including staff training, need to be improved. A national database for checking personal data and fingerprints of asylum-seekers is still missing. Overall, Serbia continues to be in the early stages of implementing the asylum policy.”

The report also says (page 52):”Visa liberalisation for citizens of Serbia travelling to the Schengen area has been in force since December 2009. In order to ensure on-going implementation of the commitments taken, a post visa liberalisation monitoring mechanism has been established. The Commission presented its second monitoring report to the European Parliament and the Council in December 2011 and adopted the third in August 2012. The increase observed in the previous years in the number of unfounded asylum applications by Serbian citizens under the visa-free regime was stopped in 2011, following decisive measures by the Serbian authorities. It nevertheless increased again in the first months of 2012. With more than 13,900 applications in 2011 and more than 5000 in the first seven months of 2012, Serbian nationals remained one of the highest-ranked nationalities of asylum applicants in the EU. This nonetheless corresponded to a 25% decrease in 2011 applications compared to 2010 (more than 17,000 applicants at that time). The number of Serbian citizens finally granted

asylum in EU Member States remained stable in 2011 (310) compared to 2010 (315). Efforts to address this issue need to be strengthened. Overall, Serbia is moderately advanced in addressing the unfounded asylum applications by Serbian citizens under the visa free regime.”

According to the **Stabilisation and Association Agreement**, Article 6, (page 13): “Serbia commits itself to continue to foster cooperation and good neighbourly relations with the other countries of the region including an appropriate level of mutual concessions concerning the movement of persons, goods, capital and services as well as the development of projects of common interest, notably those related to border management and combating organised crime, corruption, money laundering, illegal migration and trafficking, including in particular in human beings, small arms and light weapons, as well as illicit drugs. This commitment constitutes a key factor in the development of the relations and cooperation between the Parties and thus contributes to regional stability, Article 80, **page 81**: “In their cooperation on justice, freedom and security, the Parties shall attach particular importance to the consolidation of the rule of law, and the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the administration of justice in particular. Cooperation shall notably aim at strengthening the independence of the judiciary and improving its efficiency, improving the functioning of the police and other law enforcement bodies, providing adequate training and fighting corruption and organised crime.” Article 86, (page 86): “The Parties shall cooperate on combating and preventing criminal and illegal activities, organised or otherwise, such as:

(a) **smuggling and trafficking in human beings**; (b) illegal economic activities, and in particular counterfeiting of cash and non-cash means of payments, illegal transactions on products such as industrial waste, radioactive material and transactions involving illegal, counterfeit or pirated products; (c) corruption, both in the private and public sector, in particular linked to non-transparent administrative practices; (d) fiscal fraud; (e) identity theft; (f) illicit trafficking in drugs and psychotropic substances; (g) illicit arms trafficking; (h) forging documents; (i) smuggling and illicit trafficking of goods, including cars; (j) cyber-crime. Regional cooperation and compliance with recognised international standards in combating organised crime shall be promoted.”

According to the **European Partnership**, (page 11), Fight against organised crime: “- Adopt outstanding legislation, develop the capacity to seize assets, implement a national strategy against organised crime and strengthen criminal intelligence. - Continue the fight against trafficking of human beings, including implementation of the strategy for prevention of trafficking and provision of adequate assistance and protection to victims. - **page15**, “Fighting organised crime: - Ensure that an effective system of witness protection is in place, improve regional cooperation, reinforce the fight against economic and financial crime (including money laundering and counterfeiting of currencies), fraud and corruption, facilitate the placement of liaison officers, seconded from EU Member States, in the relevant state bodies involved in the fight against organised crime and implement the Palermo Convention on transnational organised crime. - Strengthen capacity at the Ministry of Interior (in particular the Department for organised crime) and develop procedures and the capacity to share intelligence between agencies.”

The short-term priority within the *Justice, freedom and security (Visa, border control, asylum and migration)* highlights the importance to implement the **Integrated Border Management (IBM) Strategy** and strengthen cooperation between the IBM agencies. The medium-term priority is to continue to strengthen the capacity of the Border Police and the Customs Service, improve facilities at the border crossing points and enhance cooperation with the neighbouring countries in the fight against human trafficking.

In line with the **Stockholm Programme - Protection against serious and organised crime**, the process of fight against organised crime in the Union is identified in chapter 4.4. “The fight against these criminal phenomena will involve systematic exchange of information, widespread use of the Union agencies and investigative tools and, where necessary, the development of common investigative and prevention techniques and increased cooperation with third countries.”

**Chapter 1.1- A Europe of responsibility, solidarity and partnership in migration and asylum matters:** “The development of a forward-looking and comprehensive Union migration policy, based on solidarity and responsibility, remains a key policy objective for the Union. Effective implementation of all relevant legal instruments needs to be undertaken and full use should be made of relevant Agencies and Offices operating in this field. Well-managed migration can be beneficial to all stakeholders. The European Pact on Immigration and Asylum provides a clear basis for further development in this field. Europe will need a flexible policy which is responsive to the priorities and needs of Member States and enables migrants to take full advantage of their potential. The objective of establishing a common asylum system in 2012 remains and people in need of international protection must be ensured access to legally safe and efficient asylum procedures. Moreover, in order to maintain credible and sustainable immigration and asylum systems in the Union, it is necessary to prevent, control and combat illegal immigration as the Union faces increasing pressure from illegal migration flows, and particularly the Member States at its external borders, including at its Southern borders in line with the conclusions of the European Council of October 2009.”

In the Needs Assessment Document (NAD) following measures of the Rule of Law sector are directly tackling Home Affairs issues. **Measure 1.2 Strengthening the capacities of state authorities for processing cases of organised crime, war crimes, corruption, money laundering and other criminal acts.** The measure will support law enforcement agencies in establishing a high quality of operative work in the disclosure and adjudication of criminal acts. This will include improvement of the knowledge and means for collection of evidence, efficient investigation and adjudication, as well as effective coordination, exchange and synchronisation of information and data amongst state agencies. In addition, this measure will support enhancement of capacities of independent bodies in monitoring and processing of cases of corruption, money laundering, etc. **Measure 1.4 Enhancing border management and migrations management mechanisms.** This measure will support efforts in fulfilling all standards of a visa-free regime with EU, including mechanisms for prevention of illegal migrations from and to Serbia. It will also, inter alia, support the enhancement and implementation of asylum policy. **Measure 3.2 Promoting tolerance, diversity, equality and respect of human and minority rights through** and it focuses on promotion of tolerance towards different ethnic and minority groups, especially vulnerable and marginalized persons, raising public awareness about human and minority rights and supporting all actions aimed towards prevention of discrimination and inclusion of vulnerable groups (e.g. Roma, IDPs, refugees) into society.

## **2.2 SECTOR ASSESSMENT – POLICIES AND CHALLENGES**

### **2.2.1. National Sector policy, strategy and context**

#### Organised crime

The police, including the gendarmerie, is in charge of internal security and the prevention and suppression of all forms of crime. The police is organized/managed through the General Police Directorate at central level, the City of Belgrade police directorate, regional police

directorates and police stations at municipal level. It includes border police that is responsible for the protection and control of the state border. The reform of the police is based on the 2005 Law on Police and the development strategy for the Ministry of Interior for the period 2011-2016. The accountability of the police is enforced through the work of the Sector for Internal Control, which has established close working relations with the State Ombudsman.

Further steps are being taken to modernise **police work** and improve internal coordination, as well as international and regional cooperation. Additional efforts toward coordination within police structures and with other ministries has contributed to the adoption of several key strategies and laws and the establishment of specialised inter-ministerial structures, such as the Commission for Inter-ministerial Coordination in the field of Justice and Home Affairs. Also the agreement concerning the improvement of the cooperation in fight against of all types of crimes was signed between Ministry of Interior, Ministry of Finance and Economy and Ministry of Justice and Public Administration in September 2010. This agreement is the result of ILECU project. The **fight against organised crime** has been intensified, resulting in several major operations in suppressing international drug smuggling channels and regional criminal networks, with the intensive cooperation of prosecution and police structures with counterparts in neighbouring countries, USA and Latin America.

The entry into force of the Law on the organisation and responsibilities of the State institutions in suppressing organised crime, corruption and other severe criminal offences in January 2010 extended the powers of the Prosecutor for Organised Crime. The Prosecutor is primarily responsible for cases of organised crime, high-level corruption. As the court of first instance, the Higher Court in Belgrade deals with organised crime, high-level corruption cases for the whole of Serbia. In the second instance, such cases are dealt with by the Appellate Court in Belgrade. This specialisation increases the expertise of the players involved. Police capacity for investigating financial crimes was improved by setting up a financial investigation unit within the Ministry of Interior. Specialised units have been established within the police forces, including on cyber crime and drug smuggling, allowing greater specialization and expertise.

Most common forms of organized crime in Serbia are as follows: organized narcotics crime, organized financial crime, trafficking and human smuggling, smuggling and trafficking in firearms, organized property crime, kidnapping, organized forms of cyber crime, corruption and money laundering.

The available data shows that in the area of organized narcotics crime in 2010, a total of 35 criminal groups were uncovered, 5,701 seizures were realised with a total of 1.7 tons of narcotics, which is almost 400 kg more than in 2009 coming to a conclusion that smuggling of heroin and modified marijuana also known as "skunk" has increased. In the following year 2011, 22 criminal groups were uncovered, 5,253 seizures were realised in which more than 1.4 tons of narcotics was seized. When it comes to organized financial crime, 10 organized criminal groups were uncovered in 2010 (3 organized groups specializing in money laundering, organized criminal activity in the field of health and 5 groups that were engaged in various abuses in the trade of excise goods and consumer goods). In 2011, 4 organised groups were uncovered of which two were involved in illegal providing of credit for the unemployed citizens and companies, and two for tax evasion. Regarding the fight against human trafficking, from 2000, there are trends related to the presence of so-called internal trafficking which affected mainly Serbian citizens. Data for 2010 shows that out of 76 victims 73 were citizens of Serbia and 72 out of 74 in 2011. In 2009, statistic shows that number of human trafficking victims was 85 (37 adults and 48 minors), number of perpetrators was 94, number of criminal charges submitted was also 94 and 19 persons were sentenced for

committing this criminal offence. In 2010 the number of human trafficking victims was 77 (44 adults and 33 minors), number of perpetrators was 108, number of criminal charges submitted was 99 and 26 persons were sentenced. Last available statistic indicates that in 2011 the number of victims increased on 74, number of perpetrators significantly increased on 52, but only 32 criminal charges were submitted and in the end 14 persons were sentenced.

According to the Opinion on Serbia's application for membership of the EU, Serbia remains a country of origin, transit and destination for trafficking in human beings. Further efforts are needed to ensure full implementation of policies in this area and setting up specific monitoring mechanism that is currently missing. Better and improved cooperation between law enforcement and judicial bodies is also needed.

It may be noted that, in 2010 and 2011, the MoI has taken extensive measures and activities in the fight against all forms of organized crime with the strategic orientation aimed at improving international police cooperation as a precondition for achieving effective results in this area. Although criminal investigations have been launched in a number of organised crime cases, final convictions remain rare. Capacity to carry out complex, in particular financial, investigations needs to be built up. The level of inter-agency cooperation, information flow and exchanges between law enforcement agencies needs to be improved. A centralised criminal intelligence system has not been established and there is a lack of harmonised statistical data. Risk assessments and crime mapping need to be used more broadly and intelligence-led policing needs to be developed. The dependence of the police on the security intelligence agency to carry out certain special investigative measures in criminal investigations is not in line with EU standards.

The Government of the Republic of Serbia adopted the Strategy for fight against human trafficking in December 2006, establishing national mechanism for coordination of activities and creation of policies for fight against human trafficking, composed of two levels – central (strategic) and operative. Central level: Council for fight against human trafficking, Coordinator for fight against human trafficking and National team for fight against human trafficking. Operative level: Judicial bodies and Police and Agency for coordination of human trafficking victims. Significant support at operative level is provided also by specialized non-governmental and international organizations. Within the Ministry of Interior of the Republic of Serbia, special police teams have been formed for fight against human trafficking, within Service of combating organised crime, Criminal Police Department and Border Police Administration. Taking into consideration standards in protection of rights of human trafficking victims, the Ministry of Interior of the Republic of Serbia in 2004 passed Instruction on conditions for approval of temporary residence to foreign citizens who are victims of human trafficking. An Agency for coordination of human trafficking victims has been established, within the Institute for education of children and youth, which is authorized to submit request on behalf of the victims for approval of residence for humanitarian reasons.

