



Programme and Priorities 2006 *DRAFT*

I. Background

The **Stability Pact initiative to fight Organized Crime (SPOC)** was adopted in Sofia in October 2000 to address one of the most serious threats to the development of South East European countries. Organized crime is considered as highly detrimental to the stability of democratic institutions and undermining the business climate, discouraging foreign direct investment and hampering economic growth.

SPOC has been created to facilitate the dialogue among the international and regional representatives of the legal, academic and law enforcement communities through building effective networks and assisting joint project formulation on capacity building, awareness raising and legislative reforms. SPOC is also involved in policy advocacy and helps the SEE region to make strategies against organized crime more effective, amongst others by building a regional network of specialised prosecutors. All the activities developed within SPOC promote the *acquis communautaire* and are in line with the requirements of both the Accession and the Stabilisation and Association processes.

SPOC takes a **multidisciplinary approach to fighting organized crime**, incorporating issues such as the adoption of international legal instruments, promotion of good governance, strengthening the rule of law and involving civil society. SPOC also provides partners with a **framework for coordination** and dialogue with the donor community. The role of regional states should increase leading to full ownership and leadership of the initiative by them.

Along these lines in **2003**, a **Regional Secretariat** was established in Bucharest to work closely with the SECI Regional Centre for Combating Transborder Crime on further enhancing regional cooperation among law enforcement, prosecutorial and judicial authorities in South East Europe in combating organized crime and to promote regional ownership of the Initiative. The SPOC Secretariat has been established as a legal entity by the Agreement between the Romanian Ministry of Justice and the Office of the Special Coordinator of the Stability Pact for South Eastern Europe – signed on 16 July 2003 and ratified by the Romanian Parliament on 29 June 2005.

The **SPOC Board** is the Initiative's decision-making body, consisting of senior representatives from the region and international partners of the Stability Pact. Its **Chairman** has been selected from the international community.

Within the Office of the Special Coordinator a WT III SEE expert will provide the coordination of the initiative with the other EU/international institutions/projects for South-eastern Europe and also assist the Chairman. Another Brussels-based researcher/assistant supports the Chairman to implement the SPOC Program.

SPOC's work is inspired by a wide range of instruments such as:

- The London Statement on Organised Crime (November 2002);
- The Thessaloniki Declaration on the Western Balkans (June 2003);
- The EU-Western Balkans Forum JHA Ministerial Meeting (December 2004);
- The SEECP joint statement on JHA (May 2004);
- The SPOC Program and Working Priorities for 2005, adopted by the SPOC Board session in Dubrovnik (April 2005);

- The Working Table III Chairman's conclusions adopted by the Regional Table meeting in Sofia (May 2005)

It also takes into account additional sources such as the **Assessment of the SECI Regional Centre for Combating Trans-Border Crime** (Report from August 2004), the **report of the Friends of the Presidency** on concrete measures to be taken to effectively enhance the fight against organised crime originating from the Western Balkans and the **Transcrime study** "The Contribution of Data Exchange Systems to the Fight Against Organised Crime in the SEE Countries" from November 2004.

II. Priorities

SPOC will concentrate in 2006 on:

1. Applying the regional ownership policy agreed by the Stability Pact Regional Table in May 2005 in Sofia;
2. Strengthening the SPOC Secretariat in order for it to become a focal point of regional efforts to combat organized crime (see attached Working program 2006 of the SPOC Secretariat);
3. Assisting in the transformation and upgrade of the SECI Centre and its legal framework;
4. Engaging regional SEE Parliaments in the work against organized crime and deepening the dialogue with the European Parliament, the Commission and the Council;
5. Raising political, educational and public awareness on the need to combat organized crime and the importance of regional cooperation;

III. Activities

1. Applying the regional ownership policy agreed by the Stability Pact Regional Table in Sofia

The creation of a strong mechanism to cooperate regionally for combating organized crime is on top of the SPOC priorities. In each country of the region a **senior representative** should be appointed by the respective executive bodies as a member of the SPOC Board. We expect that all the SPOC Board members will take the responsibility for the implementation of regional cooperation at the national level.

