

2004 ABA-CEELI STABILITY PACT AND CEE ANTI-CORRUPTION ACTIVITIES

REGIONAL

SPAI Regional Secretariat Liaison Office

CEELI received a grant from USAID in January 2004 to support the establishment of the SPAI Regional Secretariat Liaison Office in Sarajevo, Bosnia and Herzegovina. The RSLO will promote regional ownership of the initiative and enhance regional capacity to combat corruption. Recently, CEELI has assisted the RSLO in establishing a physical office, developing mechanisms for financial management and in developing its workplan. CEELI's continued assistance will include on-going institutional development to include managing multiple grants, fundraising, strategic planning and project design. Programmatic assistance will include developing training for regional participants engaged in fighting corruption, designing a public awareness campaign and becoming a repository for countries of the region for assistance in developing anti-corruption policies.

CEELI Annual Meeting

CEELI will hold its Annual Meeting in Tirana on July 12-13. The meeting will bring together 200 CEELI staff from 25 field offices and Washington, DC, as well as invited experts and partners. Several breakout sessions and presentations will highlight key anti-corruption issues and CEELI's integrity programs in CEE and Eurasia.

Assessment and Resource Tools

During 2004, CEELI will continue to implement its assessment tools in various countries in CEE. The Judicial Reform Index (JRI) measures the independence, effectiveness, and integrity of the judiciary, based on 30 factors. CEELI has conducted the JRI in 15 countries in CEE and Eurasia, including all SPAI countries, and is beginning a second round to measure progress against the baseline. The Legal Profession Reform Index undertakes a similar analysis for the bar.

CEELI is disseminating through its country offices and partner organizations a reference CD-ROM on Anti-Money Laundering and Combating the Financing of Terrorism. The CD-ROM has sample legislation from countries across Eastern and Western Europe, and a comprehensive set of international standards, recommendations, and links.

CEELI Institute

CEELI has established a regional advanced legal training center in Prague, Czech Republic. The Institute has trained hundreds of judges and lawyers from across the region. During 2004, the Institute will launch a World Bank-funded regional Justice Sector Management project, which will include promotion of transparency and integrity through court administration reform. The Institute will also add to its curriculum an anti-corruption course, which it will launch in fall or winter 2004.

ALBANIA

During Spring – Fall 2004, CEELI will continue its work to promote implementation of the Freedom of Information Legislation.

CEELI will also continue work on judicial and legal profession ethics, and launch a new program on judicial integrity. The judicial integrity program will include promotion of publication of advisory guidance on ethics issues; training for civil society and bar in the complaint process; and a diagnosis of the points of pressure for corruption in the appellate process.

BOSNIA AND HERCEGOVINA

During 2004, CEELI will continue its support to the Center for Free Access to Information (Centar za Solobodan Pristup Informacijama (CSpi)), which CEELI established. CSpi assists citizens in filing information requests, promotes public awareness of the law and trains civic groups in how to gain information from the government and in how to use this information once obtained. CSpi is now an independent NGO, which CEELI continues to support. CEELI will also continue training in the tools contained in the new Criminal Procedure Codes.

BULGARIA

During 2004, CEELI will continue training and institution-building work on ethics in the judiciary and bar.

CEELI will also continue an on-going program of training and legislative reform in cybercrime.

CROATIA

During 2004, CEELI will continue to work with local partners such as TI-Croatia to promote effective legislation and implementation in the area of access to information. The work will include public expert roundtables and public awareness.

KOSOVO

During 2004, CEELI will continue to work with the Kosovo Judges Association and the Kosovo Chamber of Advocates on the development and enforcement of ethics codes.

CEELI will also continue to promote transparency in the justice system through dissemination of laws.

FYR of MACEDONIA

During 2004, CEELI will continue to work on the development and enforcement of ethics codes.

CEELI will also conduct follow up activities for the spring 2004 study trip to Italy it organized for prosecutors, to meet with anti-corruption and organized crime prosecutors and judges.

MOLDOVA

In 2004, CEELI will continue to conduct on-going anti-trafficking and corruption programs. CEELI is beginning to implement the Multi-Disciplinary Case Review Unit model it developed in Ukraine to encourage effective anti-trafficking prosecutions. In anti-corruption, the focus has been on investigative tools and techniques, including workshops with the Center on the Fight against Economic Crime and Corruption.

CEELI will continue its project to promote transparency, integrity, and oversight in the justice system through automated case management systems in several pilot courts. The program builds on technology and approaches that CEELI has used in Ukraine, Slovakia and Bulgaria.

