



Policy Department External Policies

THE EXTERNAL DIMENSION OF THE AREA OF FREEDOM, SECURITY AND JUSTICE IN RELATION TO THE COUNTRIES COVERED BY THE EUROPEAN NEIGHBOURHOOD POLICY (ENP)

EXTERNAL POLICIES



**DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION
DIRECTORATE B
- POLICY DEPARTMENT -**

EXTERNAL STUDY

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Justice in Relation to the Countries covered by the European
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Abstract: The following report on the external dimension of the Area of Freedom, Security and Justice pursues the double objective of describing the internal security and human rights/rule of law situation in the ENP countries and of providing an overview of how the EU has responded to the challenges it faces in the region. The section on the situation in the ENP countries includes short assessments of the concerns in the following areas: asylum and refugees, migration, trafficking in persons and human smuggling, money laundering, drugs and corruption. The main conclusions yielded by the overview are that the different issues take different forms and intensities in the countries under consideration, and that it is difficult to identify common priorities for the EU across the ENP countries. Nevertheless, there are some common “transversal” problems, such as high levels of corruption in the state apparatus and an observed discrepancy between the adoption of norms and their implementation. A short overview of the human rights and rule of law situation in the countries reveals a more uniform picture: the overall record of human rights respect is poor, whereas the state of the rule of law looks better on the surface than in reality. The analysis of the EU’s external JHA activities is structured along two dimensions, one concerning form, the other substance. Three levels of interaction are analysed in external asylum and immigration policy and police and judicial cooperation: legislative approximation, classic intergovernmental cooperation and operational activities. Underlying the presentation of the external policy are two questions, firstly, whether the external dimension is a continuation of the internal JHA cooperation or a foreign policy in its own right, and the relationship between form and substance with regard to the balance between repression and protection.

From the analysis of the situation in the countries and the EU’s response a number of challenges are identified for external action. They are classified under three headings, functional challenges, which arise from the nature of interdependence between the EU and ENP countries and the underlying problem structures; organisational challenges, which relate mainly to the internal coordination of the EU’s policy and the external form of interaction with the ENP countries, and normative challenges, which illustrate the fundamental differences in the liberal democratic context of JHA action whether we look at ENP countries or EU member states.

The last section yields two main conclusions firstly, that there is a need to clarify the scope and the overall goal of the external dimension of the AFSJ; and secondly, that the interplay between the organisational set-up of this external dimension and its substance in terms of policies and normative implications should be reconsidered

Any opinions expressed in this document are the sole responsibility of the author and do not necessarily represent the official position of the European Parliament.

This study was requested by the European Parliament's Committee on Foreign Affairs.

This paper is published in the following language: English

Authors:

Sandra Lavenex
Professor of International Politics
Political Science Department
Universität Luzern
Kasernenplatz 3
6000 Luzern 7

Nichole Wichmann
PhD Researcher, Academic Assistant
Universität Luzern
Politikwissenschaftliches Seminar
Kasernenplatz 3
6000 Luzern 7

Responsible Official:

Dr Stefan KRAUSS
Directorate-General External Policies
Policy Department

Manuscript completed in

September 2006

Copies can be obtained through: E-mail:

xp-poldep@europarl.europa.eu

Brussels, European Parliament, 4 October 2006.

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1. Introduction

Since Tampere the external dimension of the Area of Freedom, Security and Justice has featured on the agenda of the European Union. The external dimension of Justice and Home Affairs (JHA) was devised in response to the changing security landscape in Europe owing to the upcoming enlargement and the realisation that non-military security threats required developing new policy instruments. The first concrete manifestations of this “new” security policy were the adoption of the Preaccession Pact on Organised Crime, the Action Plan on Organised Crime with Russia and the JHA Action Plan with the Ukraine. In 2000 the Council adopted a strategy document (7653/00) on the external dimension, which was realised through a number of Multipresidency Programmes. In 2005 the first consolidated policy documents on JHA external action, the Commission Communication and the Council Strategy on the External Dimension, were drafted. These documents contain a balance sheet of what the EU has done, and they provide guidelines for further action. In parallel to the development of an external dimension proper to the AFSJ a number of foreign policy documents incorporated clauses on JHA cooperation. Such clauses can be found in the new generation of Association Agreements, in the programming documents and in the ENP country papers and Action Plans. Against the background of the increased policy making activity of the European institutions this report attempts to formulate some tentative observations on the state of the art in this area.

In this report we focus on the situation in the ENP countries on the one hand, and the EU’s activities to address the challenges it faces in those countries on the other. The first section provides an overview of the JHA situation in neighbouring countries, and it identifies the major challenges for the EU arising from that situation. In the second section we propose a systematic manner of looking at the EU’s activities in cooperation on asylum and immigration matters, and police and judicial cooperation by classifying different forms of cooperation in terms of form and substance. Drawing on both the analysis of the situation and the EU’s reaction so far we identify the main challenges arising to the formulation of an external dimension policy. The challenges are structured along three dimensions, functional, organisational and normative. In the final part of the report we formulate some tentative conclusions on how the external dimension could be strengthened in substantive and institutional terms.

2. Overview of the Justice and Home Affairs (JHA) situation in ENP countries

The quality of publicly available data on asylum, migration and organised crime in the ENP countries and in particular on the political, administrative and judicial practice in these fields is rather poor. In an effort to give a representative overview of the situation in these aspects of JHA, we have consulted different international sources that are summarized in form of tables in the Annex I. Our analysis focuses on the following phenomena:

- Asylum
- Irregular migration and trafficking in human beings
- Money laundering
- Drugs
- Corruption

In addition, we provide a short overview of the human rights situation and respect for the rule of law. EU activities in these fields as well as those of other international actors are addressed in section 3. Despite the impossibility to separate JHA issues from the security agenda as

such, and to distinguish internal from external security, we omit the question of terrorism in this study. This is firstly because of our lack of expertise on this complex issue, and secondly because of its closer links to the Common Foreign and Security Policy and the European Security and Defence Policy.

2.1. General remarks

- A country's JHA situation mirrors to a great extent its degree of consolidation with regard to the monopoly over the use of the legitimate means of violence over its territory (Max Weber) and its abidance to liberal values. The ENP covers countries with very different situations: whereas some have unsettled territorial disputes (South Caucasus, Moldova, Israel/Palestine, Western Sahara), weak government effectiveness (South Caucasus, Moldova), or ongoing violent conflict, others have established strong authoritarian structures. In some countries, JHA aspects are thus part of a broader state-building process, with different implications for the setting of priorities and EU external policies.
- In nearly all countries and all policy fields, we observe a discrepancy between the adoption of legal commitments (ratification of international conventions, national legislation) and their implementation. This may have different causes: either, the countries lack the necessary political will to enforce these norms, or they lack the administrative and legal capacity to do so. Depending which is the cause, different implications result for EU action.
- Notwithstanding the variety of issues and policies falling under the heading of JHA, some of the associated problems are intrinsically linked. For instance, the routes for illegal flows arriving to Europe seem to coincide, be they related to the trafficking of drugs or of human beings. This indicates that common context factors exist, which impact upon the formation of these flows.
- Corruption forms a transversal problem that undermines the effectiveness of the state apparatus and any action against "public bads".

2.2. Overview by issue

2.3.1. Asylum and refugees

- A country's situation with regard to asylum seekers and refugees is intricately related to its political situation and that in the neighbouring countries. Several ENP countries are directly confronted with refugee-producing conflicts. Their situation is very different from that of transit or destination countries and requires a differentiated approach by international actors.
- It is difficult for states without an asylum tradition and which are on major migration routes to build up a humanitarian understanding of refugee concerns in a climate that is predominated by the desire to reduce immigration. Analyses of pertinent laws in almost all ENP countries document both the lack of understanding for the needs of genuine refugees and for the justification of an asylum regime.
- The establishment of asylum systems and reception conditions for refugees is a challenge for countries that cannot deliver on basic socio-economic rights to their own population.
- At the practical level, in nearly all countries law enforcement officers have little knowledge and specialized training in refugee law; national legislation, where existent, lacks provisions on particularly vulnerable groups (children, women); sometimes whole ethnic groups are excluded from access to asylum systems; and if protection status is granted it often doesn't entail basic social and economic rights yet even, in some countries (Morocco, Tunisia) an automatic residence permit.

- Generally, the situation as regards the asylum law cannot be assessed independently from a regime's overall human rights record.

2.3.2. Trafficking in persons, human smuggling and irregular migration

- This area suffers especially from the absence of reliable data. Neither the European Union nor individual countries systematically collect data on how many persons are apprehended, trafficked, deported and repatriated, or on the number of trafficking cases, convictions and sentences for traffickers.
- The estimation of the phenomenon of trafficking in persons and human smuggling is a function of legal categories. The data available suggests that trafficking is a bigger problem in Eastern Europe, with countries like Moldova and Ukraine as main sources of victims trafficked for the purpose of sexual exploitation, than in the Southern Mediterranean ENP countries. The predominance of strong authoritarian states especially in the Maghreb also coincides with a tougher stance on this business. This, however, does not necessarily apply to the more general phenomenon of irregular migration and people smuggling as unabating flows to Southern European countries show. A question which also emerges in relation to the destination countries is whether countries acknowledge having a problem with trafficking or whether the issue is mixed with irregular migration.
- With deteriorating progress in political transition and human rights/rule of law records several Eastern European countries have slid back in their ranking concerning the fight against trafficking over the last years (Ukraine, Armenia, Georgia).
- There is a strong link between trafficking, smuggling and corruption.
- Whereas repressive measures rely on government (enforcement) capacity, preventive measures, also with regard to the general phenomenon of irregular migration, rely much more on information and awareness-raising campaigns as well as on the activities of NGOs. So do also humanitarian measures concerning refugees or the victims of trafficking, often by default because of government's neglect of the human rights dimension.
- A clear trend is that the closer a country is to a major country of destination, the more irregular migration and trafficking gain in importance. This raises the question whether these issues need to be tackled more vigorously in the destination countries.
- Whereas the ENP countries differ strongly with regard to their prior experience with immigration, there is an interplay between increased efforts to curtail immigration in the EU, the transformation of transit- into destination countries, the propagation of restrictive immigration policies, and the occurrence of ever more violent forms of illegal movements.

2.3.3. Money laundering

- Money laundering is, like corruption, a transversal problem that accompanies different kinds of illegal activities.
- All ENP countries that were once on the OECD Financial Action Task Force (FATF) black list of Non-Cooperative Territories (Egypt, Lebanon, Israel, Ukraine) have been removed and are now compliant with FATF recommendations.
- The fight against money laundering has received an impetus in the aftermath of 9/11 with a particular focus on financing of terrorism. In the Arab countries this topic seems to be the most important issue for the US and partially also for the EU.
- Money laundering takes many different forms, therefore typologies (identification of different forms of laundering) are being elaborated at the regional level, e.g. on laundering

of remittances, support of charities or casinos etc. Specialized bodies, such as MENA-FATF have been created for this purpose.

- Peer review is the main venue through which compliance with international standards is monitored.
- The more developed in terms of a financial centre a country is, the more prone to laundering it becomes.
- Strong control of the formal banking and financial sector (Tunisia, Syria) might lead to the launderers circumventing them and relying on informal channels.
- A significant gap remains between state legislation and its implementation.

2.3.4. Drugs

- Drugs' trafficking is intrinsically linked to border management, corruption of state officials and money laundering.
- States' activities concentrate on repression and less on prevention, including demand reduction.
- Repression of production structures may be in conflict with the socio-economic development of the local population. Frequently the alternative development projects established in drugs producing regions do not provide the farmers with enough income to subsist, and therefore they have strong incentives to continue cultivating illegal drugs.
- Low levels of economic growth also negatively relate to the consumption of drugs. For instance, consumption levels have been rising in Moldova with high unemployment and lack of economic prospects.
- Infrastructure and lack of resources constitute other major problems for fighting against drugs. Yet it is not only the lack of infrastructure which is problematic, the lack of training is also an important issue. Training sessions need to be targeted at both the police and the judiciary.
- In the Mediterranean ENP countries Cannabis is more relevant (particularly Morocco), whereas in the East it is the transit of heroin from Afghanistan. The different situations in the various countries require a regional differentiation of respective strategies.
- The strong states of the Southern Mediterranean with their repressive stance are more efficient in the fight against drugs than the countries in transition in Eastern Europe. They impose severe penalties, in some cases the death penalty, on the trafficking of drugs.
- All ENP countries have acceded to the UN Conventions for fighting against drugs. These conventions contain clauses on the need to criminalise the trade, the possession and the cultivation of certain substances, which are defined in the 1971 Convention. The UN Conventions reflect the international agenda, mainly propagated by the USA, by insisting on the need to repress the traffic and the consumption of illicit drugs.

2.3.5. Corruption

- Law enforcement is one of the main sectors affected by corruption; therefore the fight against corruption is crucial for any form of JHA cooperation.
- In many countries, there is a fine line between corruption and socially embedded practices and customs. The importance of involving both civil society and the media in the fight against corruption is frequently underestimated in policy documents. Education on where the limits between favours and corruption are to be set, is an important element in the fight against corruption.
- In the transformation economies of Eastern Europe, corruption often occurs in conjunction with privatisation.

