

**THE EUROPEAN UNION'S
STOCKHOLM PROGRAM AND
THE SOUTH-EAST EUROPEAN
JUSTICE AND HOME AFFAIRS STRATEGY.
THE ROLE OF MAGISTRATES**

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OUTLINE of the PRESENTATION

- The Stockholm Programme – an open and secure Europe serving and protecting the citizen
 - *Promoting EU citizenship and fundamental rights*
 - *A Europe of law and justice*
 - *A Europe that protects*
- SEE contribution to a more secure and open Europe
- Challenges in the JHA area for SEE countries
- The SEE JHA Strategy
- The role of magistrates in SEE

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**An open and secure Europe
serving and protecting the citizen**

- Defines strategic guidelines for legislative and operational planning within the area of freedom, security and justice
- **All actions taken in the future should be centred on the citizen and other persons for whom the EU has a responsibility.**
- The EU should in the years to come work towards the following main priorities:

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A) Promoting citizenship and fundamental rights:

- **European citizenship ... must become a tangible reality.**
- **The area of freedom, security and justice must above all be a single area in which fundamental rights are protected.**
- **The enlargement of the Schengen area must continue.**
- **Respect for the human person and human dignity** and for the other rights set out in the Charter of Fundamental Rights and the European Convention on Human Rights are core values. For example, **the exercise of these freedoms and citizens' privacy must be preserved beyond national borders, especially by protecting personal data.**

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B) A Europe of law and justice: The achievement of a European area of justice must be consolidated so as to move beyond the current fragmentation. Priority should be given to mechanisms that facilitate access to justice, so that people can enforce their rights throughout the Union.

Cooperation between public professionals and their training should also be improved, and resources should be mobilised to eliminate barriers to the **recognition of legal acts in other Member States.**

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C) A Europe that protects: An internal security strategy should be developed in order to further improve security in the Union and thus protect the lives and safety of European citizens and tackle organised crime, terrorism and other threats. The strategy should be aimed at strengthening cooperation in law enforcement, border management, civil protection, disaster management as well as **criminal judicial cooperation in order to make Europe more secure.** Moreover, the European Union needs to base its work on solidarity between Member States

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The tools

1. **Mutual trust** between authorities and services, as well as between decision-makers, in the different Member States
2. **Implementation.** Increased attention needs to be paid in the coming years to the **full and effective implementation, enforcement and evaluation of existing instruments.**
3. **Evaluation.** The Member States, in cooperation with the Commission, shall undertake **an objective and impartial evaluation of the implementation of the policies in the area**, in particular to promote the full application of the principle of mutual recognition.

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The tools

- 4. Training.** This will include judges, prosecutors, judicial staff, police and customs officers and border guards. The aim is that a substantive number of professionals by 2015 will have participated in a European Training Scheme or an exchange with another Member State, which might be part of training schemes that are already in place. For this purpose existing training institutions should in particular be used.
- 5. Networking.** Such networks should primarily meet using existing structures such as Europol, Eurojust and Frontex or at the invitation of the Presidency as host country. Other Networks of professionals existing in this area should also continue to receive Union support. Among those are the European Network of the Councils of the Judiciary and the Network of the Presidents of the Supreme Judicial Courts.

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Developing a core of common minimum rules

To facilitate **mutual recognition of judgments and judicial decisions** and **police and judicial cooperation in criminal matters**, the Union may adopt common minimum rules.

Criminal law

Those areas of serious crime with a cross-border dimension should become the object of common incriminations and common minimum levels of maximum sanctions. Priority should be given to terrorism, trafficking in human beings, illicit drug trafficking, sexual exploitation of women and children and child pornography and computer crime.

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EU Implementing Structures:

- **Europol**
- **OLAF**
- **Eurojust (and the future EU Prosecutor)**
- **Task Force Chiefs of Police (PCTF)**
- **Liaison Officers, Liaison Magistrates**
- **Networks (EJN, EUCPN, CEPOL, etc)**
- **Schengen (SIS, SIRENE, Joint Police Offices)**
- **European Border Agency (FRONTEX)**

SEE contribution **to a more secure and open Europe**

1. eJustice

EJustice is an EU project that aims at increasing the use of modern technology within the justice sector, including setting up a common European Internet portal. The project is to simplify cross-border judicial cooperation and make it easier for everyone to search for information on laws and legal procedures in the Member States. SEE countries need to connect to this system.