However, according to the European Commission, cooperation with and support for civil society active in this field should also be improved. In September 2012, the Republic Prosecutor's Office signed the Memorandum of Understanding with a national NGO ASTRA- defining mutual cooperation in the area of data collection and information and communication in cases of human trafficking in order to enhance the rights of victims of human trafficking. In October 2012, the specialisation for prosecution of trafficking in human beings has been made within the public prosecution service in Serbia, by appointing contact points for prosecution and coordination of trafficking in human beings cases at all Higher Prosecutor's Offices in Serbia. The initial training of the specialised prosecutors was conducted in November 2012, with the assistance of ASTRA, Republic Public Prosecutor's Office, Judicial Academy and the Embassy of Republic of France in Belgrade. Further

training of the newly appointed contact persons at prosecutor's office is needed, as well as their enhanced cooperation with other law enforcement agencies and NGOs. Based on National Strategy for fight against human trafficking, Centre for protection of human trafficking victims was established. Beside good cooperation between Centre and MoI, better protection of victims is achieved with close and excellent cooperation with NGO, specially ASTRA and ATINA. Based on the findings of the civil society, shared by the NGO at hand, state that the main shortcomings of the national referral mechanism in Serbia is the weakness of the procedures, both for identification and for further handling of identified victims, so that the identification and recognition of a victim status often depends on the decision of only one state officer in charge; victims are expected to report the crime and witness before the court, but their protection and their safety need to be improved. In addition, trials are lengthy and victims are summoned to give statements over a long period of time, which is a serious obstacle for their putting the trafficking experience behind and moving on; sentences for traffickers are around prescribed minimum and a small number of them end in jail.

The support envisaged within the scope of this IPA 2013 SF will help to reduce the secondary victimisation. Secondary victimisation is recognized as a problem in many documents of EU and UN. Especially it is underlined in Strategic project on Eurojust's action against trafficking in human beings- Final report and Action plan, where national authorities were asked to list main problems during investigation and prosecution of trafficking in human beings (THB) cases. Evidentiary difficulties in THB cases appear to be the biggest issue. Based on questionnaire and on information which were gathered on experts meeting big problem appears to be summoning for trial and securing their presence before courts. Based on Directive 2011/36/EU and EU Strategy towards the eradication of trafficking in human beings 2012-2016 there is need to bring instructive act that will combine the work of all authorities and direct their jurisdiction when there is a case of trafficking in human beings enhance prosecution and adjudication as well as victims' protection in human trafficking cases through communication and cooperation between all involved actors and introduction of new criminal offences in accordance with EU standards.

Furthermore, there are some new legal developments in Serbia, requiring assistance with implementation. Under the new Criminal procedure code (effective October 1, 2013 for general jurisdiction institutions and from 15 January 2012 for organised crime), prosecutors are now in charge for conducting investigations, and will play a key role in the fight against human trafficking. The new code also introduces the concept of "sensitive witness", very important institute for human trafficking cases, which provides new tools for judges and prosecutors in examination of sensitive witnesses that requires special skills and training.. One of the issues which appears in police work when there is THB case is that within 27 Police Directorates in Republic of Serbia there is lack of knowledge by police officers in situations when it is necessary to recognize victim of THB, lack of criminalization under the Criminal Code and lack of knowledge about measures which has to be undertaken to prevent further exploration of victim. Beside good cooperation on national level there is a need to extend and improve cooperation at regional level in order to achieve faster reaction when first information is received. This is a standard which has been established within the EU Directive 36/2011 (which replace Frame Work Decision 2002/629/JHA) and Council of Europe Convention 197.

### Illicit weapons

Based on the Europol Report 2011 Member States continue to be affected by weapons trafficked from the Western Balkans. In particular Serbia and Bosnia and Herzegovina are source countries for arms and ammunition for criminal groups in the EU.

According to the number of submitted request for legal possession of weapon, Republic of Serbia is positioned on a sixth place in the world. In past period there were 17 000 requests submitted and 70% of them received permission for weapon possession. Overall number of registered weapon which are in possession of civilians is 1 200 000 and there is presumption that in Republic of Serbia 3 000 000 of weapons are not registered. Therefore, public awareness concerning this fact is first crucial thing. Having in mind this situation and the recommendation from Stockholm programme better cooperation between state authorities is needed.

### Financial investigations

Based on Serbia 2012 Progress Report submitted by European Commission, there is a need that Law enforcement bodies develop ability to conduct proactive financial investigations. Taking into consideration mentioned Report, organised crime still remains a serious concern in Serbia and capacity to carry out complex, in particular financial, investigations needs to be built up. The Financial Investigation Unit (FIU) within Service for Combating Organized Crime (SCOC) lack sufficient means and technical expertise and this is the reason why additional seminars, workshops and trainings for police officers are needed.

As a result of Criminal Asset Recovery Project (CAR), which began in April 2010 and will be completed on March 2013, a new Law on Criminal Asset Recovery was adopted and has entered into force in April 2013. CAR Project is a project funded by Council of Europe and EU, the main beneficiary institution is Directorate for recovered asset management and MoI is beneficiary institution. New Law will include measure "lifestyle analysis". This measure is based on Financial Action Task Force (FATF) document Best practice on confiscation (Recommendations 4 and 38) and Framework on on-going work on asset recovery. Recommendation 4 states that countries should consider adopting measures which require an offender to demonstrate the lawful origin of the property alleged to be liable to confiscation, to the extent that such a requirement is consistent with the principles of their domestic law. Mentioned recommendation 4 offers also two examples showing how such measures may be structured. Therefore it is needed to train police officers who work in FIU, (SCOC) and to introduce them with best practice of EU MS.

### Drugs

Due to the current economic crisis, individuals are being recruited to serve as couriers or money mules in the drugs trafficking business. There is evident need to raise awareness regarding this issue, by organizing seminars and to introduce police officer with this phenomenon. The Council Resolution of 29 November 1996 on measures to address the drug tourism problem within European Union prescribes measures which can be undertaken.

According to Europol OCTA 2011, in a chapter under the name Synthetic drugs, it is noted that there is a dynamic relationship between the reduction in ecstasy production and the emergence of so-called 'designer drugs' and 'legal highs'. These kinds of drugs are offered via internet and the rate of new drugs which were reported to European early warning system (EWS) has increased. Therefore it is needed to educate police officers regarding this threat and to introduce them with methods of selling the drug via Internet.

The NCTC is the key forensic provider in the Serbian criminal proceeding system. The result of the Centre's work is a large number of physical evidences necessary for criminal proceedings. Acting in the area of security and justice, NCTC is the national key provider of forensic expertise and physical evidences for the judicial system of Serbia. One of the key segments of NCTC's work is the analysis and expertise of drugs both from seized material and from biological samples. Also, a very important area of work in NCTC is forensic medicine. Every year around 300 autopsies are performed by NCTC's forensic doctors, where

a continuous increase in need of analysing drugs, medicaments, poisons etc. from biological material is present. This type of analysis is also resulting in physical evidences needed for criminal proceedings. Therefore, in line with improving criminal justice there is need to improve the existing limited capacity of the Ministry of Interior for efficient investigative procedures which are crucial for establishment of an effective prosecution-led investigation. The MoI's Criminal Police Directorate faces significant obstacles to carry out duties in the field of expertise analysis and laboratory testing of crime related evidences. The department within the Directorate responsible for this area is the National Crime-Technical Centre (NCTC). The centre is responsible for a) forensic expert analysis and b) toxicological analysis. It performs forensic testing by providing expertise and vast majority (90%) of material evidence for judicial prosecution of all crimes committed in the country. In this context NCTC processed about 20,000 cases per year and is a unique crime-procedural-evidentiary resource for the Serbian judiciary. During the past five years, the number of the performed analyses in the laboratories has increased by approximately 25 % per year. In accordance with the Crime Investigation Law it is important for the expertise to be completed in a relatively short period of time (48 hours). However, the current laboratory doesn't have preliminary conditions required for the beginning of the accreditation process and introducing the standard ISO/IEC 17025. The European Network of Forensic Science Institutes (ENFSI) is authorised by the EU to conduct regulations related to forensics provides procedures and accreditation criteria in this respect. NCTC of the MoI doesn't have laboratory for toxicological analysis and expertise. For this type of analysis the Ministry depends on the service of another institution (Military Medical Academy) for which the MoI has to pay a regular fee. Toxicological tests and expertise are essential to the forensic medical expertise in terms of determining the lethal outcome caused by excessive intoxication psychoactive substances, drugs or other toxic substances. The current equipment and performance of laboratory of the Military Medical Academy is far below the level of a modern toxicology laboratory. All these obstacles result in the practice where the lack of quality and presentation of evidence leads to dismissal of criminal investigation or dismissal of court case leaving perpetrators unpunished and Serbian citizens suspicious about their personal security and impartiality of law enforcement agencies.

During decades of performing in a very wide range of forensic areas National Criminalistic Technical Centre (NCTC) conduct forensic analysis and expertises in accordance with the Law on Police and the Criminal Procedure Code. The result of this work is a large number of physical evidences necessary for criminal proceedings. Acting in the area of security and justice, NCTC is the national key provider of forensic expertises and physical evidences for the judicial system of Serbia. One of the key segments of NCTC's work is the analysis and expertise of drugs both from seized material and from biological samples. Also, a very important area of work in NCTC is forensic medicine. Every year around 300 autopsies are performed by NCTC's forensic doctors, where a continuous increase in need of analysing drugs, medicaments, poisons etc. from biological material is present. This type of analysis is also resulting in physical evidences needed for criminal proceedings.

Considering the steady increase in number and complexity of above described analysis and expertises, the capacity improvement in relevant laboratories is necessary, which resulted in the project proposal.

The NCTC's position as the key forensic provider in the Serbian criminal proceeding system is completely in line with the practice of majority of forensic institutes which are member of ENFSI (European Network of Forensic Science Institutes), being the referent European association of forensic institutes. As the only representative from Serbia, NCTC is the full member of ENFSI. ENFSI's mission is to create European standards in the field of forensics.

Improvements in all areas of NCTC's work are planned and conducted in accordance with these standards. In organization of ENFSI a project for accreditation of forensic laboratory is currently conducted where NCTC is participating.

NCTC strongly supports the existence of other laboratories that operate in accordance with international standards, especially the laboratories mentioned in the question which are outside of security and justice sector and are operating in health care sector. In accordance with the Criminal Procedure Code, on demand of authorized bodies (prosecutor, judge), these laboratories perform certain number of analysis, and they can have a very important role as second-opinion and control mechanism. Like in many other European countries, in addition to forensic labs in NCTC (who is the national key forensic provider in Serbia), it is useful to have other similar labs outside security sector (health care, education, scientific sector) which are, beside their basic scope of performance, able to do some forensic analysis (DNA, drugs, flammable liquids, explosives, ballistics, documents, etc.).

In accordance with the Criminal Procedure Code, when NCTC receives an official order for a certain analysis/expertise (which is the main scope of NCTC's activities – around 18,000 cases a year), the analysis/expertise has to be done by the forensic experts of NCTC in NCTC's laboratories, so there is no possibility of sub-contracting other labs or redirecting the material using some inter-institutional agreement.

Under IPA 2012 Programme - Support to the Rule of Law System, component Adaptation of space for improving investigative techniques and forensics support is foreseen in making the laboratory space up to international standards. Through this project, it is expected to procure equipment/instruments for testing and analysis as well as staff training in international methods for faster, more accurate, more precise and reliable determination of the abuse of, drugs, pesticides and their metabolites in biological material (blood, urine, organs, hair). That is essential for the elucidation of crime, which is in many cases carried out under the influence of psychoactive substances (drugs, medicaments and alcohol) and for the expertise required by the judicial authorities of the Ministry of Justice and Public Administration of the Republic of Serbia. Also, it is requirement for all standards on the quality of the model of the EU ISO/IEC 17025:2006.

### Asylum

The Republic of Serbia has been faced with enormous challenges regarding forced migrations and still host 66,407 refugees and 210,000 IDPs, most of them in a need of housing solution and employment in order to rich durable solution. Additionally, since 2006, more than 6,000 persons have been readmitted on the base on the readmission agreements and most of them are in the need of the assistance in the reintegration process. Drastic increase of the number of the asylum seekers create additional burden to the limited resources of the Serbian Government. The lack of adequate accommodation capacities is the most troublesome.

Serbia has adopted a law on **asylum** which came into effect in 2008. Aiming at respecting the standards established through international norms, the law provisions for the proliferation of information, legal assistance and the right to uninterrupted and constant contact with UNHCR. The initial state body deciding on submitted asylum claims is Ministry of Interior, while the final decision is brought through an independent Asylum Commission of the Government of the RS. In the event of an unsatisfactory decision being brought by the Commission, the possibility exists for the commencement of appeal proceedings before the Administrative Court as a third judicial instances. From the time one declares their intention to seek asylum, until the two fold decision has been brought, the asylum seeker is granted a legal basis for his stay and right to be accommodated within the Asylum Centre (AC), which falls under the jurisdiction of the Commissariat for Refugees and Migration. Persons

accommodated in AC enjoy complete freedom of movement, health protection, right on elementary and secondary education, while those outside of AC have access to financial assistance provided by the Centres for Social Welfare. During their staying in asylum centre special attention is being paid to origin, age, marital status, religion and other customs of asylum seekers.

In 2008 there were 52 recorded cases of asylum seekers. Over the 3 year implementation of the Law on Asylum, the number of asylum seekers has increased dramatically: from 275 cases in 2009, 520 in 2010, 3,134 in 2011. Until 2011, the existing capacity for providing accommodation and basic living conditions were adequate but 600% increase in the number of asylum seekers in relation to 2010 has produced additional challenges for the institutions of RS. Parallel to the increase in the number of asylum seekers (AS), a change in the age structure and other capacities has been identified: In 2010, 2011 and in 2012, the arrival of whole families with small children has been recorded which previously was not the case; the number of minors seeking asylum is increasing and in 2012 it reached to 27.3% of the total; women asylum seekers make up 14%; while in 2012 a constant flow of unaccompanied minors asylum seekers accounted for 18.34% of the total population; AS predominantly arrive from Afghanistan–54%, Somalia–15.69%, Pakistan–11.1%, Libya–4.43% and Palestine–2.99%.