- Peer reviews focusing on the legislative environment are the key instrument promoted by international mechanisms (FATF; GRECO etc.) to monitor compliance with anti-corruption standards. These efforts are, however, more targeted towards Eastern Europe than the Southern Mediterranean.
- The fight against corruption may be instrumentalised by ruling elites in that they selectively enforce measures against political opponents. This is one of the main dangers contained in advocating a hard stance on corruption in relations with a third country.

2.4. JHA in the context of human rights and the rule of law

- From a liberal perspective, human rights and the rule of law circumscribe the legitimate sphere within which the state may exert its monopoly over the means of violence. They are thus both constitutive of and constraints for government action in JHA.
- This is not the place to give a profound analysis of the human rights situation in the ENP countries, nevertheless it is clear that records are poor, and that the law enforcement sector often acts as a perpetrator of human rights violations. Abuse by members of the security forces against detainees and other persons are regularly reported on all countries. Repressive measures in the areas discussed above should always be considered against the state of play of human rights protection in these countries.
- In most countries poor civil liberties records correlate with poor respect of political rights, discrimination of ethnic minorities and vulnerable groups are wide-spread.
- In Egypt, Algeria and Syria the state of emergency, legitimising a limitation of civil liberties and political freedoms, is becoming the rule rather than the exception.
- The situation of Palestinians tends to fall outside established categories and is not dealt with adequately in many human rights surveys.
- Rule of law records look better on the surface, as the independence of the judiciary is formally guaranteed in most states, especially in the member states of the Council of Europe. Yet in practice the executive branch often exerts pressure on the judiciary, e.g. through the appointment, assignment, tenure, and transfer of judges. This is especially the case in Arab countries due to the tradition of justice as a delegated power of the executive.
- International assistance focuses on the efficiency side of rule of law. Most activities do not aim at strengthening the independence of the judiciary and the individual judges, instead they focus on modernisation, by introducing computer systems, and more modern infrastructure.
- The status of prosecutors is often problematic. Their position is not covered by the provisions on independence and hence they are frequently considered subordinate to the executive (Ministry of Justice). At times the prosecutor and the judge are one and the same person, which also constitutes a violation of procedural guarantees.
- Access to justice is a major problem in the vast majority of ENP countries, which does not only concern vulnerable groups. Inequality before the law is a wide spread phenomenon
- Corruption undermines the integrity of the judicial system. The problem of corruption is closely related to the low salaries for judges in many of the ENP countries.

2.5. Summary

- The ENP covers a wide range of countries with very different situations as regards asylum, migration, and the different forms of organized crime addressed above. Secondly, these issue-areas themselves are very different from one another and can hardly be subsumed as the subsets of one policy.
- Different problems take different forms and intensities in different countries. For instance, some ENP countries are situated in conflict regions with massive refugee flows and/or stocks, whereas others consider themselves as transit areas for economic migrants; some countries are financial hubs with various opportunities for large-scale money laundering, whereas in others the financial sector is hardly developed; some countries are producers of “soft” drugs while others are on the trafficking routes of “hard” drugs etc. This makes it difficult to identify common priorities for all ENP countries in singular policy areas.
- If such common concerns were to be identified, then they relate – apart from the general issues of human rights and rule of law – to transversal “bads” such as corruption of state officials; poor training and equipment; sometimes lack of awareness about underlying problems and/or political will to tackle them; and, due to the intrinsic limitations posed to states in transition/authoritarian governments, the weakness of supportive civil society structures.
- The obvious observation that the ENP countries share strong deficits with regard to the rule of law and human rights protection has important implications when thinking about the external dimension of the AFSJ, as it points at a fundamental difference in the institutional and normative preconditions of any action, which the EU needs to take into account when it launches JHA activities in the ENP countries.

3. Analysis of EU external activities in JHA

In this section we aim at a conceptualisation of EU activities related to the external dimension of the AFSJ in order to identify, in the fourth section, possible challenges and points for improvement. Our aim is not to give an overview of all activities existing with all ENP countries in all policy areas falling under this heading but to propose a way how to look at these activities from a systematic point of view. This analysis is thus structured along two dimensions, one concerning form, the other substance:

- As regards *form* we investigate the relationship between the internal governance of the AFSJ and its external dimension. How far is the latter a continuation/complement to internal JHA cooperation, and how far is the external dimension developing into a “foreign policy” of its own? This relationship is investigated at three levels of interaction:
 - Legislative approximation: the promotion of pertinent norms and policies in ENP countries
 - Classic intergovernmental cooperation: the conclusion of bi- or multilateral treaties regulating interaction in a particular area
 - Operational activities: exchange of information and best practices, pooling of data, networking of law enforcement officials, activities of coordinating bodies,
- What is the relationship between the form of external JHA cooperation within the ENP and the *substance* of policies promoted, in particular with regard to the balance between repression and protection?

3.1. Asylum and Immigration cooperation

- External action in the field of asylum focuses primarily on legislative aspects, and in second instance on operational and technical cooperation. This contrasts with legal and irregular migration, where various forms of intergovernmental negotiations and networking prevail. This is partly a function of the higher level of legalization in asylum matters, with the existence of an international regime and – at least in a few respects - stronger *acquis*.
- The overarching goal of asylum cooperation as stated in all ENP Action Plans is the spread of the international refugee regime through the implementation of the Geneva Convention and its 1967 Protocol. In the relations with the Eastern countries the ENP Action Plans require approximation of legislation and of the system of state authorities responsible with EU norms and standards, whereas towards the Southern Mediterranean countries, the EU merely agrees to put at disposition “the European experience and expertise with the transposition of the 1951 Convention”.
- The aim of asylum cooperation is to expand the geographical scope of European asylum traditions in an attempt to increase the number of countries participating in refugee protection. However, the review of JHA-subcommittee meetings with Ukraine and Moldova and Social Affairs Committees established with Morocco and Tunisia shows a greater focus on irregular migration than with the implementation of asylum systems.
- External asylum governance has received new impetus with the decision to establish Regional Protection Programmes (RPP) in third countries in cooperation with UNHCR and involving training of personnel dealing with refugees (COM(2005)388 of 1.9.2005). However, pending implementation it is difficult to assess whether these centres will constitute something qualitatively different from previous cooperation under AENEAS.
- In parallel, regional networks have been created to promote cooperation in asylum and immigration matters. Since 2004 the Söderköping Process focuses on transferring the experience of the newly acceded EU Member States to the Western NIS “in aligning their migration and asylum related legislation, policies and practices with the EU *acquis* standards” (Road Map Söderköping Process 2005-2007). The Söderköping process can be seen as information and implementation network implying also capacity building. Its regional focus and the fact that it involves in particular new member states with closer ties to their neighbours may be conducive to the development of trust and mutual understanding over these issues. Yet, the new Road-Map also indicates a shift towards increased policy-transfer with dubious effectiveness in the absence of strong incentives for building up costly asylum systems.
- Notwithstanding repeated refugee tragedies and reports over forcible returns, asylum cooperation with the Southern Mediterranean neighbours is still in its infancy. In line with earlier Association Agreements, these countries clearly give priority to cooperation on legal migration and the rights of their nationals living in the EU, while both Action Plans and sub-committee documents reflect the lack of responsiveness on part of the EU. With the Valencia Action Plan adopted in 2002, attention has clearly shifted to the issue of irregular migration.
- Although the EU by now has a considerable *acquis* relating to border security, visa policy and the fight against irregular migration, the Action Plans mainly focus on three issues: improvement of information exchange on migration flows; practical operational support and capacity-building to third country authorities dealing with border control and migration; and thirdly the conclusion of readmission agreements.
- Negotiations on the conclusion of readmission agreements have proved particularly difficult due to the EU’s insistence to include an obligation for partner countries to readmit also third country nationals. The EU’s negotiating position is seriously

circumscribed by the strict position of the JHA Council on bargains that would consider the interests of ENP countries, such as e.g. on visa facilitation.

- During the last years, the links between legal migration and development have attracted increased attention, leading to the adoption of a number of policy documents, which are pending realization. It is too early to judge whether the time for a more comprehensive approach to immigration has come.
- Operational cooperation on migration control often occurs through “projects” financed by the EU budget (e.g. the AENEAS and AGIS programmes) where member states, third countries or international organizations compete for tender. Such project-based networks often involve apart from member and non-member states also NGOs and International Organizations and often support the implementation of international and European standards (cf. for instance project JAI/2004/AGIS/031).
- In some instance, joint operational activities have been set in place, such as the EU launched border control mission at the Ukrainian-Moldovan border in 2005, or joint patrols in the Mediterranean. In its 2005 Communication on priority actions for responding to the challenges of migration, the Commission announced to extend the newly created Mediterranean Coastal Patrols Network to the Mediterranean third countries “as soon as technically feasible”.
- Beyond official EU activities, networking on migration control cooperation has developed at a purely transgovernmental level between law and order officials both to the East and the South. Whereas Eastern networks such as the Budapest process have focused exclusively on repressive measures, the informal 5+5 Ministerial Western Mediterranean Dialogue to the South has taken on a broader mandate, also covering legal migration.
- However, the evidence gathered so far indicates that due to differences in the perception of the underlying problems and preferred solutions as well as lack of trust, such informal networks tend to replicate the asymmetry of overarching relationships, thus giving clear preference to EU concepts and priorities over those of the third countries.

3.2. Police and judicial cooperation in criminal matters

- Like the asylum/migration field, police and judicial cooperation in criminal matters covers a wide range of very different issue areas. In conformity with our focus on the modes of interaction between internal and external cooperation, we focus on one more specific issue (drugs) and a transversal one (corruption).
- The external dimension of drugs policy is characterised by policy transfer, which manifests itself through the application of conditionality clauses combined with technical and operational cooperation, whereas the anti-corruption policy concentrates on adapting legislation and technical cooperation.
- The repressive elements of the *anti-drugs policy* are contained in the *acquis* and in the UN Drugs Conventions, which all ENP states have joined. On the contrary, in the areas of drugs “demand reduction” and anti-corruption there is no clear consensus regarding the main components of a comprehensive policy. This difficulty results from the existence of conflicting views among the member states on the content of demand reduction and anti-corruption policies.
- The actions with which the EU intends to achieve the double objective of supply and demand reduction are the implementation of the UN Drugs Conventions (1961, 1971, 1988), and the UN Convention on Transnational Organised Crime, the elaboration of national drugs action plans, assistance for harm reduction measures and institution building in the law enforcement sector.
- Policy approximation is mainly based on the insertion of conditionality clauses in international agreements. The Association and Partnership and Cooperation Agreements

contain a drugs clause and a recent EC regulation makes preferential access to the internal market dependent upon cooperation on drugs matters (Regulation 980/2005). The partner countries have to commit themselves to implementing the UN Conventions and to complying with the recommendations addressed to them by the International Narcotics Board (INCB). The INCB and the Dublin Group, which brings together the drugs specialists of the embassies of the main “drugs donor countries” (EU, US, Japan, Norway), are responsible for monitoring compliance with the international drugs regime.

- Networks have been set up for training and capacity building purposes. Training and capacity building activities in the drugs field concern financial and infrastructure support, the organisation of training sessions and seminars on the use of new investigation techniques.
- The Mediterranean countries benefit from a range of activities launched under the MEDA Justice/Police project, and the Eastern European neighbours are the targets of the BUMAD (Belarus, Ukraine, and Moldova Anti-Drugs) programme. The latter is a joint EU/UN programme that covers many activities both in the field of capacity building for law enforcement officers, and in the area of harm reduction
- In some cases the EU provides the country with support to conduct operations against drug trafficking, for example crop eradication in Morocco, or the border mission on the Moldovan/Ukrainian border.
- A further objective is to enhance the quality of information on drugs by improving the methods of data collection in the countries and by signing association agreements between the ENP countries and Europol, and the European Judicial Network.
- The overall external drugs policy puts a strong emphasis on supply reduction measures, as documents on the funding and the thematic distribution of EU Drug Projects reveal (9376/06).
- The EU’s external *anti-corruption policy* seeks to promote “better governance” in the neighbourhood. The proposed measures include accession of the neighbouring countries to international conventions, political dialogue, the elaboration of national action plans, technical cooperation with law enforcement agencies, involvement of civil society, and the adoption of codes of conduct for civil servants.
- The Sub-Committee minutes show that the focus so far has been laid on the adoption of legislative measures. Political dialogue is the other important tool the EU relies on to promote its external anti-corruption policy (Interview DG JLS, May 2006). The relevance of fighting corruption in the ENP countries for enhancing the EU’s own security is stated in a number of documents (European Security Strategy, Strategy on the External Dimension). In practice, however, the EU has done little about tackling the phenomenon.
- The main instruments upon which the EU bases its anti-corruption *acquis* are the UN Convention against Corruption and the Council of Europe’s Criminal and Civil Law Conventions. There is no internal template of cooperation, which the EU could export to third countries.
- The main forum in which the EU seeks the dialogue on corruption with the Mediterranean countries is political dialogue. Political dialogue has been given more teeth in that it is connected to a “corruption” conditionality clause.
- For monitoring purposes the EU cooperates closely with the Council of Europe, which has set up a specialised anti-corruption body, GRECO. The latter is a peer review mechanism that regularly conducts mutual evaluations to assess whether national laws and practices in the member states are in compliance with the two Council of Europe Conventions and the 20 Recommendations on fighting corruption. A similar body has also been set up by the OECD in the framework of the Anti-Corruption Network. Implementation of the UN Convention will be monitored by the General Assembly.