2. Strengthening the SPOC Secretariat to become a focal point of regional efforts to combat organized crime;

The SPOC Secretariat is the main *implementing body of the initiative* operating under the oversight of the SPOC Board, its Chairman and Working Table III and should become a real *Center of Excellence* for the countries of South Eastern Europe. The SPOC Secretariat's role is to develop, plan and implement concrete activities in partnership with regional governments and existing initiatives in the field of combating organized crime. Among other tasks, the Secretariat:

- Monitors the implementation by the countries of South East Europe of international, European and regional treaties, conventions and agreements on combating organized crime, such as the UN Palermo Convention and the Council of Europe Convention on Mutual Legal Assistance;
- Facilitates the transfer of knowledge and experience-sharing between the countries of the region and international organizations, the EU, the US and other donor countries on legal reform measures and best practices enhancing the fight against organized crime;

- Provides legal advice and assistance on strengthening current efforts and the development on new mechanisms advancing regional cooperation in combating organized crime such as the SECI Centre for Combating Transnational Crime and the South Eastern Europe Prosecutors Advisory Group (SEEPAG); and
- Facilitates donor assistance and advises on the development and implementation of legal reform projects with a regional character seeking to increase the impact of donor funds, reduce overlapping and improve coordination.

The Secretariat's workplan for 2006 is attached as Annex.

3. Assisting the transformation and upgrade of the SECI Centre and its legal framework

Promoting the Bucharest-based (SECI) Regional Centre for Combating Transborder Crime is a priority for Working Table III. SPOC will assist in the implementation of the recommendations made by the EU Assessment team in 2004.

Europol's strategy for the Balkans has been approved by the JHA Council of Ministers in its meeting of October 2005. The SECI Centre is well placed within the future planning of Europol and the selection of an experienced Slovenian director proves the interest of the EU Member States for it.

Complementary efforts by SPOC aim to also **politically promote the Centre inside and outside SEE.**

SECI Centre Task Force Operations often run into incompatibilities between the various Member Countries' legislation and law enforcement procedures, and the European *acquis* and international practices in the field of police, customs and judicial cooperation. Therefore, the link between the SECI Centre and SEEPAG (South East European Public Prosecutors Advisory Group) should be strengthened to establish coordination between law enforcement and prosecution agencies within the region. The SPOC Secretariat has already started the assistance for the SEEPAG network, the SECI Centre and its Member States to harmonize relevant legislation and procedures, in order to support the operational activities.

4. Supporting regional SEE Parliaments in their work against organized crime and deepening the dialogue between them and the European Parliament, the Commission and the Council

In addition to the above-mentioned aim to link regional actors and Brussels-based politicians, the aim is to create a **network of specialised parliamentarians in the region**, connected to the respective committee of the European Parliament. There is a need to deepen the co-operation among the regional parliaments, especially the various parliamentary committees involved in the fight against organised crime from the SEE region, and the European Parliament.

Accordingly, SPOC Brussels will organize briefings for parliamentarians and will also facilitate parliamentary cooperation in tandem with other SP initiatives. A working seminar will be organized within South-eastern Europe for the chairpersons of the specialised parliamentarian committees. The main topic of this two-day seminar will be to focus on the present instruments of the European Union's fight against organized crime, regional programmes, regional instruments and other regional activities, but also to intensify the networking of the EU Parliament with the parliamentarians from Albania, Bosnia - Herzegovina, Bulgaria, Croatia, Kosovo, Macedonia, Montenegro, Moldova, Romania and Serbia.

5. Political, educational and public awareness raising

Experience has demonstrated that law enforcement and the judiciary often need more political support for their work, as well as from civil society. Therefore, cooperation between legal experts, specialised parliamentarians from SEE and EP, local authorities, and civil society, including media should be initiated.