Taking into account the national structure of asylum seekers and existing linguistic obstacles which significantly complicates communication with the employees of the Asylum Office of MoI, as also with those employed within the asylum centres, centres for social Welfare and health centres it is necessary to provide additional translation services for asylum seekers in their mother tongue (most frequently Farsi, Pashto, Arabic and Somali) in order that the needs and statements of asylum seekers can be adequately represented. The limited resources provided through the budget of the RS unfortunately do not provide for the possibility of additionally financing translation services, which in the previous period were provided through the NGO, and as such it is necessary to provide additional resources in order to accommodate such needs. Having in mind that unaccompanied minor asylum seekers represent a particularly vulnerable group, capacity building of the employees of relevant institutions primarily with those employed within the centres for social welfare is imperative. Given that Republic of Serbia is obliged to provide for the integration and inclusion of protected persons within local communities, which apart from having formed integration houses as a means of providing accommodation, also entails providing for the learning of the Serbian language, the creation of employment opportunities, the creation of a public opinion which enables the unimpeded establishment of social and other contacts with other members of the society, represents an additional challenge. Implementation of the project will support improvement of the Asylum System within the Republic of Serbia by increasing the accessibility, quality and number of services available to beneficiaries as to achievement of the Asylum Seekers rights. Further alignment of legal framework with EU regulation and improving the process governing the access to rights of asylum seekers will be covered. Capacity development of all relevant institutions with the aim to reduce the time period necessary for the implementation of asylum procedures and especially will target institutions providing services to unaccompanied minor asylum seekers, improvement of persons granted international protection integration into society, as well and informing public on the rights, obligations and problems of asylum seekers will be part of the intuitional development activities. Due to categorization as transit territory for illegal migrants on their way to the countries of Western Europe and consistent increase in the number of asylum seekers in Serbia, this measure should develop electronic database and the system of data exchange between the Sections for Asylum and Readmission within the Ministry of Interior which currently does not exist. Contributing to the asylum seekers' quality of life this measure

includes the reconstruction of designated parts of the asylum centre and supplied of necessary equipment. With the recent increase in the numbers of asylum claims lodged in Serbia, the UNHCR have undertaken to assess Serbia's asylum procedure in this context and evaluate Serbia as a country of asylum. The aforementioned Report stated that Serbia's asylum system presently is not sufficiently developed and not in line with international or EU standards. The special attention was paid to the reception system in the Republic of Serbia and one of the conclusions of UNHCR is that Serbia's asylum system has been overwhelmed in particular by recent increases in the numbers of asylum applicants.

Furthermore, in order to better address the issue of unfounded asylum seekers from Serbia seeking asylum in EU member states, on December 24<sup>th</sup> 2012, the National Assembly of Republic of Serbia adopted the Amendments and Addenda to the Criminal Code, criminalizing conduct of organizers and supporters of false asylum seekers. This new criminal offence, called "facilitation of abuse of the right to an asylum in a foreign country", requires awareness raising, training and inter-agency cooperation of law enforcement and justice officials, at which police officers and prosecutors would discuss and learn how best to use available investigative techniques and other criminal justice tools in order to effectively detect, investigate and prosecute the perpetrators of this new criminal offence.

### Legal aid

In the past two decades, the Republic of Serbia (RS) was challenged to solve the problems of a vast number of forced migrants. After the disintegration of the Socialist Federal Republic of Yugoslavia (SFRY), a massive influx of refugees came to Serbia, mostly from Croatia and Bosnia and Herzegovina. Following the 1999 conflict, a large number of Serbs and members of other non-Albanian communities fled Kosovo\*<sup>2</sup> and sought refuge in Southern and Central Serbia and adjacent countries. According to the data from the Registration of IDPs from Kosovo conducted in the year 2000, about 187,000 Serbs and members of other non-Albanian communities were forced to leave the province. It is estimated that additional 25,000 persons have fled since the initial displacement. Around 210,000 IDPs, mainly residing in Southern and Central Serbia and Belgrade, have been so far registered on the territory of inner Serbia (not including the territory of Kosovo). Thirteen years after the initial displacement, the protection of their basic human rights, in particular property rights, is not effective: abuses and violations committed after 1999 are generally not sanctioned nor redressed.

Although voluntary return is the best solution for refugees and IDPs, only a quarter of refugees realised a durable solution through return. The situation is worse concerning IDPs. According to UNHCR data, only 17.000 Serbs and other non-Albanians returned to Kosovo. It is estimated that only 5.000 persons actually achieved sustainable return. One of the main obstacles to sustainable return of IDPs to the places of origin is inability the population in question to accomplish their basic human rights, in particular property rights.

Apart from the refugee and IDP issues, Serbia also faces problems in the field of reintegration of returnees under the readmission agreements and their property rights in the places of their origin. By signing the readmission agreements, Serbia is obliged to admit and reintegrate its own citizens who illegally reside in EU countries. In order to harmonise with EU standards Serbia adopted a comprehensive Strategy on Migration Management and developed strategic activities targeting migrants.

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<sup>2</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

IDPs, refugees and returnees, as final beneficiaries of the Project, are recognized as one of the most vulnerable groups among the population and as such mostly rely on different types of social contributions, are faced with the lack of personal documents and are highly dependent on complementary legal aid/assistance in attempt to accomplish their rights, in particular property rights.

IDPs seeking protection of their property rights mainly address three types of institutions: *The judiciary system in Kosovo*, which is currently being reformed and is under supervision of the EULEX mission. Cases of fraudulent transactions, illegal construction and occupation of property need to be resolved through judicial procedure, mostly through civil cases but also criminal cases, as well as many non-contested inheritance procedures; *The Kosovo Property Agency (KPA)*: in 1999, the UNMIK established the Housing and Property Directorate, which was replaced in 2006 by the Kosovo Property Agency, which since 2008 has become part of the local institutions, with international management and supervision. The KPA has collected 39,574 claims for land and commercial property. The KPA is a mass claims mechanism, in charge of ensuring the restitution of the properties to their legal possessors; *the local administration in Kosovo*, under the administrative procedure, mostly Cadastre Offices but also the Kosovo Privatization Agency, to ensure the protection of workers' rights.

IDPs face numerous problems protecting their land, housing property and other acquired rights in Kosovo due to absence of comprehensive administrative mechanisms for resolving these issues and due to fact that UNMIK administration established 1999 undertook the responsibility for the property rights protection in Kosovo. Given that the location of the properties in question is in Kosovo all cases involving restitution of property rights must be conducted in Kosovo. Freedom of movement in Kosovo is a major constraint for IDPs in accessing their rights as well as for the lawyers representing them. This is an additional limiting factor for which providing legal aid to IDPs in Kosovo is not the same as providing legal aid to IDPs in the rest of the Serbia. For these reasons, international oversight and involvement remains a necessary element in the provision of legal aid to IDPs.

The overall strategic framework of this SF is reflected in the amended **National Programme for Integration** of the Republic of Serbia into the EU, from December 2009, which underlines the need for further development of the institutions involved in the various sub-sectors relating to the rule of law.

**Development Strategy for the MoI 2011-2016**, was adopted January 2011. Action plan for its implementation was adopted September 2012. This strategy shall focus on the area of police reform, capacity building and further specialisation within the police force, modernisation of police work and improvement of international and regional cooperation, which is the rationale for such an intervention not to be included in the scope of the present SF. In this Strategy four areas of work that are of strategic importance to future development are identified: Organization and management, Safety of the individual, the community and the state, Partnerships at national, regional and international level, Internal and external oversight systems and operational transparency.

In the second area - Safety of the individual, the community and the state: Developed criminal police capacity for effective and efficient action and A developed, efficient and effective Integrated Border Management System are identified, among others, as strategic goals for implementation of this strategies area.

Within the first goal - **Developed criminal police capacity for effective and efficient action** it is emphasized that:

“All forms of proactive work need to be developed in partnership with other government authorities and representatives of civil society; the Crime Prevention Strategy needs to be

adopted in line with the Initial Framework of the National Crime Prevention Strategy. All mechanisms of assistance and protection of the victims of crime – especially violent crimes – should be further developed.

Further development of the National Crime Technical Centre's capacities will ensure the level of work which enables the use of evidence according to the EU standards. Sustainable development of forensic capabilities needs to be ensured, in line with the progress in the relevant scientific fields"

In the second goal - **A developed, efficient and effective Integrated Border Management System, it is emphasized that:**

“Integrated border management (IBM) is a precondition for the overall level of security in the country and contributes to the fight against crime by creating the conditions for cooperation with countries from the region, as well as for European integration processes. IBM will enable the long-term development of border security and create borders open for free flow of people and goods, while at the same time being safe from all forms of trans border crime.

A master plan is needed for the equipping and development of infrastructure on the border crossings, as well as for formulating training plans for border police officers. The implementation of the Integrated Border Management Strategy, through further strengthening of agencies involved in that process, as well as through the enforcement of the cooperation agreement in the area of IBM, will ensure interagency cooperation that will, in turn, establish a more efficient system of uncovering illegal migration and illegal drugs trade.

The development of migration management capacities needs to be further enhanced and the capacity for combating illegal migration and human trafficking must be advanced, in accordance with the already adopted strategies, plans and international standards."

To enhance the efficient prevention and fight against organised crime, Serbia has adopted the **National Strategy for the Fight against Organised Crime** in 2009. The Strategy, foresees the long-term trends and directions of functioning of the organised crime structures, as well as the capacities of the Republic of Serbia for prevention and its reduction to the lowest possible rate.

The **Integrated Border Management (IBM) Strategy**, which was adopted on 8<sup>th</sup> November 2012, is a document by which the Republic of Serbia determines the policy regarding establishing a system of integrated border management. It sets a framework for the elaboration of harmonised and synchronised sector strategies and for implementation plans, defines roles and responsibilities of the state authorities and relevant border services, identifies strategic goals, and decides on basic directions for actions during the process of establishing and implementation the long-term sustainability and stability of the established system of integrated boarder management. The Action Plan for implementation of this Strategy is under preparation.

Related to this, Serbia has **a Strategy for Illegal Migrations Suppression and Strategy for Fight against Trafficking in Human Beings**. This Strategy is valid until 2013, and a new strategy and action plan are in preparation. This will take into consideration international recommendations and latest trends in fight against human trafficking.

In July 2009, the Republic of Serbia adopted the **Migration Management Strategy**, addressing all aspects of migration, with the aim to monitor and manage migration in line with European standards and regulations in this area. Some of the measures this Strategy foresees is monitoring of the implementation of the Law on Asylum and removal of eventual demerits in order to provide unimpeded access to rights by asylum seekers especially the right to integration, and creation of the conditions for sustainable return and integration of refugees

and,, sustainable return of IDPs, improvement of the living conditions of IDPs while they are in displacement, and the reintegration of returnees on the basis of the readmission agreements.

The **Strategy for combating illegal migration** (2009-2014) in the Republic of Serbia is based on the National Programme for Integration in the European Union, Strategy of Integrated Border Management in the Republic of Serbia and current reform processes in the country, above all those listed in the European Partnership document. In addition to that, the strategy was prepared in line with guidelines from the Schengen Catalogue, Schengen Acquis and the concluded international conventions in the field of human rights protection, rights of asylum seekers and refugees. It is also based on the concept of integrated Western Balkans border management issued by the European Commission that comprises coordination and cooperation among all competent public authorities and services included in border security and trade facilitation aiming at establishment of effective, efficient and integrated border management systems for the purpose of achieving common goal of open but controlled and secured borders.

**The Sustainable Return and Subsistence in Kosovo and Metohija Strategy**<sup>3</sup> was adopted in April 2010. The aim of this strategy is to support the sustainable return of IDPs through the increased engagement of domestic and international state and non-state actors, to strengthen administrative structures and accountability mechanisms and to help support sustainable and socio-economic development of Serbian and other non-Albanian communities in Kosovo and Metohija.

**The Poverty Reduction Strategy** adopted in October 2003, has singled out the problems of refugees and internally displaced persons as very serious and needing to be solved urgently - reducing the number of refugees and IDPs categorized as underprivileged and reducing the time people from this population spend in poverty.

**The Strategy for improving the situation of Roma in the Republic of Serbia** which was adopted in April 2009, has a particular chapter devoted to improving the status of internally displaced Roma. The most important measure is provision of financial resources from international donors and IPA funds to find adequate solutions for internally displaced Roma; obtaining personal documents; informing on the right to return and their personal rights.

Under the 2009 **Strategy on the Reintegration of Returnees on the basis of the Readmission Agreements**, the priorities are: to strengthen the capacities of local self-governments; to provide support for the inclusion of returnees into the educational system and the sphere of employment; to provide support for the strengthening of the capacities of local self-governments for accommodating returnees.

**The National Strategy for Resolving the Issues of Refugees and IDPs** from March 2011 foresees return and integration as the two main directions for solving the issues of these groups. Support to protection of IDPs and refugees property rights is one of the instruments for achieving their sustainable return or integration.

