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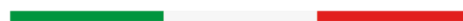
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## PREFACE

The goal of this monograph issue is to compile collaborative and timely reflections on working together to defend the rights of migrants and combat transnational crimes. In particular, it comes after it was decided to publish the proceedings of the Final Conference of the First Jean Monnet Chair EUVALWEB on “*Promoting Public Awareness of the Fight Against Transnational Crimes, the Role of Police and Judicial Cooperation and Respect for Fundamental Rights*” which took place at the Law Faculty of the University Donja Gorica in Podgorica, Montenegro, on June 20, 2023<sup>1</sup>. This was followed by the announcement of a call for submissions pertaining to the police and judicial cooperation and protection of migrants’ rights and their status as the main targets of hate crimes, xenophobia, and gender-based violence, particularly against migrant women.

The response to the call for papers, which enabled us to choose three scientific studies for the essays – two on the advancement of collaboration for the defence of immigrant rights and one on the function of police collaboration in combating transnational crimes – made us very happy. We can consider the so-called practice of ethnic profiling in the first article (**Koshevaliska, Isamatov**), which highlights the risks it poses to the protection of human rights generally and those of migrants specifically. The second, on the other hand, uses statistical data to address the condition of migrant women’s absolute vulnerability. This helps us understand the gravity of the tragic phenomenon of gender-based violence against migrant women and offers some examples of best practices to emulate (**Maksimova**). The third essay (**Zaniboni, Cestra**) offers a practical and professional perspective, while also elucidating the features and “dimensions” of a criminal activity: the trafficking of stolen vehicles. This crime, while not directly related to human rights, is highly profitable for transnational organized crime, highlighting the need for increased coordination of law enforcement efforts locally and investigating potential modifications to Article 83 of the Treaty on the Functioning of the European Union. In order to counter the phenomenon, the ultimate goal is to identify gaps, propose corrective measures to improve strategic and operational performance, and offer perspectives for the development of police cooperation under EU law.

The conference proceedings, which were published in this monograph issue and brought together scholars, practitioners, students, and representatives of civil society, also highlight the common belief that the only way to effectively combat transnational organized crime is to jointly develop a legal culture that upholds democracy, the rule of law, and human rights. All national legal systems are threatened by transnational crime, especially transnational organized crime, which also hinders the social and economic advancement of societies. It is difficult to categorise precisely because it involves a variety of serious and criminally relevant behaviours.

International judicial cooperation, which was established within the United Nations through the use of conventions, surely provides the normative foundation for starting at the global level. However, with the help of the Luxembourg and Strasbourg Courts, readily applicable preventive and repressive cooperation instruments have been developed at the regional level within the European Union and the Council of Europe.

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<sup>1</sup> A special thank goes to Prof. Dragan K. Vukčević, Dean of the Faculty of Law of the University of Donja Gorica and President of the Montenegrin Academy of Sciences and Arts.

Specifically, the European Union has made the European Area of Freedom, Security, and Justice – and in particular, police and judicial cooperation in criminal matters – the cornerstone of its internal and external policies. This is because these policies have cross-cutting applications, such as in the common foreign security policy and relationships with third states. The European Union bases this on mutual trust in the common values that form the identity of its legal system, as affirmed by the Court of Justice.

Even more so with candidate states, where the opening of negotiations is contingent upon democratic reform of national systems and respect for human rights, the rule of law, and minorities. Nonetheless, as demonstrated by specific national reform policy decisions and global occurrences, these goals are now posing a serious challenge to both the European Union and its current member states.

A jigsaw puzzle of ill-fitting pieces is created by cooperation between national police and judicial authorities, as well as between them and pertinent Union agencies. It also includes mutual recognition of court rulings and, when required, harmonization of national criminal laws. One of the most widely used tools in this field is differentiated integration in the form of enhanced cooperation, and proposals from some states and Union institutions lend support to the idea of more flexibility.

Differentiated legal regimes are obviously ineffective in combating transnational crime, which finds ways to evade the non-unitary system. However, as it tries to prioritize security over freedoms, overcriminalization to ensure that EU law is implemented effectively does not seem to be the right response.

In order to improve the Union's effectiveness in tackling the most serious transnational crimes, the European institutions have passed a number of directives and regulations; however, these measures must be taken in conjunction with the preservation of all parties' procedural rights. Additionally, the approach must be multidisciplinary and adhere to the fundamental principle of “unity in diversity”, rather than being restricted to the field of criminal law.

Some of the younger students made the observation that in addition to creating communication barriers, the various legal cultures among the Member States contribute to the difficulties caused by the disparities in language among the Union's citizens. Apart from the outstanding translation service provided by the Union's acts and the detailed specifications found in each act's definitions section, the Court of Justice consistently underscores the significance of the community concept in structuring the diverse queries brought under its purview. It is also important to remember that diversity is a value that must be preserved because, as intended, the Union respects the richness of its linguistic and cultural diversity (Art. 3, para. 3) and draws inspiration from the cultural, religious, and humanist legacy of Europe (Preamble of the TEU). National identities that are ingrained in their basic political and constitutional structures, such as the system of local and regional self-government, are also respected (Art. 4, para 2).

Thus, this monographic number's strength lies in its ability to bring disparate perspectives together for a collaborative reading of current phenomena. Therefore, our sincere gratitude goes out to the academics, specialists, and professionals who contributed to this monographic issue as well as those (**Đurišić, Jelić, Mitrović, Marković, Šaranović, Vukčević, Wagner**) who helped with the publication of the conference proceedings.

31 January 2024

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