Promoting the Rule of Law and Human Security in South Eastern Europe

Regional Programme (2009-2011)
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Promoting the Rule of Law and Human Security in South Eastern Europe

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Programme Objective

The overall objective of the Regional Programme is to support the efforts of Member States in the region to respond to evolving human security threats and promote good governance, with a focus on achieving clear outcomes with a tangible results. This Programme is in line with the overall UNODC Medium-Term Strategy 2008-11 and aims to establish a basis for building an integrated set of activities.

In particular, the Programme will help countries to: a) respond to identified threats emanating from illicit trafficking and organized crime; b) strengthen their criminal justice systems, promote integrity of institutions and fight corruption; and c) prevent and treat drug-related problems, including the spread of HIV/AIDS.

Regional context and key challenges

The South Eastern European (SEE) region and its neighbourhood comprise the following group of diverse countries: Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Montenegro and Serbia. The countries are at different stages of integration into the European Union (EU): Croatia and the Former Yugoslav Republic of Macedonia are candidate countries (with Croatia having started negotiations in 2005 and hoping to conclude them by the end of 2009). Albania, Montenegro, Bosnia and Herzegovina, and Serbia have signed Stabilization and Associations Agreements, an important step toward accession. The scope of the programme also includes Kosovo under international administration UNSCR N° 1244.

The SEE region has been a vulnerable and unstable area within Europe for almost two decades. During this time, the UN has been involved in a number of peace-keeping and humanitarian operations, post conflict missions, and rule of law initiatives.

The region continues to be the primary transit zone for heroin destined for Western Europe: an estimated 80 tons of heroin transit the region annually. Secondary drug distribution along the Balkan route and the diversion of illicit drugs onto the home markets are fuelling a growing demand in a society poorly equipped to counter this threat. As a result, drug abuse, especially among youth, has become a serious social and medical problem and injecting drug use is creating the potential for a rapid increase in the transmission of HIV.
SEE also remains an origin and transit area for the trafficking in human beings, despite the fact that the level of trafficking has begun to decline from the peak reached in the 1990s. Similarly, although the smuggling of migrants has declined with the entry of Bulgaria and Romania into the EU and more effective policy responses, it remains a problem.

Linked to illicit trafficking and other organized crime activities are money laundering, corruption and the possibility of the financing terrorism. Dealing with these transnational threats requires strengthening governance and institutions within the region.

The process of EU integration and the concomitant necessity to ensure democracy and stability heightens the urgency of strengthening good governance and the rule of law. Reforms and cooperation among countries in the fields of justice, home affairs and law enforcement are therefore of great importance for the SEE countries, as well a being a concern for the international community.

Most countries in the region do not perform well in terms of the standardized indicators relating to the rule of law. Although the criminal justice system is approaching international standards, in terms of performance and integrity still lacks sufficient service-orientation.

The Western Balkan countries recognize that public corruption is a serious problem affecting the political, social and economic aspects of the everyday life of their citizens. The European Commission, in its Communication to the Council and the European Parliament issued on 5 November 2008, stated that “the Western Balkans are today confronting a number of testing issues which could affect security, stability and prosperity in the region. Reform and reconciliation have yet to become entrenched. In much of the Western Balkans, state-building, consolidation of institutions as well as better governance constitute priority concerns. In most countries a professional, impartial and accountable civil service remains to be set up. The enforcement of the rule of law, notably through judicial reform and the fight against corruption and organized crime, remains a major issue throughout the region”.

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UNODC work in the region

UNODC has been present in South Eastern Europe since 1999, when it opened an office in Sofia, Bulgaria. Its work started as a regional Joint UNDCP-Phare Programme for Strengthening Drug Law Enforcement Capacities. Since then, the number, size and geographical scope of the projects has greatly increased. The UNODC Regional Project Office for South Eastern Europe (RPOSEE) now comprises seven project offices, in Albania, Bulgaria, Moldova, Romania, Serbia, Slovakia, Turkey, and is implementing 12 national and regional projects. RPOSEE has scaled up its interventions to fight drugs and crime and has also implemented SEE components of the global project on the Paris Pact Initiative and the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT).
The recent UNODC study *Crime and its impact on the Balkans*, published in March 2008, show that work undertaken by governments, international organizations and civil society has produced significant results. At the same time, the study indicates that major challenges remain in the fight against illicit trafficking, organized crime, corruption, drug abuse and HIV.