### ***2.2.2. Sector and donor coordination***

The coordination and harmonisation of donor activities in Serbia, with a particular focus on country ownership over coordinating aid-funded activities, will be ensured under the

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<sup>3</sup> Official Gazette of RS, no. 32/10

leadership of the Serbian European Integration Office (SEIO) – Sector for Planning, Programming, Monitoring and Reporting on EU funds and Development Assistance.

Coordination of programming at the highest policy level is the responsibility of the Commission for Programming and Management of EU Funds and Development Assistance. The Commission meets annually and is chaired by Vice Prime Minister in charge for European Integration. The Commission is composed of 11 ministers and the Director of the SEIO. The task of the Commission is to review draft documents that will be presented to donors, suggest priorities for use of resources of international development assistance, and consider and make proposals to the Government on other significant issues related to the use and management of EU funds and development assistance. As a monitoring tool, the EU Delegation and NIPAC have also created monthly ‘‘bottleneck meetings’’ between DEU, NIPAC and line ministries to discuss the progress of IPA funded projects and to ensure their smooth implementation.

The NIPAC and NIPAC Technical Secretariat have eight Sectoral Working Groups (SWGs) to prepare the Needs Assessment Document (NAD) for international assistance in 2011-13, as the basis for identifying annual IPA I programmes, multi-annual IPA III-V programmes and bilateral donor projects. These SWGs comprise representatives from Line Ministries and other beneficiaries as the main actors in programming and project identification. The SWGs contribute to the identification and prioritisation of projects, ensuring co-financing and analysis of project implementation, and include an SWG for human resources development. Within the donor community itself, the EU leads the donor coordination group for the Rule of the Law.

The action plan for programming and reporting on international assistance is prepared annually by the NIPAC Technical Secretariat, to ensure synchronization with national planning and budgeting processes and consider IPA programming specific requirements. By defining activities, timeframe and roles and responsibilities of relevant institutions, it serves as a tool for coordination and instrument for aligning donor activities. ISDA CON, as both a website and database of development assistance and priority projects, serves as a programming, reporting and communication tool.

Within recently improved Aid Coordination Mechanism informal donor coordination groups (previously mostly donor driven) have been rearranged and their work formalized based on increased national leadership. In JHA national sector, the Interior aid coordination group is active with Ministry of Interior and OSCE as main counterparts and EUD, Norway, SIDA, DFID, France, ICITAP, Italy, Holland, Hungary, Germany, Finland, UNDOC, UNHCR, IOM, DCAF and Romania as participating donors.

In addition to sector aid coordination groups, mechanism envisages the following four cross-sector groups: Local Development, Regional Development, Roma Integration and Gender Equality.

### ***2.2.3. Sector budget and medium term perspective***

With the aim of increasing predictability of public financing for the budget users, as well as of improving transparency of the planning process in general, the Budget system Law prescribes the obligation of presenting the medium term expenditure framework as the three-year expenditure limits for budget users. According to the adopted Fiscal Strategy for year 2013, with Projections for years 2014 and 2015, based on the medium-term macroeconomic

projections and the targeted deficit for the respective years, the following funds are planned to be allocated from the state budget to the state institutions associated with the Home Affairs subsector (as the part of the JHA Sector)<sup>4</sup>:

*Budget expenditure limits for 2013-2015 (in EUR\*)*

Institution	2013	2014	2015
Constitutional court	1,919,599	1,996,388	2,076,237
High Judicial Council	958,620	996,965	1,036,839
Courts	118,620,502	123,365,326	128,299,933
State Prosecutor's Council	563,278	585,803	609,239
Public Prosecutor's Offices	28,136,814	29,262,291	30,432,784
Ministry of Interior	558,213,696	580,542,241	603,763,930
Security Information Agency (BIA)	36,665,151	38,131,756	39,657,023
Commissariat for Refugees and Migration	13,549,532	14,091,513	14,655,167

\* *Converted at the agreed budgeting rate of 119.6 RSD: 1 EUR*

The **strategic goal** of the Government economic policy on the medium-term 2013-2015 as outlined in the Fiscal Strategy is the **acceleration of the European integration process** of the Republic of Serbia, by undertaking activities leading to the initiation of accession negotiations and by implementing systemic reforms leading to the fulfilment of the Copenhagen criteria. To this end, the adoption of the necessary systemic laws shall be accelerated, as well as the implementation of the adopted legislation with the aim of establishing market economy, macroeconomic stability and suppression of the corruption and the organized crime. The document further clarifies that in order to fulfil economic and political criteria for membership to the EU, the resources shall be provided for strengthening of the administrative capacities and for the stability of institutions guaranteeing democracy, the rule of law and the protection of minorities, for the development of market economy and of its potentials to respond to the competition and market pressures from the EU, as well as for creating the stable economic and monetary surrounding.

#### **2.2.4 Sector monitoring system**

Sector performance should be monitored by sector outputs and consequent impacts that will be continuously monitored based on the existing strategies and action plans. Sector monitoring is currently under development.

Currently within the MoI, monitoring of implementation of Strategies and Action plans is done randomly. A formal system is to be established by 2013, through a project under implementation financed by the Swedish government and is implemented through PROFID. Likewise, with regards to migration management and reintegration of returnees monitoring system within Commissariat is setting up as well as the system for regular updating of Migration Profile.

Result-based system of indicators accompanying document "Needs of the Republic of Serbia for International Assistance" defines baseline and target values (benchmarks) for a four-year period and will be revised annually. Indicators are linked with the relevant sector priorities and measures defined in the document, and are, to the extent possible, taken from sector performance frameworks described in the first paragraph. It is intended that this system of

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<sup>4</sup> The data presented herewith originate from the Draft Fiscal Strategy issued by the Ministry of Finance and Economy in October 2012. This Draft is pending adoption by the Government and the subsequent submission to the National Assembly, the actions which will precede the adoption of the Law on Budget for year 2013 (15<sup>th</sup> December 2012, at latest). As at the moment of drafting of the present fiche the budgetary process is still ongoing, slight changes of expenditure limits per budget users can take place, however without effect to the overall state budget deficit.

indicators is used in planning and monitoring of EU funds and development assistance and integrated in the relevant planning/ programming documents (including sector/project fiches).

The monitoring system under decentralised management of IPA (DIS) is defined in detail in relevant Manuals of Procedures. System is based on a set of monitoring committees examining relevant monitoring reports- IPA Monitoring Committee, Sectoral Monitoring Committees (TAIB MC being one of them) and Sectoral Monitoring Sub-Committees (SMSCs). SMSCs will be examining IPA monitoring reports on activities funded through first IPA component per sector (it is envisaged that 8 SMSCs will be functional in the following sectors: rule of law (covering home affairs as well); public administration reform; civil society, media and culture; transport; energy and environment; competitiveness; human resource development and agriculture and rural development). Progress in achieving the target values per indicator set in the relevant sector/project fiches will be included in the relevant monitoring report and examined at the SMSC and TAIB MC meetings.

### **2.2.5 Institutional setting**

In this Sector fiche, the following institutions which will be directly involved in its implementation are the Ministry of Interior, Ministry of Justice and Public Administration, Prosecutors Office, Courts and Commissariat for Refugees and Migration.

Within the Ministry of Interior, the responsible organisational unit for the human trafficking component will be Criminal Police Directorate, Service for Combating organised crime, Department for Suppression of Classic Organised Crime – Section for Trafficking in Human Beings (HB) and HB Smuggling Suppression. This Section consists of ten professionals at the Headquarters.

The organisational unit for weapons smuggling suppression is the Section for weapons and explosive materials smuggling suppression within the Classic organized crime suppression department in Service for combating organized crime.

Financial investigations unit is under the Service for combating organized crime and it has two departments: Department for financial investigations in organised crime cases and Department for planning and coordination of financial investigations.

Within the Service for combating organized crime for drug suppression is in charge Drug smuggling Department. Department have Heroine, Cocaine, Marijuana and Cannabis Smuggling Suppression Section, Synthetic Drugs Smuggling and Precursors Misuses Suppression Section and Section for coordination, information and operational data exchange.

In accordance with the Law on state administration, Article 64, the Ministry of Interior cooperates with other institutions to successfully carry out their duties.

Within the Ministry of Interior, the responsible organisational unit for Laboratory Component will be Criminal Police Directorate, National Crime-Technical Centre (NCTC). It will be responsible for forensic expert analysis and toxicological analysis. The Centre consists of three organizational units located in Belgrade (forensic and toxicological laboratories), Novi Sad and Niš.

Within the Public Prosecutor's Service, the responsible organisational unit for implementation of this project will be Republic Public Prosecutor's Office, who will organize the participation of the competent public prosecution offices on different topics (Organised Crime Prosecutor's Office on organised crime offences, Higher Prosecutor's Offices on trafficking in human beings, etc).

The Commissariat for Refugees and Migration is a public authority established by the Law on refugees as a special organisation. The main tasks of Commissariat are related to the refugees from ex SFRY republics. After adoption of the Law on Asylum, the Commissariat is responsible for the accommodation of asylum seekers into asylum centres. Asylum centres are part of the Commissariat.

Office for Kosovo and Metohija was established by the 2007 Law on Ministries<sup>5</sup>. Its existence was confirmed by the new Law on ministries<sup>6</sup> adopted in 2008. Some of the main functions it executes are following: functioning of the institutions of the Republic of Serbia on the territory of Kosovo-Metohija; education, health care, social policy, culture, infrastructure, system of local self-government and telecommunications in Serbian populated areas; cooperation with Serbian Orthodox Church;

### ***2.2.6 Macro-economic context and Public Financial Management***

According to the Draft Fiscal Strategy and the macro-economic indicators presented therein, it is obvious that at the end of the year 2012 Serbian economy is in the recession. In general, the negative tendencies started with the second wave of economic crisis in the second half of year 2011, and continued throughout 2012 (the evident slow-down of the economic activities and of export and import of goods, the increase of fiscal and current account imbalances, growth of inflation, decrease of employment, dinar deterioration, decrease of foreign exchange reserves and of crediting activities in the banking sector, the increase of the share of the non-performing loans in the debt portfolio, etc.). The stagnation of economic activities at the EU Member states, the recession in the countries of EURO-zone, and particularly in the countries of the region, strongly affected Serbian economy being heavily dependent exactly on those trade partners. This shall continue to represent major external risk for the national economy, but the comparative anticipations are such that the recession shall decelerate during 2013, while modest growth in economic activities and employment can only be foreseen in the horizon of year 2014. The Draft Fiscal Strategy forecasts a macroeconomic scenario with real GDP growth at average rate of 3.2% per year over the period 2013-2015.

The prospects of economic recovery and growth are based on the projections and expectations of the increase of export, of savings in public sector, of productivity and of competition, as well as on the anticipation of the economic recovery of the markets of EURO-zone. As presented in the Draft Fiscal Strategy, the macro-economic stability is the key pre-condition for fulfilling the outlined **priorities of economic growth and the increase of employment and of the living standard** in the Republic of Serbia. In that sense, a strict coordination of fiscal and monetary policy in the following three years is of crucial importance for macro-economic stability and for the decrease of macro-economic imbalances (inflation, fiscal deficit, current account deficit). The prevailing orientation is therefore towards undertaking rational economic policies and on the acceleration of structural reforms. Fiscal policy shall focus on the decrease of fiscal deficit by introducing changes in tax policy and mostly through fiscal adjustments on the expenditure side in line with the rules of fiscal responsibility. Monetary policy shall aim at attaining targeted inflation and on carrying out the floating exchange rate regime. In parallel, structural policy shall promote reforms leading to increasing productivity and export capacities, improving the business environment and attracting potential foreign investors, as well as reforms in the public sector. With this regards, a particular challenge for the economic policy shall be to ensure the financial

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<sup>5</sup> Official Gazette of the Republic of Serbia (RS) No. 43/2007 of 15 May 2007.

<sup>6</sup> Official Gazette of the Republic of Serbia (RS) No. 65/2008 of 5 July 2008.

incentives for the most effective programs, particularly in agriculture, energy sector and in infrastructure. By strengthening the rule of law, suppressing the systemic corruption and with mitigation of the rigidity on the labour market, a better investment climate is to be created. Complementary special economic policies to be emphasized in the medium-term perspective are: policy of protection of competition, active population policy increasing birth-rates, balanced regional development policy, social policy (guaranteeing social rights and inclusiveness); Key sector policies towards which more substantial financial resources are going to be allocated, are again closely interlinked with the aims of economic growth and employment and presented as follows: agricultural policy, mining and energy, transport, telecommunications, tourism, health policy, education and science.