- The other instrument which the EU relies on to fight against corruption in the neighbouring countries is technical assistance. The EU funds a number of projects to strengthen the judiciary and the administrative capacity of the neighbouring countries. Many of these activities are carried out jointly with the Council of Europe which is very experienced in the field of rule of law assistance.
- The anti-corruption efforts are more targeted towards Eastern Europe than towards the Southern neighbours. Activities in the Mediterranean are limited to a few Euromed Justice/Police seminars and the modernisation of justice projects.

3.3. Summary

- The external dimension of the AFSJ concentrates on legislative approximation, or, put differently, policy-transfer on part of the EU towards the ENP countries. The policy template is thus often modelled upon the problem and interest structure of the EU.
- In absence of a strong European *acquis*, legislative approximation draws upon international norms and conventions to which the ENP countries abide or are encouraged to abide.
- Transgovernmental networks of law enforcement officials, judges and other relevant administrative branches fulfil potentially important functions in communication and the approximation of perceptions and interpretations of underlying problems and their preferred solutions. However, in practice the functioning of such networks presuppose the existence of equivalent counterparts in the ENP countries, in terms of competences, expertise, resources, liberal values and democratic control.
- There is thus a fine line between JHA cooperation with the ENP countries and broader development, good governance and democratisation goals.
- Given the fundamentally different situation in ENP countries with regard to the democratic embedment of the executive and security forces, as well as the asymmetry in problem constellations, the external dimension of the AFSJ – if taken seriously – automatically mutates from an external dimension of an internal policy into an external policy of its own right.

4. 4. Challenges to EU external action in JHA

- The challenges resulting from the above discussion of problems and EU activities related to the external dimension of the AFSJ can be summarized under three headings:
 - functional challenges (nature of interdependence between the EU and ENP countries and problem structures);
 - organisational challenges (internal coordination of EU policies and external form of interaction with ENP countries)
 - normative challenges (embeddedness of JHA action in liberal democratic structures)
- In *functional* terms, an approach that focuses on the transfer of policies developed in the EU may not necessarily be tailored upon the priorities and needs of the ENP countries. Given the asymmetry of problem structures, such policy-transfer may be confronted with a lack of understanding on part of the third country governments and competent authorities of the problems at stake and a lack of political will to implement required changes. This may also be the case despite the fact that formal legislative reforms suggest compliance with ENP “requirements”. Contrary to enlargement politics, where approximation to the EU *acquis* benefited greatly from the leverage of membership conditionality, the ENP has no comparable incentives to spur policy adaptation. The lack

of incentives has become very clear in the difficulties encountered with the negotiation of readmission agreements with several ENP countries. Overarching ENP documents pay tribute to this issue and emphasise partnership and co-ownership, and creation of thematic subcommittees should provide a forum for such communication processes. Our analysis however documents a particular dynamism in external JHA cooperation that is only loosely coupled to overarching ENP structures and which reflects a predominantly internal agenda.

- In *organisational* terms, challenges arise both internally with regard to the coordination of JHA activities and externally in the interaction with ENP countries.
 - *Internally*, the dynamism inherent in JHA cooperation has led to a nearly unmanageable array of activities and participating actors, also in its external dimension. The most recent documents, the action-oriented papers (on drugs and on organised crime/corruption in Balkans/ENP) have been drafted by a new group, the “Friends of the Presidency”, whom received support from the Council Secretariat. The main objective of these documents is to provide an overview of the activities already undertaken to date in this area, and to set priorities and benchmarks for the future. Their mere existence shows that the activities in JHA external dimension have been mushrooming over the last few years and that hardly anyone knows what the other bodies are currently doing. A better coordination between the Commission and the Council (Secretariat), within the Commission (RELEX, Europeaid, DG JLS) and between the various Presidencies seems desirable. Likewise, a simplification of the number of available legal bases and budget lines would improve matters. One of the results of this multitude of activities is that a large number of documents are produced, which are not set in clear relation to each other, priorities are not clear and sometimes even contradictory (cf. list in Annex II). The more the EU engages in JHA external policy making, the more indispensable it becomes to speak with one voice in the international arena. The EP is well placed to assist the other institutions in operating the arbitrage between the demands arising from the various agendas.
 - *Externally*, cooperation with ENP countries combines policy-transfer with the operational activities of transgovernmental actors such as liaison officers, border guards, police forces, immigration officials etc. These actors play also a crucial role in concretising relatively malleable legal commitments resulting from the EU *acquis* or international conventions. One challenge of such transgovernmental networks is that they require a strong degree of trust and homogeneity of professional backgrounds in order to yield their cooperative dynamics. These conditions cannot be presupposed in relations with ENP countries and are intrinsically linked to a country’s type of government and political values. Another challenge is the executive focus of such networks and their affinity to informal, flexible forms of organization. The judicial branch and legislative actors face structural difficulties to keep track with the cross-border activities of the executive, thus posing the challenge of the latter’s democratic control. There is also a need to cooperate more closely with the other international actors, Council of Europe, UN, in this field to avoid conflicting demands being addressed to the third states.
- Finally, these functional and organizational considerations also have *normative* implications. Both favour the preponderance of security orientations in external JHA cooperation that privilege EU interests over those of the ENP countries, and those of law enforcement over human rights and rule of law considerations. These are not the primary concerns of transgovernmental networks neither within the EU nor in their external extension. There may be a need to systematically complement the external dimension of the AFSJ with the targeted action of those actors in the EU dealing with these broader

political goals. Likewise, in the ENP countries, activities aiming at the strengthening of civil society actors, parliaments and the judiciary as natural counterweights to state executives could be enhanced. Institution-building activities were mentioned in the Commission Communication on the external dimension, but they did not feature in the Council Strategy, because apparently there is no legal basis for promoting the rule of law through JHA activities abroad. Eventually a remedy will need to be found to this problem.

5. Conclusion and Recommendations

- The development of the external dimension of the Area of Freedom, Security and Justice is one of the EU's responses to the merging of internal and external security threats. It is encouraging to see that the EU is formulating policy initiatives which aim at coping with the changes in the security landscape. It is also laudable that the EU institutions have come up with policy initiatives advocating an alternative approach to repression for coping with migration, corruption and drugs. The latter reflect a spirit of partnership with ENP countries. Unfortunately, however, these initiatives frequently do not yield the expected results, as they either remain vague or they are co-opted by other actors and interests, alienating them from their original aims.
- Our discussion yields two main conclusions: there is a need to clarify the scope and the overall goal of the external dimension of the AFSJ; likewise, the interplay between the organisational set-up of this external dimension and its substance in terms of policies and normative implications should be reconsidered.
- It is imperative to clarify the *status of the external dimension* of the AFSJ. Is it meant to be a complement to the internal realisation of this ambitious project, or is it developing into a foreign policy in its own right, with its own set of priorities and instruments?
 - Council documents have at various points stressed that “developing the JHA external dimension is not an objective in itself, its primary aim is to contribute to the establishment of an Area of Freedom, Security and Justice. The aim is certainly not to develop a “foreign policy” specific to JHA. Quite the contrary” (7653/00, p. 5). Indeed, the priorities identified in activities towards the ENP countries confirm a predominant focus on internal security concerns of the EU. At the same time, the direct contribution of these activities to the realisation of the AFSJ, with its broader emphasis also on Freedom and Justice, is not self-evident.
 - The dynamic evolution of the external agenda might divert attention, time and resources away from this ambitious internal project. In contrast to the dynamism of external cooperation, internal harmonization has been limping and Member States have been reluctant to agree on a substantive approximation of immigration or penal laws.
 - Furthermore, the dynamism of external cooperation tends to amplify the focus on security aspects in JHA cooperation. Internally, this affects the balance between the Freedom, Justice and Security aspects of the AFSJ. Externally, this is particularly problematic given that the ENP countries lack the liberal fundament of democratic institutions and human rights values that circumscribe the exercise of security forces in the modern European countries. In our view, external action in the fields of asylum, migration, police and judicial cooperation with such countries should be part of a broader political dialogue on good governance and democratic change rather than a purpose in itself.
 - To sum up the external dimension of JHA cooperation with semi-authoritarian countries should be part of the political transformation agenda, its institutional,

administrative and normative pillars, rather than motivated primarily by EU security concerns.

- *Form and substance* of JHA cooperation are intrinsically linked. The preponderance of security objectives over “freedom” and “justice” is to a significant degree a function of the organizational set-up of cooperation in JHA, both internally and externally.
 - The preponderance of the executive branch and law enforcement actors carries a professional bias for control and security aspects over liberal ones. This bias is perpetuated by the dominant modes of interaction in relation with ENP countries which focus on policy-transfer rather than political dialogue.
 - At best, a one-sided focus on the export of the EU’s internal JHA *acquis* may be ineffective due to the asymmetry of interests and underlying problem structures. At worse, it may perpetuate a security focus that neglects the institutional and normative prerequisites of liberal statehood addressed above.
 - An effective and balanced ENP policy on JHA requires structures that allow for the identification of shared problem perceptions, common priorities and normative orientations. Political dialogue in a spirit of co-ownership is essential for this purpose. This would involve not only actors from the ministries of the interior and justice, but also other branches of the administration dealing with underlying issues (such as social affairs and economics ministries/DGs), foreign affairs representatives, parliamentarians, and civil society organizations in the EU and the ENP countries. A first step in this direction could be a broader constituency of and stronger coordinating role for pertinent subcommittees under the Association Agreements (both Social Affairs and JHA).

6. ANNEX I. JHA situation in ENP countries

6.1. I.1 Asylum

The general situation according to main sources¹

	Little concern	Concern	Primary concern	Comments
Algeria		X		The main refugee issue is the protracted situation of refugees from the Western Sahara. In the area of asylum, Algerian authorities have expressed their willingness to take over the refugee status determination activities that so far have been conducted almost exclusively by the UNHCR. AI reports forcible returns in 2006.
Armenia		X		While the basic elements of the national asylum system are in place, further efforts are necessary in order to improve the specific legal framework and its implementation in accordance with international standards in order to meet the likelihood of increased numbers of asylum-seekers arriving in Armenia. 2004 reform brings the law more in line with internationally recognized standards, although some gaps remain to be closed, esp. the quality of the refugee status determination procedure (RSD) procedure, the management of asylum data and the reception and management of asylum-seekers at border entry points; challenge of refugee integration Predominant refugee problem is with ca. 100000 ethnic Armenian refugees from Azerbaijan mostly integrated via citizenship law
Azerbaijan			X	The implementation of Azerbaijan's 1992 accession to the Convention on the Status of Refugees (the 1951 Convention) began to materialise in 2004 with the establishment of the Refugee Status Determination Department, but many gaps exist, e.g. ethnic Chechens from the Russian Federation - the largest group of asylum-seekers in the country - have not been granted access to these procedures. No government support for refugee integration.
Belarus		X		Main deficits in the new law concern esp. safe third country definition and the right for family reunification, lack of complementary forms of protection, unaccompanied minors; insufficient reception capacities; government capacities are far from sustainable including due to frequent administrative reforms and turn over of staff; lack of competent human resources and technical capacity; training of border guards insufficient.
Egypt		X		Egypt has yet to take steps towards the adoption of domestic refugee legislation to enable to put in place the necessary arrangements for the reception

¹ Sources:

UNHCR Country reports 2005; Amnesty International (AI) reports 2005 and 2006; ICMPD reports, CARIM Annual Report on International Migration 2005, European Commission Country Reports.

			and registration of refugee applicants and determination of their refugee status. These functions are still performed by UNHCR. Recognized refugees have no right to work. AI reports forcible returns in 2006.
Georgia	X		Main country of refuge for Chechen refugees; insufficient asylum legislation; insufficient capacity on referral and reception.
Israel	X		Israel is yet to develop a functioning procedure for refugee status determination, currently carried out by UNHCR under its mandate.
Jordan		X	No national legislation pertaining to the status and treatment of refugees, status determination procedures are carried out by UNHCR in view of resettlement; focus on large (mostly naturalized) Palestinian refugee populations, refugee pressure from deteriorating situation in Iraq is a major challenge.
Lebanon	X		No national legislation pertaining to the status and treatment of refugees, ratification of Geneva Refugee Convention would significantly improve the situation of Palestinian refugees.
Libya	X		The Government has not yet developed a specific administrative structure to deal with refugees and asylum seekers and there is not yet any national legislation to determine refugee status. Refugees and asylum seekers are considered as part of the large immigrant population in Libya without any specific distinction. UNHCR has not been accorded a special status. AI reports forcible returns.
Moldova	X		2003 Law on Refugee Status needs to be amended to be in line with international standards: rights of unaccompanied minors, no access to labour market; lack of complementary forms of protection, unaccompanied minors; insufficient reception capacities; insufficient reception capacities.
Morocco		X	Despite ratification of the Geneva and OAU Conventions, authorities have neither adopted a refugee law nor established a procedure in order to deal with asylum seekers and refugees. A decree adopted in 1957, which regulates all issues relating to refugees and asylum seekers, is still in force but not being implemented. A so-called refugee status exists that does however not grant residence rights. Therefore even the situation of “recognized” refugees likens that of irregular immigrants. AI reports forcible returns in 2006.
Syria	X		Syria is not a party to the 1951 Convention or 1967 Protocol and has not adopted any national legislative or administrative provisions on issues related to asylum. In the wake of the war in Iraq in March 2003, a Temporary Protection Regime (TPR) has been applied for all Iraqi nationals. AI reports forcible returns in 2006.
Tunisia	X		Although Tunisia has neither a specific legislation on refugees nor a national structure to take care of them and of the asylum seekers, the major commitments of the 1951 Convention have been dealt with in other national legislation. UNHCR carries out refugee status determination at

Ukraine

X

the request of the authorities. The final decision on delivery of residence permits remains in the hands of the Authorities.