Moldova is one of the countries supported by the work of CEELI's Regional Anti-Corruption Advisor, who is based in Kiev.

ROMANIA

During 2004, CEELI will continue to support the drafting of Access to Information legislation through participation in a working group of government officials and other experts.

CEELI will continue anti-corruption training for the judiciary, and is promoting the development of a code of ethics for court personnel.

SERBIA AND MONTENEGRO

During 2004, CEELI will continue assisting the Judges Association of Serbia and the judicial training center on developing a curriculum to train judges on the new ethics code. CEELI is also assisting the JAS in developing a Court of Honor to enforce the code.

CEELI recently began working with the Association of Public Prosecutors and Deputy Public Prosecutors of Serbia on developing a code of ethics. CEELI will help the prosecutors organize an initial conference on prosecutorial ethics in the spring or early summer and then provide them with technical assistance in developing, assessing and implementing the code.

In early summer or fall 2004, CEELI will organize a conference on the investigation of corruption cases in Serbia and Montenegro.



Anti-Corruption/Public Integrity Activities

Academics, governments and development professionals widely recognize that corruption undermines democratization, the rule of law and the consolidation of market economies. Corruption is especially severe in Eastern Europe and Eurasia. It impedes every development objective that CEELI's host countries are trying to achieve, whether in criminal justice, judicial or administrative reform, or the professionalization and organization of lawyers.

CEELI has helped countries combat corruption and increase transparency and accountability for the past decade. The approach is comprehensive and multidisciplinary, encompassing public awareness, prevention and enforcement strategies. Anti-corruption programmatic emphases include:

- Development of National Anti-Corruption Strategies and Action Plans
- Adoption of Conflict of Interest Rules and other Public Integrity Measures
- Awareness Raising and Civic Education Relating to Corruption
- Drafting and Enforcement of Ethics Codes (e.g., for judges, lawyers and public officials)
- Training in Investigation of Financial Crimes (including anti-money laundering and terrorist financing) for Prosecutors and Judges
- Legislative Drafting Relating to Preventive and Enforcement Tools and Institutions
- Legislative Reform and Prosecution of Trafficking in Persons



Using a multidisciplinary approach, CEELI seeks to help its host countries develop the necessary tools to combat corruption, which is particularly severe in Central and Eastern Europe and Eurasia.

Currently, CEELI has one or more public integrity, anti-corruption or transparency projects underway in most of the countries in which it works. Recent examples of activities within the field of anti-corruption include:

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clude on-going institutional development to include managing multiple grants, fundraising, strategic planning and project design. Programmatic assistance will include developing training for regional participants engaged in fighting corruption, designing a public awareness campaign and becoming a repository for countries of the region for assistance in developing anti-corruption policies.

Adoption of Conflict of Interest Rules and Other Public Integrity Measures

CEELI assisted the Montenegrin Anti-Corruption Agency and other officials to draft legislation covering conflicts of interest, declaration of assets, gift restrictions, illicit enrichment and the establishment of an oversight body. The draft legislation cleared the inter-ministerial process in summer of 2002.

Drafting, Monitoring and Enforcement of Freedom of Information Laws

In Bosnia and Herzegovina, CEELI assisted in drafting legislation modeled on the U.S. Freedom of Information Act. In 2002 and 2003, it helped establish and support the Center for Free Access to Information (Centar za Solobodan Pristup Informacijama (CSpi)), which assists citizens in filing information requests, promotes public awareness of the law and trains civic groups in how to gain information from the government and in how to use this information once obtained. CSpi is now an independent NGO, which CEELI continues to support.

In Croatia, CEELI has been working with TI and a coalition of NGOs which helped draft the law on freedom of information and subsequent amendments. In cooperation with OSI Croatia and the Ministry of Foreign Affairs of Finland, roundtables were held including regional experts to help develop a coherent strategy for monitoring implementation of the law and for promoting public awareness of their right to government-held information. CEELI will continue working with local NGOs to promote strengthened legislation and effective implementation.

CEELI is also working on adoption or implementation of Access to Information laws in Albania and Romania. In Albania, CEELI has conducted extensive trainings and assisted the NGO Citizens Advocacy Center to develop a database to monitor compliance by government agencies. In Romania, CEELI supports the work of a FOIA drafting working group.