Progress on judicial reforms in most of the SEE states is slow and difficult in character. Studies criticize the lack of independent judges and unskilled public prosecutors. Greater emphasis needs to be given to law faculties in the region in order to ensure that young legal talent is available to strengthen under-staffed courts. Curricula and syllabi need to be adjusted. The SPOC team has already started to explore with the Central and Eastern European University Network (CEEUN) possible cooperation. The University of Trento, with its TRANSCRIME research institute, together with the universities' network of the Central European Initiative are taken into consideration. A possible SEE internship program could be initiated within the SPOC Secretariat

Annex

STABILITY PACT
FOR SOUTH EASTERN EUROPE

Regional Secretariat

Initiative against Organized
Crime

**WORKPLAN
(DRAFT)**

I. OVERVIEW

In 2003, the Stability Pact for South Eastern Europe established the Secretariat for the Fight Against Organized Crime to advise and assist in the coordination of regional efforts to combat organized and transborder crimes. The Secretariat is part of the Initiative for the Fight against Organized Crime operating under the auspices of Working Table III/Sub-Table Justice and Home Affairs and it is collocated with the SECI-Regional Center for Combating Transborder Crime (SECI Center) in Bucharest, Romania. In 2005, the Secretariat re-opened with the arrival of new staff (four persons: three attorneys including the Head of the secretariat and an executive assistant) and receives funding from the US State Department and the German government. Its mandate includes:

1. Monitoring and reporting on the implementation of the UN Palermo Convention as well as of regional agreements and declarations on combating organized crime especially in the context of the SEECP and the enactment of implementing legislation;
2. Providing legal advice and assistance on the strengthening of regional cooperation in combating organized crime in close coordination with the SECI Center and the South Eastern European Prosecutors Advisory Group (SEEPAG);
3. Facilitating the transfer of knowledge and experience-sharing between the countries of SEE and other countries with a successful record in combating organized crime as well as with EU institutions and international organizations engaged in this field;
4. Facilitate donor assistance and advise on the development and implementation of legal reform projects with a regional character seeking to increase the impact of donor funds, reduce overlapping and improve coordination.

Since its re-opening, the Secretariat established links with the prosecutorial and judicial authorities of the region as well as with the respective officials of the donor countries. It participated in a number of regional events and defined the projects to be implemented with partners such as the SECI Center, the US Department of Justice, and the EU etc. During the reporting period, the SECI Center provided vital administrative support to the Secretariat and all its activities. On 12 July 2005 the Headquarters' Agreement between the Stability Pact Special Coordinator and the Romanian Ministry of Justice entered into force after its publication in the official gazette. Under the Agreement, the Secretariat acquired legal personality and enjoys the status of a diplomatic mission to Romania.

In implementation of its mandate and based on available funding, the Secretariat will strive in 2006 to achieve the following main objectives:

1. Monitor the status of implementation of the UN Palermo Convention in SEE and develop a reporting mechanism for the implementation of SEECP declarations on Justice and Home Affairs and of other regional agreements on combating organized crime;
2. Advise on the harmonization of legislation of SEE countries with international and European standards in a number of concrete criminal justice fields such as witness protection and the enhancement of implementation of such legislation;

3. In close coordination with the SECI Centre and the US Department of Justice, facilitate the experience-sharing and support the establishment of operational links among the witness protection units of the SEE region;
4. Advise on the upgrading of the legal status of the SECI Centre in accordance with the EU Assessment Report of August 2004 and continue providing direct support to the SECI Centre task forces;
5. Support SEEPAG's development and the establishment of a network of prosecutors of organized crime within the framework of SEEPAG in consultation with other regional initiatives in the field of prosecutorial cooperation;
6. Advise on the improvement of coordination among different donors engaged in the above fields and the development of regional initiatives in the field of combating organized crime.

II. ACTIVITIES

1. UN PALERMO CONVENTION-SEECP DECLARATIONS

In 2003-2005, SPOC monitored the ratification and implementation of the United Nations Convention against Transnational Organized Crime and its additional protocols (Palermo Convention) by 10 SEE countries. A matrix was developed and posted on the Stability Pact website. The matrix was presented in a number of regional meetings and conferences. In 2006, work on the matrix will continue and following the ratification of the UN TOC by the countries under monitoring, the Secretariat will focus on the specific measures and criminal legislation that the above countries would need to enact in implementation of UN TOC in areas such as witness protection and mutual legal assistance. The Secretariat will also look at the degree of implementation of the SEECP JHA Ministerial declarations on combating organized crime and in particular of the Bucharest Joint Statement on a Joint Campaign to Fight Organised Crime and Corruption in Southeast Europe of March 2004 as well as of the various bilateral and multilateral agreements signed between the countries of the region on cooperation in the field of combating organized crime.