UNHCR advocates urgent amendments to refugee law, esp. deletion of strict admission deadlines; human and other resources un- or underfunded; training of border guards insufficient; formal integration plan is inadequate and is not implemented; discrimination against refugees. AI reports forcible returns in 2006.

Relevant International Conventions

Country	Refugee Status Convention 1951		Protocol on Refugee Status 1967		European Convention on Human Rights 1951		Organization of African Unity Refugee Convention	
	Sig.	Rat.	Sig.	Rat.	Sig.	Rat.	Sig.	Rat.
Algeria		1963d		1967a				1974
Armenia		1993a		1993a		2002		
Azerbaijan		1993a		1993a		2002		
Belarus		2001a		2001a				
Egypt		1981a		1981a				1980
Georgia		1999a		1999a		1999		
Israel		1954		1968a				
Jordan								
Lebanon								1981
Libya								
Moldova		2002a		2002a		1997		
Morocco		1956d		1971a				1974
Syria								
Tunisia		1957d		1968d				1989
Ukraine		2002a		2002a				

6.2. I.2. Trafficking

The general situation according to main sources²

	Little concern	Concern	Primary concern	Comments
Algeria				<i>No data</i>
Armenia		X Source and transit		The Government of Armenia does not fully comply with the minimum standards for the elimination of trafficking. Cooperation between police and NGOs increased the number of investigations, and provided police a greater understanding of international and domestic sources of trafficking. The government should improve legal instruments to create more effective tools for law enforcement and should improve the transparency of its anti-corruption programs.
Azerbaijan			X Source and transit	The Government of Azerbaijan does not comply with the minimum standards for the elimination of trafficking. In the absence of government identification, local and international experts catalogued a significant number of victims trafficked from or through Azerbaijan. The government has started to take measures in the field. Law enforcement officers were neither trained nor instructed on victim identification and did not adequately investigate trafficking. Government corruption facilitates it. The government should promptly adopt and fully implement its national action plan and undertake and implement necessary legal reform.
Belarus		X source		The Government of Belarus does not fully comply with the minimum standards for the elimination of trafficking. The government has recognized that trafficking is a serious problem in Belarus and has increased investigative efforts and overall awareness, despite resource constraints. Although more remains to be done, particularly in the area of protection and assistance to victims, the government of Belarus has demonstrated its political will to combat trafficking in persons. Penalization law is OK but implementation is lacking.
Egypt		X Transit		The Government of Egypt does not fully comply with the minimum standards for the elimination of trafficking. The government has shown growing awareness of trafficking over the last years. The Ministry of Justice in early 2004 initiated an effort to draft and enact comprehensive anti-trafficking legislation in accord with international standards. Under the terms of the 1983 peace treaty between Israel and Egypt, Egyptian border security forces are restricted in their operations along the Sinai border with Israel, where many trafficking victims transit. Despite these restrictions, Egypt should

² Categorisation has been adopted from US State Department Report 2004 on Trafficking in the World <http://www.state.gov/documents/organization/34158.pdf>; European Commission Country Reports, ICMPD, IOM.

Georgia	X Source and transit	take additional steps to identify, rescue, and care for trafficking victims who seek to transit the country. It should also vigorously investigate and prosecute the traffickers behind this trade, and improve its coordination with governments of source countries.
Israel	X destination	The Government of Georgia does not fully comply with the minimum standards for the elimination of trafficking. In the last years, it has failed to provide evidence of increasing efforts. The changeover in government required reconstituting most government-supported mechanisms. The new government was expected to respond more effectively to institutional weaknesses and corruption which hindered the previous government's anti-trafficking efforts. The government should create a formalized referral system to NGOs, ensure consistent resources for police and improve protection of victim identity in public fora. The Government of Israel does not fully comply with the minimum standards for the elimination of trafficking. It should continue strengthening its efforts to prosecute and convict traffickers, and to sentence them to prison terms commensurate with the seriousness of trafficking crimes. Similarly, Israel needs to strengthen its protection measures, by for example providing more temporary residency permits, increasing available shelter capacity, and establishing a transparent procedure for the voluntary repatriation of victims. In an effort to fight an apparent rise in labor trafficking, a parliamentary committee has proposed draft legislation, which, if approved and effectively enforced, would replicate Israel's efforts to date to fight trafficking for the purposes of sexual exploitation.
Jordan Lebanon	X destination	<i>No data</i> The Government of Lebanon does not fully comply with the minimum standards for the elimination of trafficking. The government neither has a national action plan to combat trafficking, nor does it have effective legislation to fight trafficking. These key anti-trafficking tools must be developed.
Libya	X transit	Libya is considered a special case because press, media, and NGO reports indicate a significant human trafficking problem within its territory. Libya recently engaged with other affected countries to combat illegal smuggling, including human trafficking.
Moldova	X Source and transit	The Government of Moldova does not fully comply with minimum standards for the elimination of trafficking. While the trafficking problem continued to be disproportionately grave, the government refocused its activities on the issue. Law enforcement efforts and regional cooperation improved as well, but government prevention and protection efforts continued to lag behind. The government should apply funds it receives through foreign assistance to targeted economic initiatives in order to provide potential

Morocco X

victims with alternatives to working abroad, establish protections for victims testifying against their traffickers, and promptly establish long-promised victim referral.

The Government of Morocco is seen to comply with the minimum standards for the elimination of trafficking, although it has not signed the Optional Protocol to the Palermo Convention on Trafficking in Persons (see table below). It established an Office of International Cooperation to lead the interagency coordination of Moroccan anti-trafficking policy in 2003, enacted new anti-trafficking laws and strengthened existing laws; conducted anti-trafficking information campaigns; and, enhanced its cooperation with other affected countries and NGOs engaged in anti-trafficking efforts.

No data

Syria
Tunisia
Ukraine

No data

X
Source and
transit

The Government of Ukraine does not yet fully comply with minimum standards for the elimination of trafficking. Despite resource constraints, Ukraine continues to make progress in combating trafficking, demonstrated by a steady increase in prosecutions and convictions. But progress has lagged in implementing the Comprehensive Program for Combating Trafficking in Persons, coordinating with law enforcement officials of destination countries, and fighting government corruption. The Ukraine parliament should adopt amendments to the criminal code that will strengthen anti-trafficking legislation.

Relevant International Conventions

	International Convention on Transnational Organized Crime (Palermo Convention)	Optional Protocol on Trafficking in Persons, Particularly Women and Children
Algeria	2002	2004
Armenia	2003	2003
Azerbaijan	2003	2003
Belarus	2003	2003
Georgia	signed in 2000, not ratified	signed in 2000, not ratified
Egypt	2004	2004
Israel	signed in 2000, not ratified	signed in 2001, not ratified
Jordan	signed in 2002, not ratified	not signed
Lebanon	signed in 2001, not ratified	signed in 2002, not ratified
Libya	2004	2004
Moldova	not signed	not signed
Morocco	2002	not signed
PA	N/A	N/A
Syria	signed in 2000, not ratified	signed in 2000, not ratified
Tunisia	2003	2003
Ukraine	2004	2004

6.3. I.3 Corruption

The general situation according to main sources³

	Comments
<p>A l g e A r m A n i B E g y C a n f g r A o r d a h e b a n o h i b M a l d o v a</p> <p>M o r o c c o</p> <p>P a l</p>	<p>Corruption is a problem. Press regularly reports on it, it affects Armenian state is weakened through high Massive corruption problem in all Problem, but Corruption is perceived to be a problem. It is Corruption is endemic in the country. It Corruption in Israel is not perceived to Corruption is limited to the higher échelons of power, does not affect level Corruption is a problem, it hampers administrative effectiveness. Judiciary is a One of poorest performing countries The most pressing problem after poverty in the country; it is deeply affected by corruption. No political will to tackle it. A number of important initiatives have been taken, but as long as there is no prosecution the laws are of little use. Major problem within the</p>

³ Transparency International Country Profiles 2005 and 2006, Bertelsmann Transformation Index – Country Reports 2006, European Commission Country Reports, Freedom House reports on nations in transit and countries at crossroads, GRECO country assessments (www.greco.coe.int).

Palestinian authority. Efforts towards transparency with respect to public funding are under way to the pressure exerted by the IFIs.

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Corruption is a problem. It has been endemic for many years; anti-corruption campaigns are used for political purposes. Deep intermingling of journalistic state/economy accounts favours increased efforts in 2005, but General lack of transparency.

- data extracted from Transparency Corruption Index - 10 is the highest value indicating that corruption is not perceived to be a problem, 0 the lowest manifesting a very high level of corruption.
- The authors have created three categories of concern: category 1 (little concern) covers all countries above CPI 4.8; concern covers the range between 2.8-4.8; whereas a fundamental problem is believed to be present in all cases manifesting values below 2.8.

National legislation - extent of law enforcement

Algeria	Legal regulations exist, but the fight against corruption has not taken off. Personal allegiances and interests dominate. The fight against corruption takes place selectively and depending on party-ties. A draft anti-corruption law that brings legislation into line with the UN Convention against Corruption had its first reading in January 2005 and was adopted by the Council of Ministers in April 2005, it is pending adoption in parliament.
Armenia	In 2003, an anti-corruption strategy and action plan were adopted. The Criminal Code contains a number of provisions criminalising corruption, although the scope of these definitions does not fully meet international standards. Prosecution and conviction for bribery and corruption-related offences remain too low in the context of the reported level of corruption. Fragility of media. Lack of political penalties for public officials.
Azerbaijan	Only in rare cases is corruption fought effectively by way of a court ruling. Prosecution of corruption is also utilized to authorize the dismissal of high-ranking government officials, without affording them proper legal recourse. Situation has not improved despite the adoption of new laws against corruption (Anti-Corruption Law passed January 2004). The inefficient state administration has yet to undergo structural reform. Political will to pursue a consistent policy is lacking, as it potentially endangers the interests of the ruling elite. Despite the significant strengthening of the legal framework, the complexity and fragmentation of the anti-corruption system hamper any progress. Azerbaijan has adopted a State Programme on Fighting Corruption, which covers the period from 2004 to 2006. Among the principal provisions of these acts figures the creation of an anti-corruption department within the Prosecutor General's Office.
Belarus	Fighting corruption, including low-level corruption of officeholders misusing their position, is part of the political agenda. At the same time, however, the decision-making procedure lacks transparency, as well as checks and balances. In addition, (independent) investigations are not encouraged and are perceived to constitute a political attack against the regime. Fighting corruption is a priority in Alexander Lukashenka's "reform program": a number of laws have been enacted to fight corruption, but in practice, the anti-corruption campaign merely serves as a means of eliminating political opposition and keeping a tight rein on private enterprise.