Envisaged structural reforms of the public sector are of great influence to the efficient **management of public finances**. The principal legal bases for the public financial management in the Republic of Serbia are set out with the Budget System Law which is assessed rather positively in terms that it “provides for many of the essential components of a sound budget system<sup>7</sup>”. In the recent years (2010/2011), important new institutes such as medium-term expenditure framework and fiscal responsibility rules, have been introduced to streamline the management system. However, the implementation of those new concepts has not been fully exercised, largely because of the challenges the state faced with the financial crisis, and due to incremental approach in introducing the changes in practice. In addition to this, a significant reform potential is to be seen in the recent amendments of the Budget System Law (BSL)<sup>8</sup>. One of the major changes concerns the broadening of the definition of public finances, which previously referred exclusively to budget (local and central level) funds and did not encompass the totality of revenues/incomes (for example, the so-called own, or proper revenues of some public sector institutions were left out of the system of managing the public finances and of the treasury single account). The system and the Law as amended in September 2012 now provide for a more comprehensive approach in planning, spending and reporting on public funds and as such create conditions for a better control of spending in the public sector. Likewise, the amended BSL has incorporated system changes concerning the approach in establishing and charging of various taxes, levies and duties affecting particularly the private sector. Namely, the assessments carried out with this regards, revealed that much of the fiscal duties were being introduced in opaque and unpredictable manner. The amended BSL establishes fairly transparent principles in introducing such financial charges and obliges for the subsequent adjustment of other pieces of legislation not aligned with the outlined principles; Further on, in line with the recommendations of the EC DG BUDGET, the definition of the managerial accountability has been adjusted, while in anticipation of the conferral of management powers for decentralized management of EU Funds, a new budget reserve has been introduced in order for Serbia to cope with the requirements of accreditation criteria.

Notwithstanding those improvements in the budget system, the public expenditure management still remains short of a consolidated plan for reforming the public expenditure management, which would focus exactly on implementing reforms that have already been agreed and launched. In 2010 Public Financial Management in the Republic of Serbia has been reassessed in accordance with the Public Expenditure and Financial Accountability (PEFA) methodology<sup>9</sup>. A basis is therefore now available for information and monitoring of PFM, for planning of the reform strategy and capacity development programme. Assessment

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<sup>7</sup> SIGMA Assessment for Serbia, published in March 2012.

<sup>8</sup> The Law on Amendments to the Budget System Law was adopted by the Parliament on September 25th and published in the Official Gazette No. 93/12, September 28<sup>th</sup>, 2012.

<sup>9</sup> The Republic of Serbia PEFA Assessment and PFM Performance Report 2010 has been published in November 2010

of the PFM institutions, processes and systems, has been carried out in several important areas: budget credibility; transparency and comprehensiveness; policy-based budgeting; predictability and control in budget execution; accounting, recording and reporting; external scrutiny and audit; and donor practices. A standardised scoring system is applied in the structure (sub-elements) of each of the topics, so that weaker scoring directly signals the necessity to concentrate efforts on improvements in a medium-term perspective. The PEFA Report recognises the dependency between PFM reforms and the EU accession agenda and recommends a more systematic approach and stronger specific leadership to ensure consistency of future PFM reforms.

### ***2.2.7 Sector assessment***

The Government of Serbia is firmly committed to capacity-building within the Rule of Law/Justice and Home Affairs sector, in pursuit of its national policy objectives and reform agenda, and the path to European integration and accession to the EU. The assistance needs of the public administration sector for 2011-2013 have been fully articulated by the Sector Working Group for RoL, and described in the ‘Needs of the Republic of Serbia for International Assistance 2011-2013’, adopted by the Government in February 2011.

Substantial reform of judiciary is being carried out, and this process has been intensified in past 3 years. With wide range of changes introduced, special attention should be paid to operational and institutional capacities, overall achieved effects and additional support has to be focused in order to support coordinated changes in whole judiciary sector. New court network, institutions and laws, changing of competencies and introduction of new legal approaches has put additional strain to the justice system that need additional support in institutional and human capacity building. This requires a certain disparities in the approach and methodology of support to be provided for judiciary reform as opposite to the rest of stakeholders in JHA sector.

The process of IPA 2013 programming extended the already established consultation process developed on a sector basis during the preparation of the NAD 2011-2013 and the IPA 2012 programme preparation. A strategic (or gap) analysis has been conducted to identify priority areas relevant for the IPA 2013 programme. The strategic (or gap) analysis has been conducted through a range of actions including analysis of the correlation between the NAD 2011-2013, the MIPD 2011-2013, the analysis of EC Opinion on Serbia (Analytic Report) 2011 and correlation with on-going and proposed 2012 assistance. Analysis has been carried out through the framework of Sector Working Groups (SWG) (SEIO, Line ministries, the EUD representatives and Civil Society Organisations) that have discussed the key messages derived from the abovementioned strategic documents. On the basis of this cross-checking strategic analysis, SWGs during the consultation process have identified a number of IPA I 2013 priority areas for this sector (also commented by the EUD and DG Enlargement): Support to fight against corruption; Fight against organised crime; Support to emergency situation response; Strengthen Asylum system and related migration management mechanisms; Improving penitentiary system; Strengthening institution capacities of judicial bodies (HJC, SPC); To improve access to justice for children and youth, and align legal framework; Training in human rights and protection of minorities.

## **3 DESCRIPTION**

### **3.1 OVERALL OBJECTIVE OF THE IPA SECTOR SUPPORT**

The overall objective is to contribute to Serbian's efforts to harmonise national policies within the home affairs sector in line with EU standards and the acquis

### **3.2 SPECIFIC OBJECTIVE(S) OF THE IPA SECTOR SUPPORT**

**Specific objective 1:** To strengthen law enforcement institutions' (Criminal Police Directorate and Prosecutors office) capacities to investigate (police) lead investigations and prosecute organised crime (prosecutor's office).

Measurable indicators:

- *Increase in the effective usage of special investigative measures as compared to total number of measures envisaged in agreements*
- *Increased no. of detected THB perpetrators in police crime reports*
- *Increased no. of indicted THB perpetrators*
- *Increased no. of detected organized crime perpetrators in police crime reports*
- *Increased no. of indicted organized crime perpetrators*

**Specific objective 2:** Build capacity of investigation techniques in solving cases of crime (organised and others) by improvement of the efficiency and working conditions, of the physical-chemical and toxicological laboratories of the Ministry of the Interior in accordance with EU standards (ISO/IEC 17025:2006) and initiate the process of the Laboratory accreditation to EU standards

Measurable indicators:

- *Increased ratio of solved cases compared to number of cases received*
- *Increased number of submitted requests for accreditation per method (out of total number of approximately 40 methods)*

**Specific objective 3:** To improve capacity for implementation of asylum policies in line with international and EU standards and to reduce unfounded asylum seekers travelling through Serbia to EU MS.

Measurable indicators:

- *Improved ratio of persons included into complete integration process compared to number of persons awarded international protection*
- *Improved ratio between number of first instance decision and number of submitted requests for international protection*

**Specific objective 4:** To improve provision of legal aid/assistance and upgraded availability of timely and accurate information necessary for exercising the rights of IDPs, refugees and people from readmission.

Measurable indicators:

- *Decreased number of IDPs families necessitating legal aid*

### **3.3 RESULTS**

#### **Results related to Specific Objective 1**

**Result 1.1. Improved capacities of Criminal Police Directorate and Public Prosecutors Office to investigate and prosecute organised crime concerning the trafficking in human beings, illicit arms trafficking, drug trafficking, financial investigation.**

Measurable indicators:

- *Increased application of provisions of Art. 103 of new Criminal Procedures Code (measured by number of motions for victims of THB to be treated as especially sensitive witnesses in criminal procedures)*
- *Increased number of charges in cases of illicit arms trafficking*
- *Ratio of police force using internet as an investigative tool increased*
- *Usage of proactive investigations within the Financial Investigation Unit within the Service for Combating Organized Crime – Criminal Police Directorate increased*
- *Total number of court rulings granting requests for temporary and permanent assets seizure increased on annual basis*

**Result 1.2. Raised awareness with regard to trafficking in human beings and combating of illicit weapons trafficking**

Measurable indicators:

- *Increased total number of calls through-out years, by potential victims of trafficking in human beings*
- *Increased number of requests for legal weapon possession*

**Result 1.3. Legal framework created to cover all aspects of trafficking in human beings (regarding Serbian victims and others in transit through Serbia), and improving the legal base/standards to cover new areas in drug trafficking Criminal Asset Recovery to include analysis of lifestyle.**

Measurable indicators:

- *Legal framework concerning trafficking in human beings and drug trafficking completed and implemented (Criminal Code amendments, adoption of by-laws etc.)*
- *Increase the number of MoI signed bilateral agreements concerning THB and drug trafficking*
- *Increased number of signed MoUs concerning THB between law enforcement agencies (police, prosecutor's office) and NGOs*

**Result 1.4. Increased international cooperation and coordination in fight against human trafficking, illicit weapons trafficking, trafficking of drugs, financial investigations.**

Measurable indicators:

- *Number of joint investigations between countries in the region and EU MS concerning fight against organised crimes*
- *Increased number of requests for prosecutorial cooperation and legal assistance with EU MS through EUROJUST and with third countries on basis of bi-lateral and multi-lateral agreements*

**Results related to Specific Objective 2**

**Result 2.1. Analyzed/mapped existing capacities and developed roadmap for laboratory accreditation in accordance with EU standards**

Measurable indicators:

- *Roadmap adopted by MoI, and operational*

**Result 2.2. Fully functional and equipped facilities of the physical-chemical laboratories (for analysis of: drugs, explosives and traces of fire, micro trace fibre and micro-marking paint) and toxicology laboratory at the space provided by MoI<sup>10</sup>**

*Measurable indicators:*

- *Level of fulfilment of international standards (GLI - Good Laboratory Practice)*

**Result 2.3. Trained professional personnel in the physical-chemical laboratories (for analysis of: drugs, explosives and traces of fire, micro trace fibre and micro-marking paint) and toxicological laboratory and acquired necessary experience to work with EU standards**

*Measurable indicators:*

- *Number of trained personnel using new methods of laboratory examination necessary for accreditation<sup>11</sup>*
- *Reduced average time spent to analyse samples*
- *Increased number of samples analysed on daily basis*

**Result 2.4. Process of accreditation started: Validated methods of analysis which will be applied in the physical-chemical laboratories (for analysis of: drugs, explosives and traces of fire, micro trace fibre and micro-marking paint) and the toxicological laboratory**

*Measurable indicators:*

- *Number of Forensic investigation techniques harmonized with ENFSI*
- *Number of analysis methods validated*
- *Ratio/Degree of fulfilment of international standards (ISO/IEC 17025:2006)*

### **Results related to Specific Objective 3**

**Result 3.1. Improved capacities of institutions dealing with issues of concern for asylum seekers, especially in the area of advanced interview techniques and advanced country of origin information research;**

*Measurable indicators:*

- *Database of persons seeking for asylum established and operational*
- *Reduced average duration of procedure for issuing decision for first instance asylum seekers*
- *Reduction of average time for obtaining electronic data on asylum and readmission by relevant staff*

**Result 3.2. Improved capacities of services in charge of unaccompanied minor asylum seekers;**

*Measurable indicators:*

- *Coverage of Unaccompanied Minor Asylum Seekers (UMAS) by procedures / protocols standardised according EU requirements*

**Result 3.3. The establishment of timely and adequate integration support mechanisms for persons granted international protection or subsidiary protection in Serbia;**

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<sup>10</sup> located on the first floor of the building Kneza Miloša 103, section C

<sup>11</sup> For this indicator data shall be disaggregated by gender, in accordance with Project training reports

Measurable indicators:

- *Ratio between number of requests for different services by persons awarded with international protection and number of services provided in accordance with agreed procedures*

**Result 3.4. Legal framework aligned with EU regulations;**

Measurable indicators:

- *Procedures for the enhancement of the protection of documents issued to asylum seekers developed and approved by MoI by the end of the project, and based on that, 100% of asylum seekers will get documents issued in line with EU standards i.e: Improving percentage of asylum seekers which successfully obtained documents issued by National administration*

**Result 3.5. Public informed of the rights, obligations and problems of asylum seekers;**

Measurable indicators:

- *Prejudices and negative attitude of general public towards asylum seekers reduced at the end of the project as compared to the results obtained at the beginning of the project*

**Results related to Specific Objective 4**

**Result 4.1. Legal aid and assistance necessary for improving the access of IDPs, refugees and people from readmission to property rights, health, education, employment, social welfare and infringement of human rights is provided in accordance with the highest professional standards and at least 20 junior lawyers (pool of lawyers) from the places of origin trained to cope with legal problems of IDPs.**

Measurable indicators:

- *Increased ratio of overall solved and overall received number of legal cases*

**Result 4.2. Information relevant for exercising the rights of IDPs, refugees and people from readmission is disseminated in an accurate and timely fashion in all areas where the target groups dwell;**

Measurable indicators:

- *Increased percentage of migrants aware of their rights at the end of the project as compared to the results obtained at the beginning of the project*

### 3.4 MEASURES/OPERATIONS<sup>12</sup> TO ACHIEVE RESULTS

#### **Measure 1: Support to the implementation of the to fight against organised crime**

The measure will support the operational capacity and capabilities of the Criminal Police Directorate and Public Prosecutors' Offices in order to prosecute and investigate organised crime and human trafficking cases, drug trafficking cases, illicit arms trafficking cases and financial investigation cases. It is envisaged to conduct analysis of the operational capacities and formulated recommendations and support their implementation in the form of procedures, revision of legislation etc. Specific training programme will strengthening the police capacity in identifying victims of human trafficking and potential victims and the prosecutors capacity to interview victims taking account of their special needs in order to avoid re-victimization, detecting of illicit arms trafficking, identifying and tracing different channels of drug trafficking and using proactive investigation in financial investigation. A study visits shall be organized during the implementation phase to give the participants an overview of how the topics covered by the project are handled in another country, to help them gain insight into the working mode of the relevant institutions and to facilitate initial establishment of contacts.