Awareness Raising and Civic Education Relating to Corruption

In Armenia, CEELI developed three anti-corruption public service announcements in cooperation with Transparency International (TI) and an independent filmmaker. Copies are distributed through media contacts and through the public diplomacy section of the U.S. Embassy. The announcements were launched in February 2003, just prior to the presidential elections. The PSAs can be viewed on www.abaceeli.org.

Drafting and Enforcement of Ethics Codes (e.g., for judges, lawyers and public officials)

In working with associations of legal professionals, one of CEELI's significant programmatic goals is to encourage them to adopt codes of ethics and enforcement mechanisms for such codes. In Serbia, CEELI has been working with the Judges Association of Serbia (JAS) for a number of years on judicial ethics. CEELI began by training judges in the main principles of judicial ethics and then assisted the JAS in drafting a code of its own. The code was adopted by the JAS Annual Assembly in the fall of 2003. CEELI is now assisting the JAS and the judicial training center on developing a curriculum to train judges on the new code. CEELI is also assisting the JAS in developing a Court of Honor to enforce the code.

Additionally in Serbia, CEELI recently began working with the Association of Public Prosecutors and Deputy Public Prosecutors of Serbia on developing a code of ethics. CEELI will help the prosecutors organize an initial conference on prosecutorial ethics in the spring or early summer and then provide them with technical assistance in developing, assessing and implementing the code.

CEELI has embarked on similar programs with judges in Macedonia and Albania.

In Bulgaria, CEELI organized a group of Bulgarian prosecutors which drafted a proposed code of professional ethics. The proposal was submitted to the Supreme Judicial Council which approved it in December 2003. This code is the first code of professional ethics for Bulgarian prosecutors and is binding.

Training in Investigation of Financial Crimes (including anti-money laundering and terrorist financing) for Prosecutors and Judges

In late spring or fall 2004, CEELI will organize a conference on the investigation of corruption cases in Serbia and Montenegro.

In Slovakia, CEELI and the U.S. Department of Justice organized a conference in October 2002 for 50 Slovak judges, prosecutors and police on investigating and prosecuting public sector corruption. A federal prosecutor and FBI agent participated. A recently revised criminal procedure code contains investigative tools that are novel to Slovakia.

In May 2002, CEELI organized a roundtable in Russia, *Financial Intelligence and Money Laundering*, with U.S. and Russian speakers, including high-ranking officials from the newly created Financial Monitoring Committee (Russia's FinCEN). This followed a three-day regional seminar that CEELI hosted for law enforcement, prosecutors and defense attorneys from northwestern Russia on investigating complex economic crimes, which took place in Vologda in April.

CEELI is disseminating through its country offices and partner organizations a reference CD-ROM on *Anti-Money Laundering and Combating the Financing of Terrorism*. The CD-ROM has sample legislation from countries across Eastern and Western Europe, and a comprehensive set of international standards, recommendations and links.

Legislative Drafting Relating to Preventive and Enforcement Tools and Institutions

In September 2002, CEELI and TI co-hosted a seminar in Moscow, *The Russian Federation Anti-Corruption Legislation Present and Future: Where Do We Go From Here?* Participants included representatives from the Russian State Duma, the Procuracy, other Russian departments and the media. The seminar identified needs and sought to build consensus for additional anti-corruption legislation.

During 2001-2002, CEELI provided expert legislative drafting support towards the development of the new state-level criminal procedure code in BiH. 2003-2004 saw a comprehensive training effort on the code, which contains new anti-corruption tools.

Legislative Reform and Prosecution of Trafficking in Persons

In 2003 and early 2004, CEELI conducted a series of seminars for Croatian judges on anti-trafficking. CEELI worked with the Association of Croatian Judges, the Ministry of Justice and the judicial training center to raise awareness among judges of the problem of trafficking and to educate them on the existing provision under Croatian law that apply to such cases. CEELI is in the process of submitting a proposal to continue and expand its anti-trafficking work in Croatia.

CEELI played an essential role in drafting anti-trafficking in persons legislation. CEELI worked with several NGOs, particularly the Victimology Society, to compose a draft model law that was included in the Draft Law on Changes and Amendments to the Federal Criminal Code.

CEELI's cooperation with fellow anti-trafficking groups based in Chisinau, Moldova, bore fruit in early November 2003 with the success of a large conference on efforts to counteract Moldova's trafficking problem. The conference focused on identifying the importance and severity of the problem, increasing understanding of it, and encouraging effective prosecutions through inter-governmental and NGO cooperation. The conference concluded with the establishment and publication of next steps to be taken in national legislation and strategy.