On 22 and 23 May 2008, UNODC organized an expert meeting on SEE, with the aim of acquiring a better understanding of the crime and drug control situation in the region. The participants identified programming gaps and discussed possible UNODC assistance, taking into account relevant international conventions and protocols, such as the *UN Convention against Corruption (UNCAC)*, the *UN Convention against Transnational Organized Crime (UNTOC)*, the international drug control treaties, and the universal instruments against terrorism. Attention was also paid to other regional instruments such as those adopted by the EU and the Council of Europe. The present Regional Programme outline is based, *inter alia*, on the priorities identified at the expert meeting and provides the basis for further programme development, delineating UNODC’s key programme objectives.

**Programme overview**

UNODC’s strategic approach will be organized around three inter-linked thematic areas:

1. **Organized crime/ illicit trafficking**
2. **Justice and integrity**
3. **Drugs and HIV**

1. **Serious and organized crime and illicit trafficking**

UNODC will work with governments and other key partners to strengthen their legal and technical capacities to prevent and stop the trafficking in drugs, people, firearms and the smuggling of migrants, in line with the provisions of the UN drug control conventions, *UNTOC* and its supplementary Protocols. Technical assistance envisaged under the programme will be carried out in a way consistent and coherent with the political guidance given by the Conferences of the Parties to *UNTOC*. 
To achieve this objective, UNODC will cooperate with other relevant regional bodies and agencies to support and facilitate judicial and law enforcement cooperation in fighting illicit trafficking and organized crime at the **regional level**. UNODC will provide added value by providing expertise to help governments promote the above-mentioned legal instruments and to consolidate the collective resources of state authorities in order to combat illicit trafficking and organized crime more effectively. Activities are envisaged in the areas listed below.

**Legislative assistance and capacity building:**

- assisting national authorities to review the alignment of their legislation and administrative system to existing International conventions, i.e. the 1998 *Drug Convention*, *UNTOC* and its supplementary Protocols, and assisting them in putting in place and implementing appropriate legal frameworks for the full and effective implementation of the relevant UN instruments;
- facilitating international cooperation in criminal matters at the regional level, including mutual recognition and enforcement of judicial decisions among the countries in the region and the provision of mutual legal assistance;
- promoting the use of *UNTOC* as the direct legal basis for mutual legal assistance and extradition requests in South Eastern Europe;
- enhancing the capacity of law enforcement, prosecutors and the judiciary with a view to strengthening and streamlining coordinated and integrated responses to crime; and
- developing the legal and regulatory measures necessary to implement *UNTOC* and its Protocols.

**Border control:**

- improving border management, including by strengthening cross-border cooperation, information exchange operational interaction among agencies; helping to upgrade professional skills; joint agency training; training on specialised law enforcement techniques such as controlled delivery, surveillance; providing support for operational exercises applying new skills;
- providing identification equipment and communication to support the training programme;
- providing the UNODC computer-based training programme on border management training; and
- improving coordinated action frameworks and coherent policies for combating human trafficking and migrant smuggling at the national and regional levels.
Specialised investigative and analytical techniques:

- supporting the institutional establishment of a structured response to the development of operational intelligence and the investigation of cross-border offences;
- developing a structured information collection, collation and analysis programme within the agencies operating at the borders;
- providing training, hardware and software to support the collection, collation and analysis of information to support operational responses;
- providing specialised training on joint cross-border agency investigations in South Eastern Europe (pursuant to UNTOC and the 1988 Drugs Convention), particularly in trafficking matters;
- providing drug detector dogs and/or portable identification and detection instrumentation as an aid to law enforcement;
- enhancing operational law enforcement capacities to investigate and disrupt human trafficking and migrant smuggling and improving regional and cross-border cooperation among national law enforcement, prosecutorial and judicial agencies;
- establishing operational and multi-disciplinary teams (including law enforcement agencies, criminal intelligence analysts and prosecutors in accordance with their respective responsibilities) for joint bi-lateral or multi-lateral investigations (each within their own territory and jurisdiction) of human trafficking and smuggling of migrants; possibly develop a corresponding operational agreement;
- facilitating quicker exchange of information and intelligence with other European, including EU countries, relating to human trafficking and smuggling of migrants and the conducting of joint investigations; and
- training of criminal analysts and possibly creating on the job mentorships.