This measure will ensure on-the spot verification of the concrete implementation of legislation, methodological tools applied by the National Criminal Technical Centre (NCTC) and a report with recommendations for improvement. Staff of the NCTC will be trained for using special investigation measures and their knowledge will be improved through study visits to the institutions dealing with similar topics. This measure will strengthen the NCTC technical capacities to apply different techniques through supply of laboratory equipment and machinery, laboratory instruments and equipment for physical-chemical as a continuation of IPA 2012 Support to Legal System component 4. Implementation of this operation will improve the efficiency and working conditions and develop standards of the physical-chemical and toxicological laboratories of the MoI of the Republic of Serbia in accordance with EU standards (ISO/IEC 17025:2006).

This measure aims to strengthen the capacity of the Public Prosecutor's Offices to address human trafficking, drug trafficking, illicit arms trafficking, financial investigation in Serbia and to foster its cooperation with specialized NGO'S and international organizations.

#### **Component 1: Organised crime (Human trafficking, drugs trafficking, illicit arms trafficking, financial investigation)**

Activities that should be carried out in order to improve capacities of Criminal Police Directorate and Public Prosecutors Office to investigate and prosecute organised crime concerning the trafficking in human beings, and to improve capacities of Criminal Police Directorate and Public Prosecutors Office to investigate and prosecute organised crime concerning drug trafficking, illicit arms trafficking, financial investigation cases, are as follow: Carry out training needs analysis for staff (MoI and Prosecutors), Prepare Training of Trainers programme, Train trainers, Train staff how to recognize criminal offences concerning human trafficking, Train staff in application of special investigative techniques in trafficking in human beings in line with international standards, Train staff to increase the use of investigative tools in fight against human trafficking, Train staff to improve proactive financial investigation as a tool for evidence gathering in fight against human beings, Training

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<sup>12</sup> As defined in Article 6(2) of the IPA Implementing Regulation No 718/2006. IPA Component I programmes are subdivided into sectors (priorities), each of which define a global objective to attain and which shall be implemented through measures, which may be subdivided into operations, or directly through operations. Operations shall comprise a project or a group of projects (implemented by the Commission or the beneficiary country).

of law enforcement officers to investigate and prosecute in a manner decreasing secondary victimisation, including protection of the victims during the criminal cases and the use of new tools, such as "sensitive witness" examination. This measure will also lead to the strengthening of the system of the Public Prosecutors Office to collection and analysis of statistics with regards the criminal cases of human trafficking. Also operational procedures according to the previously prepared review of existing practices and identified issues with regards to the identification of victims will be drafted. This measure will also facilitate mentoring program for prosecutors involving Serbian and EU member's states experts.. Through enhanced communication and cooperation between NGOs and respective prosecutor's offices, the prosecution of cases will be better prepared round tables between prosecutors, judges, NGO'S and victims of trafficking in human beings in order to obtain a better respect and. Train staff to use new standards for detection of illicit arms trafficking, Train staff to trace drug trafficking cases and to dismantle laboratories, Train staff to involve member states in planning of action regarding drug trafficking, Train staff to use Internet as communication tool, information source, market place, financial service for different types of organized crimes, Train staff to use proactive investigation for financial investigations. Analyse when to include NGOs in trainings, Strengthen inter institutional cooperation.

Activities that should be carried out in order to raise awareness with regard to trafficking in human beings and combating of illicit weapons trafficking are as follow: Prepare a communication and awareness plan for the media professionals and the general public, Implement the communication and awareness plan.

Activities that should be carried out in order to create legal framework to cover all aspects of trafficking in human beings, drugs trafficking, financial investigations are as follow: Review of the existing legislation and assist in drafting new legislation or amendments to fill any gaps in covering all aspects of trafficking in human beings, drugs trafficking, asset forfeiture. Review the existing legal mechanisms and procedures for implementation of anti human trafficking measures, and measures from drug tourism problem within the EU, Introduce new criminal offences and standards in line with EU and international standards.

Activities that should be carried out in order to increase international cooperation and coordination in trafficking in human beings are as follow: Train staff to apply special investigative techniques in line with Palermo Convention, Formation of joint investigation teams with the neighbouring countries.

This measure will lead to the strengthening of the system of the Public Prosecutors Office to collection and analysis of statistics with regards the criminal cases of human trafficking and in addition to that improvement of the reporting system. Activities regarding support to the more proactive approach will be delivered. Also issue of development of operational procedures according to the previously prepared review of existing practices and identified issues with regards to the identification of victims will be drafted. This measure will also facilitate mentoring program for prosecutors involving Serbian and EU member's states experts. "In situation training" will be delivered for prosecutors and judges, consisting in the simulation of criminal cases related to trafficking.

Enhance the communication and cooperation between NGOs and respective prosecutor's offices in preparation for trials will be supported throughout this measure. Awareness raising will be assisted by organizing round tables between prosecutors, judges, NGO'S and victims of trafficking in human beings in order to obtain a better respect and protection of the victims during the criminal cases and the use of new tools, such as "sensitive witness" examination.

## **Component 2: Laboratory for analysis of evidences required for crime cases processing**

Activities that should be carried out in order to analyze/map existing capacities and developed roadmap for laboratory accreditation in accordance with EU standards are as follow: Conduct analysis of the existing capacities and prepare roadmap for laboratory accreditation in accordance with EU standards.

Activities that should be carried out in order to put fully in function and equip facilities of the physical-chemical laboratories (for analysis of: drugs, explosives and traces of fire, micro trace fiber and micro-marking paint) and toxicology laboratory at the space provided by MoI (located on the first floor of the building Kneza Miloša 103, section C) are as follow: Procure furniture, small laboratory equipment and machinery, laboratory instruments, contemporary literature and equipment for physical-chemical laboratory (analysis: drugs, explosives and traces of fire, micro trace fibre and micro-marking paint) and the toxicological laboratory.

Activities that should be carried out in order to train professional personnel in the physical-chemical laboratories (for analysis of: drugs, explosives and traces of fire, micro trace fiber and micro-marking paint) and toxicological laboratory and acquired necessary experience to work with EU standards are as follow: Conduct training for professional staff in the physical-chemical laboratories (for analysis: drugs, explosives and traces of fire, micro trace fibre and micro-marking paint) and the toxicological laboratory, Conduct study/working visits in order to gain the necessary experience to operate according to EU standards.

Activities that should be carried out in order to start process of accreditation: Validate methods of analysis which will be applied in the physical-chemical laboratories (for analysis of: drugs, explosives and traces of fire, micro trace fiber and micro-marking paint) and the toxicological laboratory are as follow: Compare different methods for the analysis of drugs, explosives and traces of fire, micro trace fibre and micro-marking paint and toxicological analysis and choosing the best suited, Validation of the selected methods for the analysis of drugs, explosives and traces of fire, micro trace fibre and micro-marking paint and toxicological analysis.

This measure will be implemented through two operations:

*Operation 1.1:* One Twinning Contract will support all institutional development activities (Fight against trafficking in human beings, drugs trafficking, trafficking of illicit weapons and financial investigation, Prosecutor's office and NCTC laboratory).

*Operation 1.2:* One Supply Contract will provide equipment and furniture for the NCTC laboratory.

## **Measure 2: Improved integration and access to rights of asylum seekers**

This measure will support improvement of the Asylum System within the Republic of Serbia by increasing the accessibility, quality and number of services available to beneficiaries as to achievement of the Asylum Seekers rights. Further alignment of legal framework with EU regulation and improving the process governing the access to rights of asylum seekers will be covered. Capacity development of all relevant institutions with the aim to reduce the time period necessary for the implementation of asylum procedures and especially will target institutions providing services to unaccompanied minor asylum seekers, improvement of persons granted international protection integration into society, as well and informing public on the rights, obligations and problems of asylum seekers will be part of the institutional development activities. Due to categorization as transit territory for illegal migrants on their way to the countries of Western Europe and consistent increase in the number of asylum seekers in Serbia, this measure should develop electronic database and the system of data exchange between the Sections for Asylum and Readmission within the MoI which currently does not exist.

### **Component 3: Asylum system**

Activities that should be carried out in order to improve capacities of institutions dealing with issues of concern for asylum seekers, especially in the areas of advanced interview techniques and advanced country of origin research, are as follows: Preparation of the curriculum for employees of institutions dealing with asylum, with particular emphasis being placed on advanced interview techniques and advanced country of origin information research; Organization and realization of trainings for trainers in accordance with the established curriculum; Study visit to competent institutions within EU countries; Establishment and improvement of communication procedures; Completion of guides intended for competent institutions for providing services to asylum seekers; Development of a database of persons seeking asylum; Establishing the conditions which enable access by external users (police directorates, asylum centres, and reception centres for foreigners) to the database using existing communication channels; Development of a database of foreigners whose intention to seek asylum has been recorded and enabling access to this data to the Sector for Readmission of the Ministry of Interior;

Activities that should be carried out in order to improve capacities of services in charge of unaccompanied minor asylum seekers, are as follows: Conducting analysis of the legal framework for the protection of unaccompanied minor asylum seekers; Development of the curriculum for training the employees of competent institutions dealing with the protection of the rights of unaccompanied minor asylum seekers; Conducting of trainings for service providers within municipalities/cities wherein capacities for the accommodation of asylum seekers are located; Establishment of cooperation with the European Fundamental Rights Agency and other relevant EU agencies; Study visit of employees of institutions competent for the protection of asylum seekers in the Republic of Serbia to the relevant institutions within EU countries;

Activities that should be carried out in order to improve living conditions for integration of persons granted international protection, are as follows: Analysis of the legal framework for the integration of asylum seekers; Providing for the learning of the Serbian language and culture; Contracting with institutions competent for conducting trainings; Research of possibilities for the implementation of programs for vocational trainings for occupations correspondent to a deficit in the labour market; Provision of legal aid to asylum seekers in the process of their inclusion within the programs of the national employment service;

Activities that should be carried out in order to improve quality of life asylum seekers, are as follows: Preparation of courses and trainings of teachers for work with children asylum seekers; Establishment of modalities for solving the problems relating to translation; Providing of psycho-social support to asylum seekers.

Activities that should be carried out in order to align legal framework with the EU regulations, are as follows: Preparation of necessary amendments on the Law on Asylum, bylaws and rules of procedures; Development of guidelines for finding alternatives for detention; Establishment of procedures which enhance the protection of documents issued to asylum seekers;

Activities that should be carried out in order to inform public of the rights, obligations and problems of asylum seekers, are as follows: Conducting of public opinion surveys in Serbia, especially concentrated on those municipalities/cities wherein asylum centres are located; Preparation of a communication plan; Implementation of a communication plan; Conducting public opinion surveys aimed at measuring the changes in attitude after the implementation of communication activities.

Activities that should be carried out in order to effectively investigate and prosecute facilitators of unfounded asylum seekers, are as follows: train staff on detection, investigation and prosecution of unfounded asylum seekers, in accordance with the provisions of the 2012 Amendments to the Criminal Code.

This measure will be implemented through one operation

*Operation 1: One Twinning Contract*

### **Measure 3: Promotion and protection of property rights of IDPs refugees and returnees upon readmission agreements**

This measure is largely dedicated to internally displaced persons, Serbs and members of other non Albanian communities forced to leave Kosovo due to 1999 conflicts and addresses protection and preservation of their property and other basic rights. The approach in carrying out of this measure shall be twofold: ensuring technical-legal assistance to target population and dissemination of information relevant for raising awareness on access to rights. A number of legal assistance teams shall be supported to provide representation and advocacy services for target population. Also provision of legal assistance is based on individual requests it is expected that significant number of cases shall be tackled within the scope of this measure. For the reference it should be mentioned that under the present legal assistance project as many as 2.200 cases can be expected, but not all of them shall be supported by ongoing assistance. The numbers show the tendency of constant increase as the information on options of assistance reach the individuals concerned. The outreach campaign planned in the scope of the measure 5 shall backup the legal aid actions and encourage return initiatives with even greater number of individuals. Experience gained so far points out the variety of legal assistance services to match the needs of parties involved. Thus in-court representation and collaboration upon non court procedures shall be mobilized to solve different types of cases: cases of fraudulent transactions, illegal constructions and occupations, non-contested inheritance procedures, claims for land and commercial property, restitution to legal possessors, etc. Collaboration will inevitably have to be continued with judicial and other competent institutions. The work on cases shall serve as source of information for complying thematic reports on different issues affecting rights of IDPs.