CEELI has also begun developing the Trafficking Assessment Tool to assess objectively a nation's *de jure* and *de facto* compliance with the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Na-

tions Convention Against Transnational Organized Crime (also known as the "Trafficking Protocol"), which came into force in December 2003.

The Trafficking Assessment Tool is also designed to serve as a resource guide on the Trafficking Protocol, and the trafficking phenomenon, about which there is considerable confusion.

The results of the Trafficking Assessment Tool can be used to bring government officials and NGOs together to devise action plans to improve compliance with the Trafficking Protocol and to more effectively combat the trafficking phenomenon in a given country.

CEELI will likely conduct the first assessment with the Tool in Moldova in fall 2004.

Development of National Anti-Corruption Strategies and Action Plans

In August 2003, Armenia, Azerbaijan, Georgia, Russia, Tajikistan and Ukraine pledged to adopt a new regional action plan to fight corruption, to be launched at the Fifth Annual OECD (Organization for Economic Cooperation and Development) Anti-Corruption Network of Economies in Transition (ACNET) conference. The plan commits the countries to specific actions to increase integrity and transparency in public services, promote corporate responsibility and accountability, and allow active public participation in making reforms. The action plan requires participating countries to perform extensive self-assessments of their anti-corruption legislation and institutions, which will then be reviewed by international experts and peers from OECD countries and participating governments, with a view to identifying areas needing further work. This advisory group includes representatives from the United Nations (UN), OECD, United Nations Development Programme (UNDP), Council of Europe (COE) and the U.S. Department of State, as well as representatives from the national governments endorsing the action plan. CEELI's strong presence at the ACNET meeting led to its inclusion as a permanent participant in the work of the Advisory group. The CEELI Eurasia Regional Anti-Corruption Advisor (RACA) program will work with the OECD and participating countries to help identify gaps in legal frameworks and implementation, and with CEELI liaisons to design projects to close the gaps.

CEELI Anti-Corruption Resources

CEELI has developed numerous tools and reports in connection with its anti-corruption programming that are available upon request. These include:

www.nobribes.org/	With Transparency International-Russia, CEELI maintains this premier Internet resource for anti-corruption laws, initiatives, and organizations in Eastern Europe and Eurasia.
<i>Anti-Corruption Resource CD-ROM</i>	This CD-ROM catalogs the major conventions and international recommendations and Internet resources on corruption by topic.
<i>Anti-Money Laundering and Combating the Financing of Terrorism CD-ROM</i>	This CD-ROM contains a comprehensive survey of conventions and international recommendations, Internet resources and sample legislation from the United States, Western Europe, Eastern Europe and Eurasia.
<i>CEELI Judicial Reform Index</i>	CEELI has developed this tool to assess a cross-section of key factors for judicial reform in emerging democracies. CEELI has executed assessments in more than a dozen countries.
<i>Judicial Ethics CD-ROM</i>	This CD-ROM offers a comprehensive survey of conventions and international recommendations, articles, and sample legislation from the U.S., Eastern Europe and Western Europe.
<i>Survey of Legislative Frameworks for Combating Trafficking in Persons</i>	This groundbreaking report surveys the status of anti-trafficking legislation in 24 jurisdictions from 20 countries across the region of Central and Eastern Europe and Eurasia. Each country report includes text of all relevant existing and draft legislation.
<i>Anti-Corruption Video Public Service Announcements</i>	CEELI developed these announcements to raise awareness about corruption and build political will.
<i>Witness Protection in Lithuania</i>	This report presents a case study of the development of a successful small-country WitSec program, including legislation.

Recent News in CEELI Anti-Corruption Programming

CEELI will execute the research and design of a U.S. government anti-corruption/public integrity web site. The site will serve as a comprehensive gateway for U.S. anti-corruption/public integrity laws, agencies and organizations. The intended audience is U.S. government officials (especially those who interact with foreign law enforcement and public integrity officials), foreign policymakers interested in the U.S. system and researchers.

CEELI Partners

To promote coordination of assistance and increase the leverage of individual organizations, CEELI conducts many of its anti-corruption activities in partnership with TI, the OSCE, the OECD, SPAI, the Marshall Center for Security Studies, the Open Society Institute, the U.S. Department of Justice, the U.S. State Department Bureau for International Narcotics and Law Enforcement, USAID and U.S. and host-country NGOs.

For more information about CEELI's initiatives in fighting corruption and public integrity, contact:

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