SEE contribution to a more secure and open Europe

2. Combating crime

- **increased and effective cooperation is necessary.** European cooperation is crucial in combating cross-border organised crime. It is a matter of developing cooperation among law enforcement actors, i.e. the SEE police services, customs authorities and public prosecutors, as well as with Eurojust and Europol. Border control is also an important tool in the fight against cross border crime.
- **Remove the practical obstacles** that still exist among the different SEE countries **regarding cooperation in investigating and preventing crime.** There is need for a **better information exchange among law enforcement authorities.**

SEE contribution

to a more secure and open Europe

3. Rights of a crime suspect

- **Cooperation within the EU** in the area of criminal law is **based on the trust** of the Member States' in each another's legal systems. The principle of **mutual recognition and enforcement of each other's judgments and decisions** is of fundamental importance to this cooperation.
- Therefore, all SEE countries will undertake the same steps to implement confidence-building measures, necessary for developing a more effective cooperation.

SEE contribution

to a more secure and open Europe

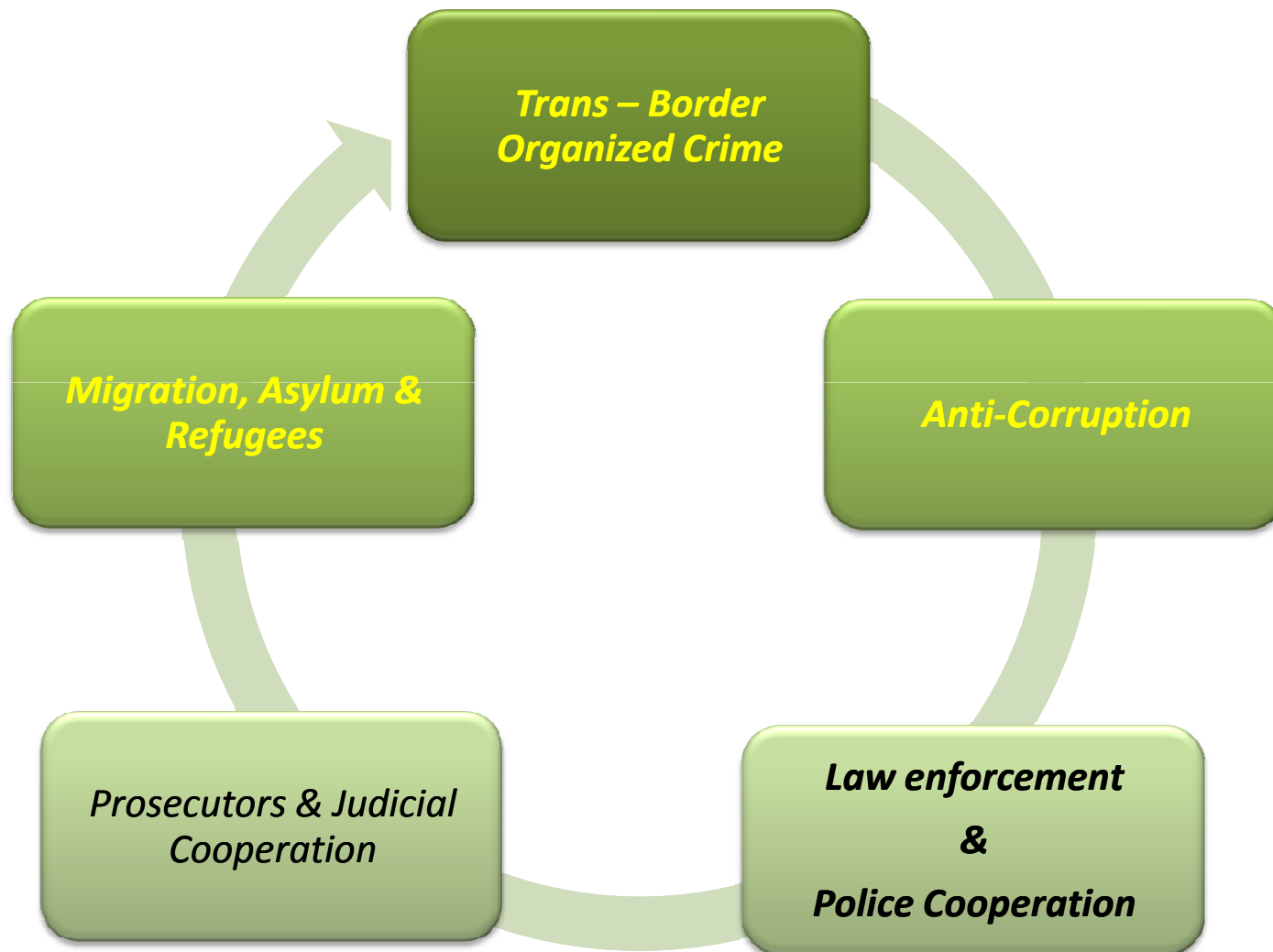
4. Border control and customs cooperation