### **Component 4: Legal Aid**

Activities that should be carried out will directly contribute to implementation of the envisaged results include establishing offices for the provision of legal aid/assistance as well as mobile team(s) to enable adequate access to legal aid/assistance in all regions with a substantial presence of, IDPs, refugees and returnees from readmission; developing of new and updating of existing internal operational manuals, rules of procedure and internal monitoring tools providing for an uniformed functioning and approach of various legal aid teams; undertaking staff development through several focused (three-days) thematic workshops on international human rights law, domestic legislation pertinent to realization of rights of IDPs, refugees and returnees from readmission, procedures before the main judicial and non-judicial bodies deciding about the rights of IDPs, refugees and people from readmission and psycho-sociological preparation for working with displaced population; updating and maintaining legal database, developed through previous IPA funded Projects, for registering cases received and conducting regular case follow-ups; continuing advocacy efforts targeting the relevant institutions to address the specific legal problems faced by beneficiary population; establishing thematic working group for horizontal co-ordination aiming at more efficient delivery of legal aid/assistance and advocacy activities; engagement with the main stakeholders in the place of origin of IDPs and returnees from readmission.; establishing and providing efficient functioning and support of pool of lawyers in the place of

origin of IDPs and returnees from readmission; regular preparation and distribution of print media specifically targeting IDPs, refugees and returnees from readmission population; preparation of wide-coverage radio programmes for regular broadcast; production and dissemination on a regular basis a newsletter containing an overview of the cases received; carrying out public information campaigns in relation to the specific needs of beneficiary population and important policy shifts in the activities of the main stakeholders; establishing information point (call centre/web site) for IDPs, refugees and people from readmission intended for providing information about the institutions, organizations and programmes specifically targeting beneficiary population; organizing other media events targeting the beneficiary population and main stakeholders in the field; organizing thematic workshops and round tables; conducting surveys on awareness of the target population on their rights (at least two surveys, at the beginning and at the end of the project).

This measure will be implemented through one operation

*Operation 1:* One service contract for ensuring technical-legal assistance to target population and dissemination of information relevant for raising awareness on access to rights.

### **3.5 OVERVIEW OF PAST OR ONGOING ASSISTANCE, LESSONS LEARNED, MECHANISMS FOR DONOR COORDINATION/SECTOR WORKING GROUP AND/OR POLICY DIALOGUE**

According to the ISDACON database, in the period between 2007 and 2011, it is estimated that a total amount of €62.6 million was actually disbursed in assistance from the international donor community to the Home Affairs sub-sector within the Rule of Law sector in Serbia.

In the five annual IPA 2007 – 2011 programmes, IPA has financed projects in the Home Affairs section of the rule of law sector worth around €46 million (including social and economic rights within the political criteria of MIPD). The projects financed through IPA funds concerning home affairs were oriented towards the introduction of case management system in the courts and prosecution, criminal asset confiscation, reform of the penitentiary system and strengthening of alternative sanctions, the fight against corruption, prevention and suppression of illegal migrations, improving border control standards, development of the information system for border crossing control, and strengthening of MoI's internal control.

Within IPA 2007 national programme for Serbia, Ministry of Interior implements project "**Improving Border Control Standards**". The purpose of this project is to introduce EU standards of Border Security and Management at Serbian borders and enhance the flow of commerce, trade and persons and reduce criminal activities.

The project "**Further Support to Refugees and IDPs in Serbia**", funded as part of the IPA 2007 Program, foresees the provision of durable solutions for the most vulnerable refugee and IDP families. The Project provides for the startup or expansion of income-generating activities aiming at building the livelihood of refugee and IDP families. One of the project goals was also to provide legal aid and assistance for returnees.

The project activities have been continued through the Project "**Support to Refugees and IDPs in Serbia**", which was launched at the beginning of 2010 and is funded by IPA 2008. The main beneficiary institutions, the Commissariat for Refugees and the Office for Kosovo and Metohija, are being supported in their efforts to provide decent housing solutions, economic self-reliance and legal-aid for refugees and IDPs, and to improve their position in the society.

As a result of the EC funded project "**Criminal Asset Recovery Project (CAR)**", IPA 2009, which began in April 2010 and will be completed on March 2013, a new Law on Criminal Asset Recovery has been adopted. The main beneficiary institution is Directorate for

recovered asset management and MoI is beneficiary institution. New Law will include measures directed to “lifestyle analysis”.

**“Capacity building of institutions involved in migration management and reintegration of returnees in the Republic of Serbia”** IPA 2010 provided support for the establishing of system for regular monitoring of migration flows and mechanism for evaluation of migration policies, by putting in place coordinating mechanism and information exchange system between relevant institutions.

IPA 2010, **“Establishment of efficient system for prevention and suppression for prevention and suppression of illegal migrations on the territory of the Republic of Serbia”** covers database for illegal migrants and exchange of data between relevant institutions.

Project **“Implementation of Strategy for fight against drugs-supply reduction component”**IPA 2010, provided the Ministry of Health with equipment similar to the equipment being requested under this project. The equipment received by the Ministry of Health is for medical purposes whereas the equipment required under the IPA 2013 is for the purpose of forensics and other analysis regarding criminal prosecutions.

The Project **“Support to the implementation of strategies for IDPs, refugees and returnees”**, which is funded through IPA 2011, aim is to contribute to sound implementation of strategies for refugees, IDPs and returnees according to Readmission Agreements. The Project is primarily focused on enhancing living conditions of refugees, IDPs and returnees and one of envisaged activities is facilitating carrying out of the rights of refugees, IDPs and returnees under the readmission agreements through legal assistance.

The Project **“Support for improvement of the living conditions of forced migrants and closure of Collective Centres”**, which is funded through IPA 2012, also envisages creating adequate living conditions and integration of forced migrants who choose to stay in Serbia while supporting the sustainable return of those wishing to return to Kosovo.

Particular attention shall be deployed to ensure complementarities of interventions envisaged under national IPA projects with actions to be implemented within the scope of the **“Joint Program for Priority Durable Solutions for Refugees and Internally Displaced Persons – Regional Cooperation”**. This Regional Programme is agreed between four countries in the region with the aim to comprehensively contribute to a substantive completion of the protracted displacement situation in Bosnia and Herzegovina, Montenegro, the Republic of Croatia and the Republic of Serbia due to conflicts in 1991-1995, by providing durable housing solutions for the displaced population and significantly ameliorated access to their rights. However, in the case of Serbia this program is conceived so that IDPs nor returnees upon Readmission Agreements do not represent the beneficiary group, but only the most vulnerable categories of refugees. Even in such a constellation, the legal assistance envisaged in the scope of the SF for IPA 2013 would provide for a meaningful contribution in the aspect of obtaining documentation which is commonly a prerequisite for refugees to apply for durable housing solutions.

IPA 2012, **“Police reform and migration management”** has the aim of putting in place a system for monitoring legal migration by establishing a Central database on foreigners to be used for the purposes of the MoI and Ministry of Foreign Affairs as well as for the external users. In connection with this, this (IPA 2013) proposed project is expected to connect the Border Police Directorate, Asylum Office with Regional Police Directorates, Regional Border Police Centres, Asylum Centres and Reception Centre for Foreigners. A link would be made with the already existing AFIS Data Base containing data on asylum seekers and illegal migrants which was upgraded through IPA 2010.

Several Multi Beneficiary IPA project address relevant issues within Home Affairs sub-sector. ***Witness Protection in the Fight against Serious Crime and Terrorism (WINPRO)***, MB IPA 2008 programme (budget 4,210,526€, project duration 2009-2012) and ***Witness Protection in the Fight against Organized Crime and Corruption (WINPRO II)*** MB IPA 2012 programme (budget 7,000,000€, project duration 2012-2016) with a purpose to promote a coordinated and harmonized use of witness protection procedural and non procedural measures, at regional and European level, to combat organised crime and corruption through reinforcing institutional capacity of Witness Protection Units and other relevant agencies. ***Fight against organized crime and corruption: Strengthening the Prosecutors' Network***, MB IPA 2010 programme (budget 5,000,000€, project duration 2010-2013) aims to strengthen the operational capacity and capabilities of the Public/State Prosecutors' Offices in the Beneficiaries in order to prosecute and investigate cross-border organized crime and linked cases of economic and financial crime and corruption. There are also several projects relevant for improving the safety of the population, i.e.: ***Civil Protection Cooperation for the candidate countries and potential candidates***, MB IPA 2009 programme (budget 4,000,000€, project duration 2009-2012) and ***Civil Protection Cooperation with the candidate countries and potential candidates – phase II***, MB IPA 2012 (budget 2,000,000€, project duration 2012-2016) with a purpose to bring the Beneficiaries closer to the Community Civil Protection Mechanism and contribute to the development of their civil protection capacities and collaborate regionally.

***Establishing Regional Coordination Mechanisms for Return*** project, planned to be the part of MB IPA 2013 programme, aims at improving the exchange of information and coordination between the relevant agencies of countries in the region and countries of origin, for the efficient sharing of data and dissemination of relevant information to facilitate the efficient and humane return of irregular migrants to their country of origin, in line with EU standards. The implementation of project activities has several ambitious results: synergies developed and channels of communication enhanced between the relevant agencies of neighbouring countries for the efficient sharing of data and dissemination of relevant information; standardised operational procedures adopted for a coordinated, safe, humane, and cost-effective return of irregular migrants and cost-sharing strategies identified and adopted; capacities of relevant agencies in the region strengthened to enhance cross-border cooperation; increased regional cooperation through existing regional mechanisms. The final draft is still being adjusted among the MB IPA beneficiary countries and the DG ELARG, but it is important to underline that the Republic of Serbia has underlined its readiness to limit its participation in some of the results for which it is estimated that national interventions need to be undertaken. As far as this MB IPA project is concerned, Serbia's priority area of interest is on organizing and financing voluntary return and reintegration as well as forced return of irregular migrants to long distance countries (i.e. countries outside the WB region).

Besides that, MoI has two on-going projects, one of which is IPA CBC Bulgaria-Serbia Strengthening the forensic capacities of the organised cross border crime prevention in the field of narcotics trafficking and the other one on Strengthening of Laboratory Examinations and Crime Scene Investigations in the Serbian Ministry of Interior's Criminal Technical Centre in Uzice which is financed by Norwegian Government.

In January 2011, a project financed by OSCE Mission to Serbia, aimed at training professionals working in the field of human trafficking and enabling continuance of development in accordance with the highest standards of skills, knowledge and attitudes. The Police officers are undergoing trainings in the field of combating against trafficking in human beings and victims' protection - ToT programme in the field of trafficking in human beings. This SF project will not duplicate any training that will be achieved

Many efficient projects have been implemented in Serbia with regards to human trafficking issues. The UN.GIFT Joint Programme, ending in October 2012, aimed to operationalize the National Action Plan through its different components. One component aimed to enhance institutional cooperation and strengthen its sustainability.

Since 2010 the OSCE Mission in Serbia, with the support of the Government of Sweden, is assisting the Ministry of Interior in **Promoting integrated emergency management mechanisms**. The Norwegian Government is also supporting improvement of the delivery of justice and juvenile justice system, as well as institutionalisation of victim witness support service network. The OSCE Mission in Serbia, with the support of the Government of Finland, is assisting the Ministry of Interior in enhancing core capacities for strategic planning and management.

**In addition to this, the following relevant projects were implemented:**

CBC Bulgaria-Serbia “Strengthening of forensic capacities in the domain of the organised cross border crime prevention in the field of narcotics trafficking”, the project began in 2011. The main goals and tasks of the project are defined by the necessity for strengthening Serbian police capacity for implementing its activities in the field of conducting police investigation, development of the capacity of forensic expert and enhancement of their capacity for collecting evidences in accordance with European best practices.

**Building and equipping the DNA laboratory** -The CARDS funded project of equipping the DNA laboratory of the Ministry. The project included the supply of equipment and staff training in several European relevant laboratories. The DNA laboratory was created according to the high-level model of "clear rooms". The important task of this lab is creating the data base of the DNA profile of the individuals who committed a criminal act. The proposed project presents a logical continuation of this support and will result in rounding up of modern forensics system in Serbian criminal justice system.

**Improving the forensic and crime scene operations in the Police Unit in Novi Sad** - The project was supported by the Norwegian Government and consisted of actions aimed to supply the necessary equipment for forensic expertise and crime scene investigation as well as the education training conducted by the experts from Norwegian forensic centre in Oslo-KRIPOS.

**Establishment of the Center for forensic training and improvement of forensic crime scene processing (inspection)** funded by the Government of the Kingdom of Sweden - The content and objective of this project is focused on crime scene processing as opposed to physical, chemical and toxicological analyses that would come subsequently after collection of crime scene evidence. So, this project complements the investigative capacities of law enforcement in Serbia.

While during the past seventeen years significant financial support, provided by various donors, mainly EU and UNHCR, was intended towards provision of housing solutions, enhancement of the livelihood, ensuring full access to the rights of the refugees and IDP's, only limited support was provided by UNHCR in the area of asylum system. In complement to the IPA 2013 asylum project aiming at comprehensive improvement of the asylum system in Serbia, through improvement of legal framework, asylum procedures, accommodation capacities and capacity building of the relevant institutions dealing with asylum seekers, the CRS applied to the Government of Swiss Confederation (SDC), for the project “Support to the Asylum System in Serbia 2013-2015” which should provide psychosocial support to the asylum seekers through various occupational activities and promotion of tolerance in local communities. Also a surveillance system shall be supplied in order to improve security of accommodated asylum seekers. Whereas the IPA funded project are strategically programmed for improving the overall functioning of the asylum system in Serbia the SDC project will

address the urgent needs of asylum seekers. The project is approved and implementation of the same has commenced.