Egypt	Two agencies are entrusted with the enforcement of Egypt's severe anti-corruption laws in the public sector: the Administrative Control Agency (ACA) and the Illicit Gain Office (IGO). Corruption is treated as a criminal act. Several high-profile corruption cases resulted in prison sentences during the past few years. However, the campaign is politically motivated and tends to bring to justice only those figures of the ruling elite who were excluded by internal conflicts or affiliated with the outer, weaker circles of the elite. The lack of accountability of public office holders constitutes a problem.
Georgia	Major efforts under way to fight corruption. Criminal code contains many important elements for fighting corruption. The civil service is undergoing significant reform and restructuring as part of the present government's policy of improving governance and fighting corruption. Need to strengthen the institutional capacity of anti-corruption bodies, as well as to streamline relevant investigation. As part of the new authorities' anti-corruption drive, a significant number of arrests on corruption charges have been made since the "Rose Revolution", but on the whole prosecution still remains rare. An important problem is that the government does not have control over whole territory. When cracking down on corruption civil liberties are not always respected.
Israel	<i>No data</i>
Jordan	An Anti-corruption Department was set up in 1996 with preventive and repressive functions. It carries out investigations and data-collection and refers cases to the public prosecutor. In July 2000 a Higher Committee to Fight Corruption was established under the Prime Minister; it coordinates its work with the Anti-Corruption Department. Main reforms concern transparency and accountability in the public sector. Institutions that were set up in order to combat corruption did not achieve adequate public profiling, and their impact is therefore considered marginal. In 2000, there were efforts to draft a code of honour against nepotism and cronyism in public employment, but the code was never completed. Involvement of civil society has been weak, and whistleblowers are not protected. A lack of government transparency is a further problem.
Lebanon	Lack of comprehensive reforms to tackle the problem of corruption. The laws to fight corruption exist, but they are not enacted and implemented.
Libya	<i>No data</i>
Moldova	The introduction of the National Anticorruption Strategy and the corresponding Action Plan in January 2005 signalled a very promising year in the fight against corruption. Indeed, all involved public institutions and agencies, as well as the civil society, got off to a very active and convincing start in the implementation of the anticorruption Action Plan. The main efforts have been geared toward bringing anticorruption legislation in line with international norms and practices. Moreover, the competences of each of the many institutions involved in the fight against corruption have been outlined to avoid duplication of activities. Immunities protect a number of public officials from being brought to court. Thus, corrupt officeholders are not prosecuted systematically and adequately, but incidentally either on the basis of intra-party and personal loyalties or in reaction to adverse publicity. Some court cases strongly indicate that corruption charges are instrumentalised and initiated by the government in order to discredit opponents and to oust disloyal functionaries.
Morocco	In April 2005, the government announced a new six-point plan to fight corruption including measures on the disclosure of information by public officials, more transparency in the provision of government contracts and the setting up of an office for keeping track of known corruption cases. New court for dealing with corruption cases. Increased media freedom for discussing corruption is a major step. An independent agency is active in auditing public expenditure (public sector and donors), in the past it has investigated high level cases, but it is chronically under-funded and its reports need to be followed up.
Palestine	A number of draft laws dealing with unlawful gains, with the functioning of the administrative and financial monitoring office and with the powers of the constitutional court have been passed in the last years. Main problem is corruption as regards the use of public finances, but the PAL authority is trying to redress this issue, in response to the pressure exerted by the IMF. No legislation on the corruption of public officials.
Syria	Key regime officials and their offspring monopolize many lucrative import markets and benefit from a range of other illicit economic activities. Systemic corruption at elite levels has been the norm since the 1970s, as part of the patronage system by which loyalty has been secured, with only the president himself thought to be above the use of office for private gain. Selective enforcement of the law, and sporadic anti-corruption campaigns target those who go beyond tacit limits to self-aggrandizement or who fall out of favour.
Tunisia	Corruption in the government exists, including petty corruption and bribe taking by

security forces. The government announced the creation of a body tasked with reducing corruption, but there were no public reports of its activities. There are laws against corruption and sporadic campaigns decry and prosecute corruption to set an example. Officeholders and individuals close to the ruling “presidential clan” can exploit their office for private gain free of legal prosecution.

Ukraine

2005 steps against corruption in the government, but no cases ended up in court (lack of prosecution is a major problem); anti-corruption activities have had an ambiguous effect on the state as they have enhanced transparency, but have also led to destabilisation. To-date the success of the various initiatives remains questionable. Administrative procedures are not transparent; and in the law enforcement sector the law is applied selectively. One of the main problems is the lack of a strong independent judiciary. An anti-corruption agency is being set up.

International Conventions and monitoring mechanisms

	United Nations Convention Against Corruption 2003	Council of Europe Criminal Law Convention	Council of Europe Civil Law Convention	GRECO	OECD Anti-Corruption Network for Transition Economies (ACN)	Technical Assistance EU
Algeria	Ratification					
Armenia	Signature	Ratification	Ratification	x	x	
Azerbaijan		Ratification	Ratification	x	x	
Belarus						
Egypt	Ratification					
Georgia		Signature	Ratification	x	x	x
Israel	Signature					
Jordan	Ratification					
Lebanon						
Libya	Signature					
Moldova	Signature	Ratification	Ratification	x		x
Morocco	Signature	-	-			
Palestine		-	-	-	-	
Syria	Signature	-	-			
Tunisia	Signature	-	-			
Ukraine	Signature	Signature	Ratification	x	x	x

6.4. I.4. Drugs

The general situation according to main sources ⁴

	Comments
<p>A l g e r i a A r m e n i a A z e r b a i J B n l a r u s</p>	<p>The political situation has not affected the country's position on illicit drugs, as the Government has remained Armenia is not a major drug producing country and its domestic abuse of drugs is relatively small. It is recognised that it Azerbaijan is on the drug transit route for heroin originating in Central Asia into Western Europe, Afghanistan and from northern Iran into Russia and Western Europe. Cannabis Belarus continues to grow in importance as a transit country for drugs. It also may be a source country for drugs precursors. Corruption,</p>
<p>E g y p t</p>	<p>The Arab Republic of Egypt is not a major producer, supplier, or consumer of narcotics or precursor chemicals. Heroin and cannabis are</p>
<p>G e o r g i a</p>	<p>Georgia has the potential to be a transit country for narcotics flowing from Afghanistan (East-West flows). The situation has been further compounded by the</p>
<p>I J o r d a n</p>	<p><i>No data</i> Jordan's geographical</p>

⁴ US State Department International Narcotics Control Strategy Report (2006), European Commission Country Reports, UNODC Country profiles, and International Narcotics Control Board (INCB Annual Report 2005).

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location between the drug producing countries to the north and drug consuming countries to the south and west, makes it a transit country for illicit drugs. It is neither a significant consumer nor producer country. Jordan's main challenge lies in stemming the flow of illicit drugs due to the vast and open desert borders.

Lebanon is not a major illicit drug producing or drug-transit country, but with a history of opium cultivation and its central location, the situation bears close watching. Although Libya is not a drug-producing country, refining in Lebanon is an increasing problem. Moldova is not a significant precursor producer of chemicals. The uprooting of drugs precursor and severe police control are produced in certain areas of the country, mainly in the Rif region, which was partially a result of the difficult political situation. Although seizures increased domestic usage was negligible. Syria remains an important transit country for drug trafficking and enforcement since 2000 has intensified its (e.g. creation of a

drugs intelligence data base). UA is located astride several important drug trafficking routes into Europe. Cocaine arriving from L-America destined for W-Europe is new. Numerous available ports on the Black and Azov seas, river transportation routes, porous borders, and inadequately financed and under-equipped border and customs control forces make Ukraine susceptible to drug trafficking, especially on the north-east border with other former Soviet republics.

Drugs situation in countries

Algeria	INCB 2005	Dublin Reports 2005 The production of cannabis continues to be the biggest problem for Algeria since, together with Morocco, it is the leading world producer of this substance
Armenia		High level of corruption makes it difficult to make any estimates on what the situation looks like in the country. There is some cannabis and poppy cultivation in the country.
Azerbaijan	The southern Caucasus is emerging as a transit area for drugs trafficking to Europe. There is a concern that the continuing lack of funding, technical equipment and human resources may hinder the effectiveness of border control. Recent epidemiological surveys conducted in Azerbaijan and Georgia reveal a significant increase in drug (opiate) abuse in those countries. Also lies on the air trafficking route of opiates towards Europe.	Azerbaijan Republic has a well-developed transportation network and is viewed by the drug traffickers as a convenient transit route for drug transportation to Europe.
Belarus		On account of its geographical location, Belarus constitutes a transit zone for the purposes of drug smuggling from East to West. Simultaneously more and more intoxicating substances remain on the territory of Belarus, stimulating the increase of drug-related crime in this country.
Egypt	The uncovering of an MDMA laboratory in Egypt in late 2004 might indicate the emergence of illicit manufacturing of MDMA in Northern Africa. In Egypt, where cannabis plants continue to be illicitly cultivated in the northern Sinai, there has been an alarming increase in the seizure of cannabis herb. Trafficking of precursors is also a problem	Egypt is a hub for the trafficking of drugs, albeit in small quantities. There are no large distribution networks, but many small traffickers. Shipping across the Suez Canal and the border with the desert make it very difficult for the police to stop drug trafficking, although a number of campaigns have led to good results.
Georgia	Major increase of drugs consume due to the import and illegal sale of buprenorphine tablets.	Georgia is considered to be part of the so-called "Silk Route", i.e. part of one the most important drug transit routes from Asia to Europe. It is not a major producing country.
Israel	Pharmaceuticals are a problem in Israel.	
Jordan	Transit country for Fenetylline (Captagon) towards Arabian peninsula. Increase in trafficking of cannabis.	
Lebanon	The illicit cultivation of cannabis plant and, on a much smaller scale, opium poppy takes place in Lebanon, despite the Government's eradication efforts and the launching of public information campaigns.	
Libya		
Moldova		The Republic of Moldavia has limited resources to struggle with numerous social and economic problems, among them drugs. It is also paralysed by an internal conflict. Fears that drugs use will increase owing to poverty.

Morocco	Morocco continues to be one of the world's largest suppliers of cannabis resin. Total production decreased by 19% in 2004. Morocco is the source of 80 per cent of the cannabis resin abused in Europe, the world's largest market for cannabis resin. The Mor. government launched a major eradication campaign in 2004. The controls at the ports and land borders are weak and they contribute to the problem.	Morocco is one of the main producers of cannabis in the world. There is a link between the production of cannabis and the low level of socio-economic development in the areas in which cannabis is produced.
Palestine Syria	Transit country for Fenetylline (Captagon) towards Arabian peninsula.	Domestic consumption of drugs is negligible (0,12 per thousand) and is mostly related to ex-prisoners. Limited consumption is due to religious influence and social reaction, combined with severe legislation in force. Although Syrian authorities want to dismiss its importance, the country seems to be a significant crossroad for drugs serving mainly as a passage between Turkey, Pakistan, Afghanistan and the Gulf countries.
Tunisia Ukraine	The precursor P-2-P, which is used for the manufacture of amphetamine, is being clandestinely manufactured in the Russian Federation and Ukraine.	Ukraine is no longer merely a transit country for intoxicating substances, but has also become a producer and significant recipient of drugs. Synthetic drug smuggling and production has been increasingly detected: over 67 thousand doses of "synthetics", such as amphetamine, methamphetamine and ecstasy were confiscated, plus 43 doses of LSD

Legislative measures taken to combat drugs

	UN Conventions	Techn. Assistance	National laws/actions	National Drugs Strategy
Algeria	x	UN support	Promulgation of a new law on the prevention and repression of the use of and illicit traffic in narcotic drugs and psychotropic substances	Adoption of a National drug control master plan. Secretariat to implement the plan.
Armenia	x	SCAD (EU)	Adoption of a national Law on Drugs and Psychotropic Substances in 2003. This law establishes that drugs consumption and trafficking is a crime.	Armenia has adopted a policy of focusing on prevention of drug abuse through awareness campaigns and treatment of drug abusers.
Azerbaijan	x	SCAD (EU)	SCAD established a resource centre and information network that provides access to a central database of information pertaining to narcotics control. SCAD also conducted an epidemiological survey of drug use.	