2006:

- Upgrade the matrix maintained by the Stability Pact regarding the status of implementation of the UN Palermo Convention in SEE;
- Establish a mechanism for monitoring and reporting on the implementation of JHA SEECP Declarations;

2. LEGISLATION-WITNESS PROTECTION

The Secretariat with the assistance of international organizations and the US Resident Legal Advisors in SEE has researched and compiled in a CD ROM the witness protection legislation from the countries of the region as well as all relevant international and European instruments. A number of meetings to exchange information have also been held with other institutions and international organizations active in this field such as US Department of Justice, EU, UNODC, CoE. In 2006, the Secretariat in coordination with the SECI Centre and the US DoJ and in close consultation with the EU CARPO project will focus on strengthening cooperation among the countries of the region in exchanging information on the status of implementation of respective legislation, sharing experiences with other countries with a successful record and supporting the development of bilateral and/or multilateral agreements on witness protection. Besides witness protection, the Secretariat will focus on compiling a database of criminal laws in SEE in other areas aiming at becoming progressively an information hub for the countries of the region in matters relating to legal reform in the area of criminal justice

2006:

- Organize together with the SECI Centre a major conference on witness protection focusing on the heads of witness protection units and respective prosecutors in SEE.
- Support the SECI Centre in conducting a series of trainings for law enforcement agents and prosecutors from SEE on witness protection.
- Establish a website for the SPOC Secretariat providing for a legal database of SEE criminal laws in the English language as well as of national strategies and action plans against organized crime adopted by the countries of SEE.

2. SECI CENTRE

The Bucharest-based SECI Centre started working in 2000 with the overall objective to promote regional cooperation in preventing, investigating, and repressing trans-border crime. In 2004, the European Commission financed an independent assessment of SECI Centre. The report outlines 14 recommendations including the upgrading of the SECI Centre's founding documents to acquire international legal personality and its operational guidelines. The Secretariat will offer its legal advice during this process and has already been included in the working group established by the SECI Centre to develop the above legal texts. The Secretariat will also undertake a number of joint activities together with the SECI Centre promoting regional cooperation and offering specialized trainings amongst others through direct support to the SECI Centre task forces in a number of specific areas of crime fighting such as counter-terrorism, trafficking in human beings, financial crime etc.

2006:

- Provide legal advice and support to the working group tasked with the development of amendments to the SECI Centre's legal framework in accordance with the EU Commission's report;
- Support the SECI Centre in strengthening regional cooperation among SEE law enforcement agencies in counter-terrorism.
- Continue providing legal advice and support to the SECI Centre's task forces.

3. COOPERATION OF SEE PROSECUTORS - SEEPAG

The Secretariat worked closely with SEEPAG in supporting the strengthening of cooperation among prosecutors in combating trans-border crime and held a series of meetings with general prosecutors, special prosecutors on organized crime and/or their representatives in a number of SEE countries. The Secretariat facilitated the establishment and functioning of a SEEPAG Secretariat in Belgrade, Serbia through a coordinated effort by the OSCE, the US Department of Justice and Serbia's Ministry of Justice and funded the establishment of a SEEPAG website. In July 2005, the Secretariat together with the US Departments of Justice and State and the Greek Ministry of Justice organized a SEEPAG meeting in Athens, Greece to discuss issues relating to the future of the initiative such as closer cooperation in combating organized crime and terrorism, facilitation of mutual legal assistance requests, and the follow up of SECI Centre cases.

2006:

- Upgrade SEEPAG's website to provide an electronic platform facilitating the submission and execution mutual legal assistance requests as well as a network for secure communication between SEEPAG members on the model of the European Justice Network (EJN).
- Depending on additional funding, establish a network of SEE special prosecutors dealing with organized crime and terrorism within the context of SEEPAG.