As there have been a significant number of interventions through development assistance in the respective sector, there are several important key messages and lessons learnt for the more successful implementation of future sector measures. They can be summarized as follows: it is of utmost importance to program only the interventions mature enough for the implementation, maturity being reflected in the preparedness of strategic framework linked to accession priorities, in existence of administrative structures to implement strategic priorities and in commitment of policy decision-makers to pursue the agreed reforms; Given the complexity of the sector scope and the underlying institutional setup – the number and the variety of stakeholders which are the carriers of sub-sector policies - the success of any intervention is directly proportionate to the extent of readiness of institutions to cooperate, share and exchange information; Availability of up-to-date sector assessments and targeted analyses is essential as well as the awareness of sector stakeholders of the data and statistics contained therein.

This project fiche is linked to the IPA 2013 Customs project **“Support to the further modernization of the Customs Administration in the Republic of Serbia”** because activities and results foreseen are in line with implementation of the IBM strategy, and also, contribute to achieving the overall objective set to “contribute to trade facilitation of import and export activities in the Republic of Serbia as well as to achieving good security standards in border and migrations management.”, by contributing to achieving security standards at the borders as well as migration management.

In addition to the above-mentioned EU IPA projects, the public prosecution service has benefited from the assistance rendered in issue-based projects by the OSCE, USDOJ and World Bank, as well as the projects of the foreign Embassies to Belgrade, such as the UK, French and German Embassy. These projects address current issue-based needs, such as USDOJ-OSCE2011-2012 training on the new Criminal Procedure Code and on financial crime investigations, 2012-2013 USDOJ OPDAT and ICITAP and U.S. State Department EXBS border anti-corruption initiative – JACI, 2012 OSCE expert assistance with drafting and public presentation of Disciplinary Rules, Code of Ethics, etc.

Currently, there is on-going a number of evaluations aimed at providing information on effectiveness of IPA and development assistance in relevant sectors in the past period and drawing conclusions and recommendations for the future planning of assistance. They include: EC funded evaluations of assistance implemented and financed by IPA programs and other donors in the Republic of Serbia per sector; IPA Interim Evaluations and meta-evaluation of IPA assistance, funded by the EC; and Evaluation of Effectiveness and Efficiency of Development Assistance to the Republic of Serbia per sector in the period 2007-2011, initiated by SEIO and implemented with the SIDA support. Also, EC has initiated a project “Monitoring and Evaluation Capacity Building in Western Balkans and Turkey”, implemented by the World Bank, in order to assist the beneficiary countries in strengthening capacities in monitoring and evaluation, with a focus on defining the performance indicators on the sector level.

### **3.6 SUSTAINABILITY**

By creating a framework and implementation mechanisms in relevant institutions, a sustainable support systems will be created. The results of the legislative analysis and recommendations thereafter shall be accepted and used as a base for further strengthening of this area in crime control citizen’s safety and asylum issues.

The develop regulations and procedures will become integral part of operations while equipment will be maintained from the beneficiaries budget.

Results shall be sustained by regular joint trainings, which will be made possible through the ToT programme.

Concerning the equipment, the sustainability will be achieved through maintenance of the equipment and system from the budget of individual institutions.

Twinning has been chosen for the support because it is expected that twinning will enable exchange of experience with MS and maintain further cooperation between the beneficiary institutions and the twinning partner.

The pool of layers established in the place of origin of IDPs and returnees from readmission should continue with providing of sustainable legal aid and assistance in accordance with the highest professional standards. This is a capacity building sustainable in itself given that the beneficiaries are the permanently employed staff of national administration, as well as for a different staff – the ones working in national judicial administration, the newsletter on received cases and the database on cases follow-ups would become a source of professional upgrading and specialization.

### **3.7 ASSUMPTIONS AND PRECONDITIONS<sup>13</sup>**

Following assumptions should be considered:

- Political and economic stability;
- Serbia's EU integration orientation;
- Political willingness to combat organised crime;
- Effective cooperation and coordination between all relevant institutions;
- Commitments of all relevant stakeholder;
- Beneficiary institutions properly staffed;
- Active interest of the participants on the training sessions.
- Commitment to the Sarajevo Declaration on resolving the refugees returns.
- The commitment of local self-governments to participate in resolving the issues of refugees, internally displaced persons and returnees on the basis of the readmission agreements.
- Satisfactory level of security and freedom of movement in the places of origin

Following preconditions should be considered:

- Completed works related to the National Crime Technical Centre technical capacities which will be done through IPA 2012 Support to Legal System component 4;

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<sup>13</sup> Assumptions are external factors that have the potential to influence (or even determine) the success of a project but lie outside the control of the implementation managers. Such factors are sometimes referred to as risks or assumptions but the Commission requires that all risks shall be expressed as assumptions. Pre-conditions are requirements that must be met before the sector support can start.

#### **4 IMPLEMENTATION ISSUES**

Components human trafficking and Laboratory components will be implemented by the MoI, Criminal police Directorate.

#### 4.1 INDICATIVE BUDGET

SECTOR TITLE – Home Affairs			SOURCES OF FUNDING										
			TOTAL EXPENDITURE	TOTAL PUBLIC EXPENDITURE	IPA CONTRIBUTION		NATIONAL PUBLIC CONTRIBUTION						PRIVATE CONTRIBUTION
	IB (1)	INV (1)	EUR (a)=(b)+(e)	EUR (b)=(c)+(d)	EUR (c)	% (2)	Total EUR (d)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/Local EUR (y)	IFIs EUR (z)	EUR (e)	% (3)
Measure 1			3.800.000	3.800.000	3.380.000	89	420.000	11	420.000				
Operation 1.1. Twinning Contract will support all institutional development activities	X		1.500.000	1.500.000	1.425.000	95	75.000	5	75.000				
Operation 1.2 Supply Contract will provide equipment and furniture for the NCTC laboratory.		X	2.300.000	2.300.000	1.955.000	85	345.000	15	345.000				
Measure 2			1.000.000	1.000.000	950.000	95	50.000	5	50.000				
Operation 2.1 Twinning Contract for asylum seekers	X		1.000.000	1.000.000	950.000	95	50.000	5	50.000				
Measure 3			3.850.000	3.850.000	3.465.000	90	385.000	10	385.000				
Operation 3.1 Service Contract for ensuring technical-legal assistance	X		3.850.000	3.850.000	3.465.000	90	385.000	10	385.000				
<b>TOTAL IB</b>			<b>6.350.000</b>	<b>6.350.000</b>	<b>5.840.000</b>	<b>92</b>	<b>510.000</b>	<b>8</b>	<b>510.000</b>				
<b>TOTAL INV</b>			<b>2.300.000</b>	<b>2.300.000</b>	<b>1.955.000</b>	<b>85</b>	<b>345.000</b>	<b>15</b>	<b>345.000</b>				
<b>TOTAL SECTOR SUPPORT</b>			<b>8.650.000</b>	<b>8.650.000</b>	<b>7.795.000</b>	<b>90</b>	<b>855.000</b>	<b>10</b>	<b>855.000</b>				

**Indicative budget (amounts in EUR) (for decentralised management)**

Amounts net of VAT

- (1) In the Operation row, use "X" to identify whether IB or INV
- (2) Expressed in % of the **Public** Expenditure (column (b))
- (3) Expressed in % of the **Total** Expenditure (column (a))

**4.2 INDICATIVE IMPLEMENTATION SCHEDULE (PERIODS BROKEN DOWN PER QUARTER)**

Operations	Start of Tendering/ Call(s) for proposals	Signature of contract(s)	Activity Completion
Operation 1.1 Twinning Contract will support all institutional development activities	T + 1Q	T + 3Q	T + 13Q
Operation 1.2 Supply Contract will provide equipment and furniture for the NCTC laboratory.	T + 1Q	T + 3Q	T + 13Q
Operation 2.1 Twinning Contract for asylum seekers	T + 1Q	T + 3Q	T + 13Q
Operation 3.1 Service Contract for ensuring technical-legal assistance	T + 1Q	T + 3Q	T + 13Q

**4.3 CROSS CUTTING ISSUES**

**4.3.1 Equal Opportunities and non discrimination**

Policy of equal opportunities and non discrimination will be taken as one of the overall principles in support to fight against organised crime and strengthening the asylum system in the Republic of Serbia. The project will promote high standards of equality and gender mainstreaming both in strengthening the relevant legislative framework in line with international and EU standards as well as in its training component, especially encouraging active participation of the female staff in all activities. In the reporting, a gender disaggregated data will be kept and followed. The Project will be implemented in a non-discriminatory manner with equal opportunities observed and firm guarantees that distinctions will not be drawn on the basis of sex, race, ethnicity, religion or other possible grounds in any regard. Gender equity principles will be respected in the implementation of all Project activities.

**4.3.2 Environment and climate change**

The project will equip and train technicians to carry out laboratory analysis of various samples. There is need for proper handling of the material, sample, chemicals, wastes, etc. The laboratory staff will be trained in handling and disposal techniques in line with EU standards, and efforts shall be made to avoid negative effects on the environment. Reconstruction of the asylum centre anticipates utilization of domestic building materials and furniture that are acceptable according to current criteria and standards for environmentally safe practices.

**4.3.3 Minorities and vulnerable groups**

Standards of ethnic balance in specific multi ethnic communities and MoI in all will be maintained and improved within the scope of this project by developing a transparent system for investigation and prosecution of organised crime concerning human trafficking, drugs trafficking of illicit weapons and financial investigation as well as for protection of victims and witnesses. As in the case of gender issues above, the alignment with relevant legislative framework will provide additional care and pay special attention to women and children issues. The asylum seekers themselves represent particularly vulnerable group due to the fact that they are frequently exposed to the war affected trauma, famine, poor living conditions

and inadequate health protection. Appreciating the specific circumstances and taking into account existing traumas, a consequence of the forcible eviction of families, the destruction of normal living conditions, exodus from their country of origin, separation from family members and a serious risk of becoming victims of human trafficking, special attention will be paid to improvement of the procedures of concern for unaccompanied minors asylum seekers and their living conditions. By establishing the third asylum centre separate accommodation facilities for persons with disabilities, unaccompanied minors seeking asylum, pregnant women and the infirm will be provided and living conditions of these categories will be significantly improved.

#### **4.3.4 Civil Society/Stakeholders involvement**

Civil Society in the area of Rule of law is represented by the following organisations: Belgrade Centre for Security Policy, Belgrade Centre for Human Rights and Group 484.

These organisations actively participated in the identification of priority areas for preparation of the document Needs Assessment, in cooperation with the Ministry of Interior and Ministry of Justice and Public Administration, through the consultation process organised and coordinated by SEIO. During project preparation, the organisations provided constructive comments of the proposals, which contributed to balance and better project fiche.

During implementation, the civil society will be invited for meetings, and they may suggest improvement of implementation, within the framework of EU project implementation regulations.

#### **4.4 SECTOR MONITORING, EVALUATION AND AUDIT**

Monitoring of the progress in sector support implementation will be done in accordance with the rules and procedures for monitoring under Decentralized Management (DM), as specified in the DM Decree and DM Manuals of Procedures. Manuals of procedures include detailed procedure for monitoring on different levels (contract, sector support/project, IPA TAIB Sub-Committees, IPA TAIB Committee, IPA MC), with clear responsibilities and deadlines in the monitoring process. Specifically, it is envisaged that on the spot checks (monitoring visits, verification checks and supervisory checks) will be performed throughout the implementation process by the SPO and CFCU, as part of the contract management activities, while regular monitoring of the implementation will be done through the Steering Committee meetings and regular reporting by the Contractor. In addition, IPA monitoring process organized and lead by the NIPAC/NIPAC TS includes regular meetings of Monitoring Committees on different levels, examining relevant monitoring reports and providing recommendations for ensuring delivery of planned results, as well as follow up of their implementation. With regards to the monitoring of sector support, it is envisaged that responsible SPO submits a Sector Support Monitoring Report to NIPAC twice a year, in a prescribed template. After quality check, NIPAC TS prepares the TAIB Sub-Sector Monitoring Report to be examined by the relevant Sector Monitoring Sub-Committee (SMSC), in this case- SMSC for Justice and Home Affairs/Rule of Law sector. Report examined by the SMSC is envisaged to include information on status and progress in implementation of all relevant sector support/ projects in that respective sector. Depending on the issues/problems identified, conclusions and recommendations of the SMSC may be taken forward to the TAIB MC and ultimately, the IPA MC. Monitoring process envisages participation of various stakeholders such as EC/EUD, NIPAC/NIPAC TS, SPO/IPA Unit, CFCU, NF, AA and other institutions and civil society organizations per need.

Evaluation and audit of sector support will be done in accordance with the Decentralized Management rules and procedures, defined in the DM Decree and DM Manuals of procedures. In line with IPA IR, Manuals of procedures envisage responsibility of the national authorities to provide for the IPA Interim evaluation, while other types of evaluation (ex ante, ex post, thematic, etc) may be initiated by national institutions on ad hoc basis and per need. With regards to the audit, procedures on internal controls under decentralized management regulate in detail various types of audit to be performed (internal and external), audit planning, carrying out of audits, following up on audit recommendations and reporting on follow up activities.