- EU border control is an important tool in the fight against transborder crime. SEE countries need to learn from the EU experience and to develop a joint strategy and an action plan in this field, where all the regional actors to have well defined their roles and competences.
- Legal basis – Police Cooperation Convention and SELEC Convention

Challenges in JHA area for SEE countries

- **Expansion of** organized crime, trafficking activities, economic crime and frauds to the EU funds, money laundering, tax evasion;
- **Public officials' corruption – corruption as a cross border crime ?**
- **Terrorism** threats - radicalization and recruitment, especially in immigrant communities
- **Illegal migration**, smuggling of persons and goods
- **Diminishing of funds:**
 - for **regional cooperation**
 - to **fight criminality**,
 - to **continue justice reform**,
 - to maintain a **decent level of salaries** and **social protection** of judges, prosecutors, police, and clerks,
- Due to social unrest and insecurity, people start to blame foreigners; **xenophobia, racial conflicts, alienated immigrants communities generates urban violence and criminality.**
- **Re-establishing citizens' confidence in the institutions and justice system integrity.**

JHA Regional Cooperation - Key Areas



JHA Regional Organizations

1. REGIONAL CENTRE FOR COMBATING TRANS-BORDER CRIME (SECI CENTRE) BUCHAREST
POLICE AND CUSTOM LIAISON OFFICERS OPERATIONS, PROJECTS IMPLEMENTATION



2. REGIONAL ANTICORRUPTION INITIATIVE (RAI) – SARAJEVO – PREVENTION, INVESTIGATION PROSECUTION, POLICIES, STRATEGIES, INTEGRITY, PROJECTS IMPLEMENTATION



3. SOUTHEAST EUROPE POLICE CHIEFS' ASSOCIATION (SEPCA) – SOFIA – PROFESSIONAL POLICIES AND STRATEGIES, PROJECTS IMPLEMENTATION



4. SOUTH EAST EUROPEAN PROSECUTORS ADVISORY GROUP (SEEPAG)



5. REGIONAL CENTER MIGRATION ASYLUM AND REFUGEE RETURN INITIATIVE (MARRI) – SKOPJE

6. SECRETARIAT OF SOUTH EAST EUROPE POLICE COOPERATION CONVENTION - VIENNA

Conclusions of the SEE JHA Strategy meetings

1. To create an effective regional cooperation framework, by consolidating the existing regional legal instruments (PCC-SEE, SELEC) and networks, rather than setting up new ones.
2. To strengthen the regional cooperation for magistrates (prosecutors and judges), and for justice officials, and to integrate them with the currently better structured and organized police and law enforcement networks.
5. A greater regional involvement of the EU Member States that are members of the RCC Board, especially the three SEEC countries – Bulgaria, Greece, Romania and Slovenia is expected.
7. A holistic and multidisciplinary approach integrating judges, prosecutors and justice officials with the police and law enforcement will address the cooperation in the following sub-areas:
 - Fight regionally trans-border organized crime
 - Anticorruption
 - Migration, asylum, refugees

Conclusions of the SEE JHA Strategy meetings

8. The Regional Strategy will strengthen the cooperation especially for preventing and combating the following forms of criminality considered as:

– Main threats:

- Trafficking and smuggling of goods , hazardous materials and arms
- Trafficking in human beings and sexual exploitation of children
- Money laundering
- Illegal migration
- Drugs trafficking
- Corruption
- Links between organized crime and terrorism

– New threats:

- Cyber crime
- Card frauds
- Environmental crimes

Conclusions of the SEE JHA Strategy meeting in Sarajevo – December 2009

9. A particular attention will be paid in the strategy to the regional needs identified:
 - Witness Protection
 - Adoption and full implementation of multilateral and bilateral agreements
 - Design and implement common priorities based on SEE OCTA
 - Common indicators and statistical data to assess the level of regional cooperation
 - Integrated Border Management – building administrative capacity
 - Use of financial instruments to combat organized crime and corruption
 - Extradition of own citizens or in case of dual citizenship
 - E-Justice
 - Criminal liability of the legal persons

Conclusions of the SEE JHA Strategy meetings

10. Specific issues to be considered through the Regional Strategy:

- Strengthening the involvement of the civil society, academic, research institute in the regional cooperation.
- Harmonised statistical data in the area of organize crime and corruption.
- Administration of penitentiaries and probation services
- Regional cooperation in civil matters, labour law, mutual recognition of court decisions
- Mutual trust, sharing of common knowledge
- Mutual legal assistance
- Prevention
- Information management