			Azerbaijan cooperates with Black Sea and Caspian Sea littoral states in tracking and intercepting narcotics shipments. Parliament adopted a law strengthening the police in 2002.	
Belarus	x	BUMAD (EU)	Still lacks an effective system of counter-narcotics education. Police officers who work with juvenile crime run drug prevention programs in schools, but they lack sufficient training, resources, and there is no nation-wide coordination of curricula. The BUMAD program intervenes here.	A national drug abuse prevention strategy exists, called The State Program of Complex Measures Against Drug and Psychotropic Substances Abuse and Their Illicit Trafficking for 2001-2005. The program lacks details of implementation, timeframes, as well as sufficient financial support.
Egypt	x	UN support	The Anti-Narcotics General Administration (ANGA) is the main counternarcotics organization in Egypt. Legislation is adequate according to UNODC. It conducts year-round cannabis eradication and an annual opium poppy eradication campaign. It is competent and progressive.	In 2005 adoption of a new National Strategy on protecting youth from drugs. There is a need to improve the training of officers involved in drug trafficking at the operational level.
Georgia	x	SCAD	Counter-narcotic efforts are now coordinated through an interagency group chaired by the Ministry of the Interior. There are initiatives aiming at softening current drugs legislation, which would end criminal responsibility for consumption of drugs.	The Government of Georgia (GOG) is investing time and resources into an on-going reorganization of the law enforcement sector, building capacity and addressing immediate needs of its people. The Criminal Procedure Code that will move the country towards an Anglo-American Common Law system is presently being rewritten. Controlling illicit substances is on the drugs authority's radar screen, but just now the focus is more sharply on rule of law.
Israel				
Jordan	x	UN programmes EU/MEDA (CEPOL project)	Jordan's PSD maintains an active counternarcotics bureau	Jordan maintains an extensive drug abuse prevention programme targeting children and young adults throughout the education system.
Lebanon	x	UNODC	In 2005, the Government of Lebanon continued hashish and poppy eradication. Illicit drug trafficking via traditional smuggling routes has been somewhat curtailed by joint Syrian-Lebanese operations. The current law on drugs foresees the establishment of a National Council on	Drug demand reduction campaigns are also taking place in Lebanon, and the government is developing a national action plan on drug demand reduction

			Drugs (NCD), whose services and activities will include substance abuse treatment, prevention, awareness, and assistance to substance users and their families, in addition to setting up a national action plan. Public education campaigns are frequent.	
Libya	x	UNDCP		Libya has taken measures to enhance programming and implementation capacities in the area of drug demand reduction, with a view to developing a national prevention programme in schools, covering all aspects of drugs abuse, including HIV/AIDS. Severe punishment for drug trafficking.
Moldova	x	BUMAD	The introduction of a new criminal code in 2003 reduced the maximum penalty for narcotics trafficking to 12 years in prison. Despite rudimentary equipment there is a high numbers of seizure. So far no evaluation of the activities of the authority in charge of drugs. Its resources are very limited.	An Action Plan for the years 2003-2004 was adopted to fight against drug consumption and drug trafficking . Main priorities include the reduction of the demand for narcotics through preventive measures; fighting cultivation of plants with narcotics substances; fighting illicit traffic and ensuring efficient control over legal circulation of narcotics; and international cooperation
Morocco	x	EU MEDA, UNODC (for elaboration of the national action plan)	In 1996, in an attempt to improve coordination between all departments responsible for implementing anti-drugs laws, the Moroccan Government created the Anti-Drug Coordination Unit (UCLAD), under the responsibility of the Ministry of the Interior. An inter-ministerial committee has been established for drawing up a national drug strategy.	In Morocco, the national strategy against drugs drafted by the National Committee on Narcotics is expected to be adopted in 2005. In 2004 Morocco also launched an awareness campaign for cannabis growers—alerting them to the adverse effects of cannabis cultivation for the land and informing them of alternative ways to use the land more productively
Palestine		UNODC	UNODC is strengthening the interdiction capabilities of the Palestinian Anti-Narcotics General Administration and the legal framework for drug control.	
Syria	x		Syria has strict sentencing guidelines foreseeing death penalty for drugs trafficking. There is an effective counter narcotics system in place. The Counter Narcotics Unit	Syria's counter narcotics strategy, which is coordinated by the Ministry of the Interior, uses the media to educate the public on the dangers of drug use, and drug awareness is also part of the national curriculum for

			brings together all the important regional branches of the National Policy.	school children.
Tunisia	x		Legal and law enforcement measures taken against corruption have helped to curb illicit drug abuse and trafficking in Tunisia.	Tunisia has launched activities to reduce illicit drug demand through awareness-raising programmes in and it has established a national rehabilitation centre for drug addicts.
Ukraine	x	BUMAD	In Ukraine, the Cabinet of Ministers has proposed moving methadone to the category of a prohibited substance, thus barring its use for therapeutic purposes. In 2004 the Government of Ukraine proposed amending the existing counter narcotics legislation to further improve the regulation of licensed licit production and sale of narcotics, psychotropic substances and dual use precursors.	In 2004 the Government of Ukraine continued to implement a comprehensive policy paper entitled "The Program of the State Policy in Combating Illegal Circulation of Narcotics, Psychotropic Substances and Precursors for 2003-2010." The Program acknowledged the growing scale of drug abuse, the lack of adequate education and public awareness efforts, community prevention efforts, treatment and rehabilitation. The Program is to be implemented in two stages. It should follow the recommendations and the model of the EU Drugs Action Plan and the EMCDDA.

6.5. I.5. Money Laundering

The general situation according to main sources⁵

	Little concern	Concern
Algeria		x
Armenia	x	
Azerbaijan	x	

⁵ Categorisation has been adopted from US State Department International Narcotics Control Strategy Report 2006 (includes information on money laundering in a country), European Commission Country Reports, Moneyval Monitoring Reports, and available information on MENA-FATF (www.menafatf.org). The US classification does not only consider the legal framework when deciding on the status of a country, it also considers whether a country or jurisdiction should be included in a category based on the significance of the amount of proceeds laundered.

Belarus

Egypt⁶

x

Georgia

x

⁶ European Commission seems less worried about Egypt and money laundering if one considers the ENP Country Reports than the US (there main critique concerns lack of financing of terrorism instruments).

Israel

Jordan

x

Lebanon

Libya
Moldova

x

Morocco

x

Syria

x

Tunisia

x

Ukraine

International Instruments

	Compliance with FATF Recommendations	1990 Council of Europe Convention on laundering, search, seizure and confiscation of the proceeds from crime	1999 UN Conv. on Financing of Terrorism	UN Convention on Transnational Organised Crime	Membership in a Peer Review Mechanism
Algeria			Yes	Yes	MENA-FATF
Armenia	partially	Yes	Yes (ratified)	Yes	Moneyval
Azerbaijan	partially	Yes	Yes	Yes	Moneyval
Belarus			Yes	Yes	Eurasian Group
Egypt	Yes		Yes (ratified)	Yes	MENA-FATF
Georgia		Yes	Yes	No (signature)	Moneyval
Israel	Yes		Yes	No (signature)	
Jordan			Yes	No (signature)	MENA-FATF
Lebanon	Yes		No	Yes (ratification)	MENA-FATF
Libya				Yes	
Moldova	No	Yes	Yes	Yes (ratification)	Moneyval
Morocco			Yes	Yes	MENA-FATF
Syria			Yes	No (signature)	MENA-FATF
Tunisia			Yes	Yes (ratification)	MENA-FATF
Ukraine	Yes	Yes	Yes	Yes	Moneyval

6.6. I.6. Human Rights

6.7. The general situation according to main sources⁷

The following human rights problems were reported in 2005: disappearances of persons; allegations of abuse and torture of detainees; impunity; arbitrary arrest and prolonged pre-trial detention; lack of judicial independence; denial of fair and equitable trials; restrictions on civil liberties; freedom of speech; press, national security association, and restricted right of organizations to peacefully petition their government; and lack of government transparency; in discrimination against women and minorities; denial of citizens' rights; and government failure to account for the disappearance of opposition political figures and a journalist and denial of official involvement in those

⁷ Amnesty International Reports, Freedom House, European Commission Country Reports, US State Department 2005

disappearances;
abuse and
occasional
torture of
prisoners and
detainees; prison
overcrowding;
arbitrary arrest
and detention of
citizens for
political reasons;
lack of judicial
independence;
imprisonment of
citizens for
criticizing
officials or
participating in
public
demonstrations;
government
seizure of
leaflets,
newspapers, and
bulletins from
members of civil
society;
government
closure of
several
independent
newspapers and
interference in
the operation of
others; massive
government fines
on independent
papers, usually
for alleged
slander; security
service
interference in
citizens' right to
assemble
peacefully and
use of force to
disperse peaceful
protesters;
deregistration
and harassment
of
nongovernmental
organizations
(NGOs);
deregistration of
churches;
government
restriction of
citizens' ability
to travel abroad
freely;
government

suppression of
opposition
political groups
through judicial
and extrajudicial
measures;
domestic
violence against
women and
children;
trafficking of
women and girls;
official and
societal
discrimination
against the
Romani
community;
government
interference in
the internal
affairs of ethnic
minority
organizations;
official and
societal
discrimination
against
homosexuals;
government
harassment of
independent
unions and their
members

limitations on the
right of citizens
to change their
government;
existence of the
state of
emergency, in
place almost
continuously
since 1967;
torture and abuse
of prisoners and
detainees,
including death
threats, torture,
beatings and
prolonged
detention;
culture and
life-threatening
arbitrary,
arbitrary,
arbitrary, mass,
arrest and
serious abuses by
detention, of the
members, of the
including forces
security forces
prolonged pre-
trial detention;
against
Palestinian
executive
influence on the
judiciary; denial
of fair public
trial and lack of
due process;

detainees; poor conditions in some detention and interrogation facilities; improper application of security internment procedures; institutional, legal, and societal discrimination against the country's Arab citizens; discrimination in personal and civil status matters against non-Orthodox Jews; societal violence and discrimination against women; trafficking in and abuse of women and foreign workers; de facto discrimination against persons with disabilities; government corruption.

restrictions on the right of citizens to change their government; allegations of torture; continued police abuse and reported mistreatment of detainees; arbitrary arrest and prolonged detention; limitations on the instances of right of citizens impunity; denial to peacefully change their government; limited judicial independence; or arbitrary or unlawful infringement on citizens' privacy, life, incidents of rights; excessive use of harassment of force and torture; members of poor prison opposition

political parties; restrictions on freedom of speech, press, assembly

conditions;
lengthy pre-trial
detention and
long delays in
trials; lack of
judicial
independence;
infringement on
citizens' privacy
rights; restriction
on freedoms of
speech, press,
and assembly;
targeting of
journalists;
limitations on
freedom of
movement for
unregistered
refugees;
government
corruption and
lack of
transparency;
domestic
violence and
societal
discrimination
against women;
violence against
children;
widespread,
systematic
discrimination
against
Palestinians;
child labour.

inability of
citizens to
change the
government;
torture; poor
prison
conditions;
impunity;
arbitrary arrest
and
incommunicado
detention;
large-scale political
detention; denial
of the fair trial
right;
deprivation of
rights;
arbitrary restriction
of persons in political
detention; freedom
of speech, press,
and assembly;
detention; for
restriction of
freedom of
religion;
corruption and
lack of
government

extended periods; harsh prison conditions; arbitrary arrest and detention of Roma; judicial and police corruption; monitoring by security forces of political figures through unauthorized wiretaps and, at times, illegal searches; intimidation of journalists into practicing self-censorship; restrictions on freedom of assembly; obstacles to official registration by a few religious groups; persistent societal violence and discrimination against women and children; trafficking in women and girls; discrimination against Roma; some limits on workers' rights; child labour.

inability of citizens to change fully their government; excessive police force resulting in deaths of demonstrators and migrants; unresolved cases of disappearance; *No data* allegations of torture; poor change of government; conditions; arbitrary or unlawful arrest and deprivation of incommunicado

detention; police and security force impunity; lack of judicial independence;

life; torture in
prison; poor
prison
conditions;
arbitrary arrests
and detentions;
absence of rule
of law; severely
restricted civil
liberties--
freedoms of
speech, press,
assembly,
association, and
movement;
limited freedom
of religion;
government
corruption and
lack of
transparency;
violence and
societal
discrimination
against women;
discrimination
against the
Kurdish
minority;
severely
restricted
workers' rights

torture and abuse
of prisoners and
detainees;
arbitrary arrest
and detention;
police impunity;
lengthy pretrial
three deaths in
and
custody under
incommunicado
suspicious
detention;
circumstances;
infringement of
torture in pretrial
citizens' privacy
detention
rights.
facilities; violent
restrictions on
hazing of
freedom
of
conscripts;
speech and press;
wrongful
restrictions of
confinement in
freedom of
psychiatric
assembly and
hospitals; harsh
association.
conditions in the
penal system and
pretrial detention
facilities;
arbitrary
detention,
lengthy pretrial
detention, and
long trial delays;
government

monitoring of private communications and movements of individuals without judicial oversight; limitations on press freedom through use by government employees and private individuals of punitive libel laws and intimidation of investigative journalists; continuing registration difficulties for a few religious communities and property restitution difficulties for many others; anti-Semitic acts; abuse of refugees at detention facilities; serious corruption in all branches of government and the military services; violence and discrimination against children and women, including sexual harassment in the workplace; trafficking in persons; frequent harassment of minorities, including vigilante violence used against Tatars in Crimea; inadequate labor legislation that permitted both government and companies to restrict legitimate labor activity; government

efforts to
influence trade
union elections

Numbers correspond to Freedom House Ratings. The left number stands for political rights, the right number for civil liberties. 1 represents the most free and 7 the least free rating. The Freedom House Ratings reflect an overall judgement based on survey results and correlate strongly with other standard human rights indicators such as Polity IV Index.