Money laundering, financing of terrorism and asset forfeiture:

- training on the relevant international/regional/cross-border cooperation mechanisms;
- providing Financial Intelligence Units with technical expertise; training investigators and prosecutors on the analysis of money laundering and financing of terrorism cases; providing training in specialized financial investigative techniques as part of regular law enforcement training curricula;
• providing training on the risk of money laundering and terrorism financing in the informal sector and on the vulnerabilities of DNFBPs¹ to money laundering and terrorism financing (outreach programmes to increase awareness with respect to compliance with anti-money laundering and counter terrorism financing regulations, training on the identification of suspicious transactions and reporting and record-keeping responsibilities);

• establishing a regional training capacity on anti-money laundering and countering the financing of terrorism; and

• training relevant agencies/department/units on asset forfeiture.

Witness and victim protection:

• Providing training, establishing witness protection programmes and strengthening cross border and regional cooperation;

• promoting the forthcoming UNODC-UNECE manual on victim surveys at the regional level; and

• enhancing the protection and support of trafficked victims and the protection of the rights of smuggled migrants.

Forensics:

• supporting the introduction of forensic best practices at crime scenes and in the laboratory and promoting the use of scientific and forensic data in strategic operations (forensic intelligence) and policy and decision-making processes at the national, regional and international levels; and

• expanding the operational effectiveness of law enforcement agencies at the border and strengthening national and regional cooperation among law enforcement, judicial authorities and forensic science laboratories.

Terrorism prevention:

The objective of the programme is to help the countries of the region to ratify all universal legal instruments against terrorism; to incorporate the instruments into national law; and to build the capacity of national criminal justice systems to implement the provisions of the instruments, especially through the training of criminal justice officials on the new laws. Planned activities are:

• providing technical legislative assistance and training to selected countries (to be determined on the basis of requests and needs);

¹ Designated Non-Financial Businesses and Professions
• holding thematic workshops in the region in 2009-2011 on legal issues pertaining to biological, chemical and nuclear terrorism, maritime terrorism and the implementation of relevant UN sanctions; and

• providing ad-hoc advisory services and contributions to activities of partner entities and other relevant actors.

2. Justice and integrity

UNODC, in consultation with other key partners, has already begun to identify a range of areas in which it can make an active contribution in the region. The following activities are planned:

Judicial integrity:

• providing technical expertise and support to the Balkan judiciaries for the development and revision of domestic standards of professional conduct; and

• designing a monitoring system that will enable the judicial leadership to assess the compliance of judges and other judicial staff with the rules and principles of professional conduct.

Independence and integrity of criminal justice institutions:

• promoting a mechanism for civilian oversight of police and prosecution as well as internal integrity mechanisms;

• building the capacity of justice officials to perform in a highly professional manner in respect of the international standards as determined by the adopted international/regional conventions, protocols and other legal instruments, as well as by forensic best practices at the scene of crime, e.g. on the integrity of physical evidence; and

• strengthening institutional coordination and cooperation and the establishment of institutional measures and oversight systems to promote the honest, trustworthy and ethical behaviour of criminal justice personnel.

Anti-corruption:

UNODC will provide expertise and technical assistance to Member States in line with the provisions of the United Nations Convention against Corruption. The objective is to improve governments’ capacity to implement anti-corruption policies and laws in accordance with UNCAC, including through the development of enforcing and sanctioning institutions and the adoption and implementation of preventive measures.

At the regional level, proposed potential assistance includes:
• helping national authorities to establish appropriate legal frameworks for the full and effective implementation of UNCAC;

• providing training on international cooperation to combat corruption, as well as in asset recovery (freezing and confiscation);

• conducting the Crime and Corruption Business Survey (CCBS) to provide useful information on crime and corruption as perceived by the private sector;

• organizing corruption surveys targeting, in particular, police officers, public employees, the judiciary, court users and lawyers;

• establishing an integrity network of anti-corruption bodies in South Eastern Europe with the aim of providing a forum for dialogue on the development and implementation of anti-corruption policies and strategies and for the exchange of experience and practice on the implementation of UNCAC; and

• designing and implementing a joint anti-corruption technical assistance programme for the countries of the Western Balkans on the basis of the ongoing consultations with UNDP/FYROM.