Main International Conventions

	Convention on the Prevention and Punishment of the Crime of Genocide 1948	Int. Convention on Elimination of Racial Discrimination 1966	Int. Convention on Economic, Social and Cultural Rights 1966	Int. Convention on Civil and Political Rights 1966	Convention on the Elimination of all Forms of Discrimination against Women 1979	Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment 1984	Convention on the Rights of the Child 1989	Int. Convention on the Rights of all Migrant Workers and their Families 1990
Algeria	Accession	Accession	Ratification	Ratification	Accession	Ratification	Ratification	Accession
Armenia	Accession	Ratification	Accession	Accession	Accession	Accession	Accession	
Azerbaijan	Accession	Accession	Accession	Accession	Accession	Accession	Accession	Accession
Belarus	Ratification	Ratification	Ratification	Ratification	Ratification	Ratification	Ratification	
Egypt	Ratification	Ratification	Ratification	Ratification	Ratification	Accession	Ratification	Accession
Georgia	Accession	Accession	Accession	Accession	Accession	Accession	Accession	
Israel	Ratification	Ratification	Ratification	Ratification	Ratification	Ratification	Ratification	
Jordan	Accession	Accession	Ratification	Ratification	Ratification	Accession	Ratification	
Lebanon	Ratification	Accession	Accession	Accession	Accession	Accession	Ratification	
Libya	Accession	Accession	Accession	Accession	Accession	Accession	Accession	Accession
Moldova	Accession	Accession	Accession	Accession	Accession	Accession	Accession	
Morocco	Accession	Ratification	Ratification	Ratification	Accession	Ratification	Ratification	Ratification
Syria	Accession	Accession	Accession	Accession	Accession	Accession	Ratification	Accession
Tunisia	Accession	Ratification	Ratification	Ratification	Ratification	Ratification	Ratification	
Ukraine	Ratification	Ratification	Ratification	Ratification	Ratification	Ratification	Ratification	

6.8. I.7. Rule of law situation

Rule of law situation of concern according to Bertelsmann Transformations Index

	minor deficits	major deficits	highly problematic	RoL Status Index
Algeria		x		4.3
Armenia		x		4.3
Azerbaijan		x		4.3
Belarus			x	3.3
Egypt			x	3.8
Georgia	x			6.5
Israel				
Jordan		x		4.3
Lebanon	x			5.0
Libya			x	3.3
Moldova	x			4.8
Morocco	x			4.8
Syria			x	2.5
Tunisia			x	3.5
Ukraine	x			7.0

Situation in the country

	European Commission Country Reports	US State Department Country Reports on Human Rights Practices 2006	Bertelsmann Transformations Index – Country Reports 2006
Algeria		<p>- Government authorities further strengthened civilian rule and control over the military; however, in some instances security forces acted independently of government authority.</p> <p>- Although the constitution provides for an independent judiciary, executive branch decrees and influence, in practice limited the independence of the judiciary. During the year 2005 the government made historic strides towards reforming the judiciary. The government launched an investigation into judicial corruption. Forty magistrates were investigated. In September</p>	<p>- Considerable deficits exist in the Algerian presidential system with respect to independence, definition of competencies, and the system of checks and balances between the executive, legislative and judicial branches. The parliament has no real power of control in this system.</p> <p>- The judicial branch is formally independent and institutionally differentiated. However, judicial decisions have been known to be affected by politics.</p> <p>- Abuse of office is common and represents a much-discussed topic in public.</p> <p>- Civil rights have been partly suspended ever since the</p>

		<p>Justice Minister Tayeb Belaiz publicly announced that 60 magistrates had been fired because "of reprehensible acts".</p> <ul style="list-style-type: none"> - Government authorities did not always respect all legal provisions regarding defendants' rights, and they continued to deny due process. - Lack of government transparency remained a serious problem (no declaration of wealth). 	<p>state of emergency that was declared in 1992. Laws that are in effect are themselves only selectively enforced by the administration.</p>
Armenia	<ul style="list-style-type: none"> - Presidential republic based on the principle of separation of powers. - Following the adoption of the 1995 Constitution, a new judicial system came into being in 1999. - NGOs have expressed concerns about the independence of the judiciary, lengthy pre-trial detentions, partiality, inefficiency and corruption. - Among Armenia's Council of Europe accession commitments, the passing and implementation of reform of the judicial system remains to be fulfilled. - A law on the civil service was adopted in 2001. Implementation and enforcement of legislation remains weak and corruption is a general problem. 	<ul style="list-style-type: none"> - The constitution provides for the separation of powers, but the directly elected president has broad executive powers that are relatively unchecked by the parliament (national assembly) or the judiciary; in November 2005 a number of amendments strengthening the rule of law were accepted. - Both the police and the national security service lack the training, resources, and established procedures to implement reforms or to prevent incidents of abuse. - The law provides for an independent judiciary. In practice, courts were subject to political pressure from the executive and legislative branches, and corruption was a problem 	<ul style="list-style-type: none"> - Some of the most pressing challenges facing Armenia stem from serious structural deficiencies in governance and the rule of law. These structural deficiencies are reflected by the absence of any real balance between the branches of government in Armenia . - The April 2005 reform led to an important lessening of the power of the president, but the scope and scale of the proposed changes remain insufficient to effectively restore a balanced multi-level system of governance. - Officially, an independent judiciary exists in Armenia. In reality, however, the Armenian judiciary is hostage to the will of the executive branch and is directly affected by widespread corruption. - There is also a serious lack of accountability in governance, commonly stemming from a general lack of political penalties for public officials.
Azerbaijan	<ul style="list-style-type: none"> - The Azerbaijani constitutional system formally provides for a separation of powers. However, according to the Parliamentary Assembly of the Council of Europe, the executive remains clearly predominant over the legislative and judicial branches. 	<ul style="list-style-type: none"> - The president dominated the executive, legislative, and judicial branches of government. - Although the law provides for an independent judiciary judges do not function independently of the executive branch. The judiciary was corrupt and inefficient. The executive branch exerts a strong influence over the judiciary. The president appoints supreme and constitutional court judges (subject to parliamentary confirmation) and lower court judges (without parliamentary confirmation). - The law provides for public access to government information by individuals and organizations; however, the government often did not provide access 	<ul style="list-style-type: none"> - the executive branch unmistakably dominates at the constitutional level, while in fact the president and his apparatus play the principal role. - Due to the dubious election processes and the domination of forces close to the president, the parliament is limited in the exercise of its monitoring function, provided for in the constitution. - In theory the judicial branch and the constitutional court, established in 1998, are independent, but in fact largely subordinated to the executive. Judges are appointed by the president or by the parliament on the basis of presidential recommendations. - The state administration has yet to undergo structural reform

Belarus	<ul style="list-style-type: none"> - President Lukashenko, first elected in 1994, systematically undermined the country's democratic institutions and concentrated power in the executive branch. - While the law gives individuals the right to report police abuse to the prosecutor, the government often did not investigate abuses by the security forces or hold perpetrators accountable. - The constitution specifies that the judiciary is independent, but in practice it does not operate independently. There is evidence that charges and convictions are made upon false charges. - UNHCR working group on arbitrary detention released a report describing prosecutors' authority as excessive and imbalanced. 	<ul style="list-style-type: none"> - Belarus' defining characteristic is the executive's formal and de facto monopoly on power. The National Assembly has extremely limited powers and virtually no control over the state budget, which can be "amended" in the middle of the year by presidential decree. - While the judiciary is institutionally well differentiated, at the personal level it is directly subordinated to the president. - Generally speaking it is not completely impossible to receive a fair trial in Belarus. - The decision-making process lacks transparency as well as checks and balances. 	
Egypt	<ul style="list-style-type: none"> - Legal opposition parties are rather weak, both financially and politically. - In the absence of well-paid and high-level private sector jobs, a relatively well-educated labour force finds low productivity jobs in the public administration guarantee scheme. 	<ul style="list-style-type: none"> - A culture of impunity prevents the systematic prosecution of security personnel who committed human rights abuses. - There were continued instances of torture by police, and human rights monitors believed the use of torture by police was widespread. - The constitution provides for an independent judiciary; however, the president may invoke the Emergency Law to refer any criminal case to the emergency courts or military courts. - The constitution provides for the independence and immunity of judges and forbids interference by other authorities. This provision generally was observed, however, throughout the year, thousands of judges affiliated with the Cairo and Alexandria Judges' Clubs publicly called for greater autonomy for the judiciary from the executive branch. 	<ul style="list-style-type: none"> - The Egyptian constitution and the country's political practice concentrate power in the hands of the president and the executive branch. Although the three branches are institutionally differentiated, both parliament and the judiciary suffer from continuous interventions by the executive. Most relevant is the fact that parliament's ability to challenge the government and amend legislation remains restricted. - The high degree of independence of the civilian - judiciary has led the regime to create a parallel network of courts.* - In June 2003, Parliament approved a measure sponsored by the NDP that abolished the state security courts, but kept the system of military courts intact. Although partial, the new legislation certainly represents a step in the right direction
Georgia	<ul style="list-style-type: none"> - Georgia's Constitution was adopted in 1995 and most recently amended in February 2004. It provides for the separation of powers. - The 2004 amendments to the Constitution are being criticised by civil society, as they increase the power of the executive over 	<ul style="list-style-type: none"> - Public confidence in the police continued to increase during the year due to a reduction in corruption - The law provides for an independent judiciary, but the executive branch and powerful outside interests continued to pressure judicial authorities. Many NGOs complained that judicial authorities 	<ul style="list-style-type: none"> - Even though the powers of the executive, legislative and judicial branches of government are institutionally differentiated, the proper functioning of a system of checks and balances is hampered on two different levels. - On the one hand, the amendments to the constitution adopted on February 6, 2004 have decisively enhanced

parliament, giving the president significant discretion over Parliament and the judiciary.

- Soviet laws have been replaced by new Civil, Administrative and Criminal Codes. The new government has embarked on a number of reforms concerning the judiciary and law enforcement agencies.
- Despite the legislative reforms in the period 1999-2003, serious problems remained with the independence and effectiveness of the judiciary.
- The civil service is undergoing significant reform and restructuring as part of the present government's policy of improving governance and fighting corruption.

Israel

- Israel has a differentiated court system. There are different areas of justice (military, civil) etc., which are all under the control of the Supreme Court

increasingly acted as a rubber stamp for prosecutors' decisions and that the executive branch exerted undue influence.

- Reports of prosecutors directing investigations, supervising some judicial functions, and exerting disproportionate influence over judicial decisions decreased, although prosecutors continued to pressure judges for favourable rulings.

- The judiciary is independent and sometimes ruled against the executive, including in some security cases.

- Laws, judicial decisions, and administrative regulations prohibit torture and abuse; however, during the year reputable nongovernmental organizations (NGOs) filed numerous credible complaints with the government alleging that security forces tortured and abused Palestinian detainees.**

- The National Police were generally effective, but, according to the Movement for Quality in Government, lacked sufficient resources, particularly personnel and notably qualified personnel to address government corruption.

- The law provides for an independent judiciary, and the government generally respected this provision in practice. The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The country's criminal justice system is adversarial, and professional judges decide all cases.

- The law affords the public access to government information, and citizens can petition for it.

the authority of the executive.

- The decision of the Supreme Court to cancel the results of the rigged parliamentary elections of November 2, 2004 serves as proof of the independence of the judiciary. Recent attempts of the executive to regain control over the judiciary.

- The government has taken important steps to improve public administration (massive downsizing, simplification of the tax procedures etc.)

Jordan

- Jordan retains some principles of a parliamentary regime. However, the Constitution gives the King a high degree of legislative and executive authority.
- The appointment, advancement and dismissal of judges are determined by the Higher Judiciary Council, whose members are appointed by the King. In June 2001 the Parliament passed a law intended to give the Council increased independent jurisdiction over the judicial branch.
- The Jordanian Government has recognised the need for further measures to guarantee the independence and increase the efficiency of the Judiciary. The reform of the Judiciary is a priority
- Jordan's public sector performs relatively well when compared to countries at similar levels of income.

Lebanon

- The supreme organ of executive and administrative power is the government.
- The judiciary's performance is affected by procedural inefficiency and the backlog of cases, due to a lack of human and technical resources. The Constitution provides for the independence of the judiciary. In practice, judges are employees of the Ministry of Justice and are under administrative control.
- The re-establishment of the public administration has been major project, but over the years, the vast size of the public sector has become a problem.

Libya

- The constitution concentrates executive and legislative authority in the king
- The law provides for an independent judiciary. In practice there was independent decision making; however, the judiciary was not impervious to family and tribal influence. The Higher Judiciary Council, a committee led by the president of the court of cassation, and comprised of other high-ranking officials from the various courts and the Ministry of Justice, determines judicial appointments, assignments, and evaluations. The Higher Judiciary Council remains under the administration of the Ministry of Justice
- The law provides that all civilian court trials are open to the public unless the court determines otherwise

- While the constitution provides for an independent judiciary, in practice the judiciary was subject to political pressure, particularly in the appointments of key prosecutors and investigating magistrates. The judiciary begun judicial proceedings against once-powerful security and intelligence chiefs who had cooperated with Syria's occupation
- Rights of defendants are generally observed. There are no laws regarding public access to government documents, either allowing or denying access. In practice the government did not respond to requests.

- The law prohibits arbitrary arrest and detention; however, the government did not observe these prohibitions. There were reports that security forces arbitrarily arrested and detained citizens during the year. Security forces can impose

- The separation of powers is a principle of governance enshrined in the constitution but only marginally put into practice, particularly between the executive and legislative branches.
- The judiciary is institutionally in a stronger position than the legislature vis-à-vis the executive branch, most likely because it continues to exist even in times when parliament is suspended. However, the judiciary remains subject to political control in certain areas and suffers from managerial deficits, an insufficient degree of professionalism, and from problems related to the implementation of decisions.

- Lebanon has been a parliamentary democracy based on a relatively strong rule of law, free press and civil consciousness since independence in 1941.
- While separation of powers is granted by the constitution and generally functional, the checks and balances in the political system are more often based on the sectarian balance of power than on the formal separation of legislative, executive and judiciary powers.
- The constitution provides for an independent judiciary, however, cases involving the application of political pressure on judges continue to be reported.
- Although civil liberties are guaranteed, infringements are not uncommon. Arbitrary arrests, use of force and torture by the security forces have been reported.

sentences without trial.