**Linking law enforcement and justice:**

The following activities will serve to improve operational links between law enforcement and judicial systems:

• strengthening institutional structures for cooperating nationally and internationally in the fight against transnational crime and terrorism;

• providing advice on international cooperation mechanisms, both to speed up the process and to achieve compliance with international standards; and

• training national criminal justice officials on new legislation, international cooperation and rule of law; providing training and promoting exchange of experiences on prosecution and intelligence-led investigations.

**Prison reform:**

• strengthening the capacity of prison management and administration to meet UN and international standards;

• providing targeted training for prison staff on management and administration, including training for specific staff on women and children in prisons, and other prisoners with special needs; and
• promoting community sanctions and cooperation between the community and correctional facilities.

3. Drug prevention and treatment, HIV treatment and care

Interventions are foreseen in the areas of drug prevention, treatment and reintegration and HIV/AIDS prevention, treatment and care.

Drug prevention programmes:

• life-skills education in schools, family skills training (i.e. training of parents on parenting skills including sessions for children only and the entire family) and programmes for drug prevention in the workplace;

• training educators, social workers, health officials and police officer in primary drug prevention, in line with the respective national drug strategies.

Drug treatment and reintegration programmes:

• raising awareness and advocating for evidence- and human rights- based drug dependence treatment;

• training drug treatment professionals from various disciplines in promising, evidence-based practices and supporting the translation of scientific knowledge into practice; and

• developing drug dependence treatment services in order to increase access to quality drug treatment for people affected by problematic drug use and help reduce the negative health and social consequences of drug dependence, including HIV and AIDS, Hepatitis C and other blood borne infections.

HIV/AIDS prevention, treatment and care:

• establishing a favourable legal environment for effective HIV prevention, treatment and care programme for injecting drug users and in prison settings;

• helping governments review and adapt national HIV policies, strategies and programmes to ensure access to comprehensive, human rights and evidence-based HIV prevention, treatment and care interventions for injecting drug users and in prison settings;

• developing health care standards that fully match the HIV prevention, treatment and care needs of vulnerable populations, especially injecting drug users and persons in prison settings; and

• providing technical assistance for strengthening the prison health care system within the framework of criminal justice reform.
Strategic partnership building

UNODC activities will be developed at the field level under the managerial responsibility of the UNODC Regional Project Office, currently based in Sofia (Bulgaria) and the satellite project offices based in Belgrade (Serbia) and Tirana (Albania). The UNODC envisions expanding the human capacity and logistical outreach of this network of offices. Activities will be conducted in close consultation with all relevant national institutions: Ministries of Justice, Courts and prosecutorial offices, Ministries of the Interior and law enforcement agencies and Ministries of Health (for all issues related to drug prevention and rehabilitation treatment of drug abusers, including those in prisons and detention facilities).

In promoting cooperation among countries in key areas such as criminal justice and transnational organized crime investigations, UNODC will work closely with the main regional organizations in South East Europe for promoting cooperation in the rule of law, including:

- the Regional Cooperation Council (RCC), established in Feb 2008 and based in Sarajevo (Bosnia and Herzegovina), which has formally assumed responsibility for promoting regional cooperation processes in South Eastern Europe in Justice and Home Affairs since the conclusion of the Stability Pact’s mandate in June of this year;

- the Regional Centre for Combating Trans-Border Crime (SECI Centre), based in Bucharest (Romania), which is charged with strengthening the regional cooperation of law enforcement agencies in combating organized crime.

UNODC will liaise also with organizations that are promoting cooperation among police and prosecutors, such as the Southeast Europe Police Chiefs’ Association (SEPCA), based in Sofia, Bulgaria and the South East European Prosecutors Advisory Group (SEEPAG). It will ensure that a comprehensive and consistent framework exists at national and regional levels for these cooperative initiatives.

In addition, UNODC will continue its cooperation with the Regional Anti-Corruption Initiative (RAI), which was initially adopted in Sarajevo in February 2000 as the Stability Pact Anti-corruption Initiative (SPAI), with a specific mandate to address corruption as one of the most serious threats to the recovery and development of the SEE countries. UNODC can provide the technical assistance required to ensure an effective exchange of experience and good practices on prevention and countering corruption in SEE.

With regard to the region’s preparation for EU membership, the EU has been and will remain the major partner of the UN in its activities in SEE. Other key organizations, such as UNDP and other UN agencies, the OSCE and the IOM, will be closely consulted in order to achieve maximum synergy and ensure that activities are complementary.