- The law provides for an independent judiciary; however, it was not independent in practice. The law stipulates that every person has the right to resort to the courts, but security forces have the authority to pass sentences without trial, particularly in cases involving political opposition.

- The government used summary judicial proceedings to suppress domestic dissent. Qadhafi can interfere in the administration of justice by altering court judgments or replacing judges. The judiciary failed to incorporate international standards of fair trial etc.

Moldova

- The Moldovan constitution was approved in 1994 and subsequently modified by the Moldovan Parliament in 2000. The legislative power lies with the Parliament,

- Both the Constitution and the Law on the Court System stipulate that the judicial system is independent from the executive and the legislative powers.

- The issue of the independence of judges, in relation to appointment and dismissal, is currently under debate.

- Moldova recognises that the strengthening of judicial power is a must.

- The Moldovan government recognises that the task of building an own administration and reforming the Soviet system has only partially been fulfilled: the institutional capacity in the public sector remains weak and government institutions are not able to perform efficiently.

Morocco

- Though a separation of powers is enshrined in the constitution, in practice the sovereign retains a significant number of executive prerogatives and exerts a certain amount of legislative power.

- The constitution formally guarantees the

- The law provides for an independent judiciary, but official pressure and corruption of judges remained a problem. There continued to be credible reports that local prosecutors and judges extorted bribes in return for reducing charges or sentences, and observers charged that courts were sometimes politically influenced.

- The prosecutor general's office is autonomous and answers to parliament. It is responsible for overseeing criminal investigations, presenting charges before a court, and protecting the rule of law and civil freedoms. Prosecutors may open and close investigations without bringing the matter before a court, giving them considerable influence over the judicial process.

- The law provides for free access to official information; nonetheless, in several cases authorities denied access to public information

- Morocco is a constitutional monarchy with an elected parliament and a population of approximately 30 million. Ultimate authority rests with King Mohammed VI

- The law does not prohibit arbitrary arrest or detention, and police used both practices. Police

- The separation of powers is included in the Moldovan Constitution and the corresponding differentiated institutional and procedural set-up exists.

- Substantial inclinations within the ruling party to subordinate the separation of powers to vested interests and party politics. Objections to government policies by the judiciary and constitutional court are somewhat of an exception.

- The judiciary is institutionally differentiated and formally independent. In practice, its functioning is on all levels severely hampered by political interference and bias as well as by corruption.

- Thus, separation of powers is still a fragile instrument within the existing institutional format (immunity laws etc. are problematic).

- Overall the rule of law situation – legal guarantees and juridical redress for violations of civil liberties – is not assured.

- Mentioned in the constitution, the principle of separation of powers has been weakened – if not totally invalidated – by subsequent constitutional provisions. In practice, the separation of powers is nonexistent. - -

- The monarchy is the locus of the executive, judicial and legislative powers (institutional differentiation in

independence of judges, gives them security of tenure and establishes a Supreme Council of the Magistracy, presided over by the King, as a self-regulatory body. Moves are under way to ensure the impartiality of judges and to improve access to justice

- The Moroccan civil service exhibits the typical features of a centralised hierarchical bureaucracy: a system of pay based on seniority with no relation to skills or performance and passive management.

Syria

did not always observe due process. The law provides for an independent judiciary; nevertheless, the courts were subject to extrajudicial pressures, including government influence. Efforts continued to increase efficiency and to end corruption, but, according to most observers, corruption was viewed as a routine cost of doing business in court.

- The law provides for the right to a fair public trial; however, according to human rights NGOs, this did not always occur in practice

- The parliament, elected in March 2003, may not initiate laws, but only assess and at times modify those proposed by the executive branch. The constitution provides for an independent judiciary; but courts were regularly subject to political influence and bribery.

- The constitution prohibits arbitrary arrest and detention; however, in practice these activities persisted and remained significant problems.

- There are four major branches of security forces—they all devote some of their resources to monitoring internal dissent and individual citizens. The four branches operate independently and generally outside of the control of the legal system

- The constitution provides for an independent judiciary; however, courts were regularly subject to political influence

Tunisia

- The Constitution upholds the principle of the separation of powers but gives the President of the Republic pre-eminence over the legislative. The President watches over the regular functioning of the public powers and enjoys discretionary powers with regard to the use of referenda (constitutional, legislative or consultative).

- The Constitution and the law lay down the principle of independence of the judiciary and a two-instance judicial system. There is

- The law prohibits arbitrary arrest and detention, but, in practice, arbitrary arrest and detention occurred.

- The law prohibits arbitrary arrest and detention, but, in practice, arbitrary arrest and detention occurred. The law provides for an independent judiciary; however, the executive branch and the president strongly influenced judicial procedures, particularly in political cases. The executive branch exercised an indirect authority over the judiciary through the appointment, assignment,

judiciary).

- In politically sensitive cases, the judiciary always adopts the executive's views.

- The judiciary's handling of the terrorist cases after the May 16, 2003 attacks was characterized by a massive disregard for the rights of defence. It remains difficult to say whether the latest reported human rights abuses, especially against Islamist militants, should be seen as a mere overreaction to the terrorist threat or if they reveal the true nature of the regime's practices in this regard.

- With the legislature and the judiciary dominated by the regime, constitutionally as well as effectively, there is no conventional separation of powers, a precondition for the rule of law. However, there is an effective separation between centers of power, notably the president and party leadership.

- The absence of an independent judiciary allows "security" forces not only to enforce but also to transgress the law. While formal rights and liberties exist under complex and often-contradictory law codes, the judiciary is politicized and vulnerable to corrupt influence. In addition, redress of grievances typically rests on access to informal clientele connections. It remains practically impossible to sue the government or regime representatives, a fact that also deters domestic and foreign investors who are less well connected than others are.

- While several state powers exist, they do not check and balance one another. The president can rule in most legislative fields by decree. Parliament has in theory and in practice extremely restricted powers to check the executive, given the overwhelming parliamentary majority of the governing RCD.

- Judges are constitutionally "independent". However, they are appointed by the president and thus prone to political pressure. The Constitutional Court cannot set or monitor any standards independently. Criminal judges in particular must comply with "political

an administrative and a judicial order.
 - The foundations of an independent judiciary are laid down in the law. However, the Supreme Judicial Council and the Public Prosecutor's Office remain heavily under the influence of the Executive.
 - At central level the relatively efficient Tunisian civil service is run by qualified staff. It is centralised, hierarchical and with strong links to the party in power.

Ukraine

Report was drafted before the Orange revolution, hence it is not useful.

tenure, and transfer of judges, rendering the system susceptible to pressure. In addition, the president was head of the Supreme Council of Judges, composed primarily of presidential appointees.

- The law provides that defendants are presumed innocent. The presumption was sometimes ignored in practice, especially in politically sensitive cases.

- The law provides for an independent judiciary, but in practice, the judiciary remained dependent upon, and subject to various forms of pressure from the executive branch

- The judiciary also suffered from corruption and inefficiency. Independence has been improving according to Freedom House.

- Failure to enforce court decisions in civil cases also undermined the authority and independence of the judicial system.

- The constitution includes procedural provisions intended to ensure a fair trial, including the right of suspects or witnesses to refuse to testify against themselves or their relatives; however, these rights were limited by the absence of implementing legislation, which left a largely Soviet-era criminal justice system in place.

- The law provides public access to certain government information, usually through websites, but Internet access was still relatively limited both in terms of technology and overall number of users

proceedings” against dissidents. When it comes to the issues of the economy and personal property and when compared with regional standards, the Tunisian justice system has however, ranks well internationally.

- In practice, critical opposition members, independent human rights activists and journalists have regularly been denied their civil rights and suffered from varying degrees of intimidation, repression and unfair trials. A law on “combating terrorism” was promulgated on December 10, 2003 which leaves considerable room for interpretation.

- In general, the Ukrainian constitution provides for the division of powers and an independent judiciary branch. However, by the time of the elections in December 2004, the former president had too much power and leeway in tightening his grip on power.

- As a result, political power was distributed outside the institutional system and dominated by single actors and interest groups with various economic and regional backgrounds.

- After this reform is instituted, the position of the parliament should be strengthened.

- The legislative reforms of recent years, such as reform in the criminal procedure code, have improved the rule of law in Ukraine. Although an independent judicial branch is anchored in the constitution, its actual independence is impaired. The biggest problems are insufficiently educated judges, low salaries, and dependence on the executive branch in matters of enforcement.

- The insufficient independence of the judicial branch most severely impacts the fight against corruption.

- * compared to the other Arab states the independence of the judiciary and of judges is rather well protected. It also points that the rule of law is rather weakly protected in Egypt (e.g. position of the prosecutors, access to justice, status of the Constitutional Court etc.) cf. report of the Euro-Mediterranean Human Rights Network, 2004, Justice in the South-East Mediterranean Region.
- ** The situation in Israel with respect to the judiciary is good, but most of the trials against Palestinians in the Occupied Territories are subject to other rules (mostly military courts and jurisdiction).

7. ANNEX II. Documents on the external dimension of the AFSJ

Number	Title	Author
Presidency Conclusions 15/16.10.99 11617/99	Tampere Council Conclusions, point D on external action	European Council
7653/2000	Enhanced and more coherent external action of the Union in the field of Justice and Home Affairs	Presidency
A5-0414/2001	European Union priorities and policy objectives for external relations in the field of justice and home affairs	Presidency
10135/00 5004/02 10685/02 5333/03 11091/03 5097/04 11044/04 5001/05 10728/05 5003/06 10942/06	Report on the Council report on justice and home affairs: EU priorities and policy objectives for external relations	Parliament, Committee on Citizens' Freedoms and Rights, Justice and Home Affairs
10135/00 5004/02 10685/02 5333/03 11091/03 5097/04 11044/04 5001/05 10728/05 5003/06 10942/06	Multipresidency Action Programmes on the external dimension of JHA	Presidencies
22./23.04 April, Valencia Euro-Med Conference	Regional Cooperation Programme in the field of Justice, in combating drugs, organised crime, terrorism, as well as cooperation in the treatment of issues relating to the social integration of migrants, migration and movement of people.	Presidency
Presidency Conclusions 4/5 November 2004	The Hague Programme, point 4 on external relations	European Council
COM(2005)491	Commission, Information Note on Regional and Bilateral MEDA Cooperation in the Area of Freedom, Security and Justice	Commission
12850/05 15446/05	A Strategy on the external dimension of the area of freedom, security and justice: Contribution of the Council Secretariat Strategy for the External Dimension of JHA: Global Freedom, Security and Justice	Commission Council Secretariat Presidency

Action-Oriented Papers

9370/06	Action Oriented Paper Increasing EU support to combating drug production in and trafficking from Afghanistan, including transit routes.	Presidency
9272/06	Action Oriented Paper on Improving Cooperation, on Organised Crime, Corruption, Illegal Immigration and Counter-terrorism, between the EU, Western Balkans and relevant ENP countries	Presidency

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4 October 2006

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Thematic documents**Number****Title**

8792/99

EU-Central
Asia Drug
Action PlanCOM(1999)
239Communication
from the
Commission

to the Council
and the
European
Parliament

12555/3/99

on a European
Union Action
Plan to Combat
Drugs

(2000 – 2004)

COM(2002)703

EU Drugs
Strategy 2000-
2004Communication
from the
Commission to
the Council and
the European
Parliament:
Integrating
migration
issues in the
European
Union's
relations with
third countries

COM(2003)317

Communication
on a
Comprehensive
EU policy
against
corruption, 10
principles on
external policy.COM(2003)
323Communication
from the
Commission to
the European
Parliament and
the Council in
view of the
European
Council of
Thessaloniki on

		the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external borders and the return of illegal residents and follow-up Road Map	
10010/04		EU Plan of Action on Combating Terrorism	Pre
COM(2004) 262		Communication from the Commission to the Council and the European Parliament on the Prevention of and Fight Against Organised Crime in the Financial Sector	Co
15074/04		EU Drugs Strategy 2005-2012	Eur Co
REGULATION (EC) No 491/2004		Programme for financial and technical assistance to third countries in the areas of migration and asylum (AENEAS)	
9670/04		Europol's External Relations	Eur Ma t B
COM(2005)45 final		EU Drugs Action Plan 2005-2008	Co
COM(2005)388		Communication from the Commission on Regional	Co

	Protection Programmes	
COM(2005) 390	Migration and development: some concrete orientations	Cor
COM(2005)621 /645	Communication from the Commission to the Council and the European Parliament - Priority actions for responding to the challenges of migration - First follow-up to Hampton Court	Cor
COM(2006)26	Communication on the Thematic Programme for Cooperation with Third Countries in the Areas of Migration and Asylum	Cor

RELEX documents containing JHA elements

ENP Action Plans	Commission
Country and Regional Strategy Papers and Indicative Programmes (MEDA, TACIS)	Commission
EU Security Strategy	High Representative CFSP/ Council Secretariat