



SUMMARY from the CONFERENCE

“Security sector reforms - Strengthening police efficiency without weakening of civic and human rights”

27th February 2008
Hotel “Holiday Inn” Skopje

On 27th of February 2008 the Institute for Political and Intercultural Studies in cooperation with Friedrich Ebert Stiftung, Skopje had organized a one day **Conference “Security sector reforms – Strengthening police efficiency without weakening of civil and human rights”** in Hotel “Holiday Inn” in Skopje.

Background of the project

The idea for undertaking this conference has begun due to the current interest for the security sector reforms in the Republic of Macedonia, which are in an advanced stage and since the new Law for police, which has raised huge public reactions, is in power. The expectation from this law is that the “main function of the Police is protection of and respect for the basic human rights...” But is it like that in reality? The divergence of opinions in the public goes from the ones who consider that the police reforms will contribute toward bigger efficiency in protection of these rights to others who are expressing open scepticism, fearing that the increase in efficiency will possibly at the same time lead to an increase in violations of elementary human rights. Relevant institutions and non-governmental organizations are - as they claim - affected by violations of human rights during police actions and arrestment of the suspected individuals. The official police statements regarding these operations say that they are conducted in line with the law, according to prescribed regulations and procedures. Some experts are presuming a sufficient democratic and civic control while others think that not all legal possibilities are used for protection of human rights and for making state institutions follow legal boundaries. The EU on the other hand is emphasizing the importance of the undertaken reforms in the security sector as a precondition for Macedonian accession towards EU and NATO.

The local self-government, in the new law on police, is for the first time included as a security building factor, responsible for selection of the highest police station authorities. Some political parties have questioned the implementation of the law and have undertaken an initiative for amendments to

the law. It is disputed now if the initiative puts the accent on the protection of human rights or if it focuses mainly on political issues.

The primary goal of the conference was to underscore the importance of the protection of human rights especially when the executive power (police) is acting. With this debate we desired to analyze the legal framework of this sphere. What does the protection level look like and how the foreseen protection measures will be put in practice? Is Macedonia having legislation where efficiency of the police will not lead to a loss of effectiveness, in a sense of losing its main function – the protection of civic and human rights and freedom? Will the new player – the local self-government be helpful in this area?

Introductory speakers' inputs

Rizvan Sulejmani, Ph.D. on political science, has given his contribution on the topic “*Security sector reforms, law on police and decentralization of the security – prospects for bigger civil and democratic control over the police and increased protection of civic and human rights?*”. Emphasizing the new political and security situation in our country and in the region, the Republic of Macedonia has started with redesigning the security system, analogous reforms in the defence and in the police. In accordance with the new security risks and threats the components and its structural reforms are overlapping and creating one mutually bonded system. These reforms are complementary with the strategic given goals of our country, integration in NATO and EU. Mr. Sulejmani made a short comparative analysis in between the foreseen decision in the Law for local self-government and the role of the local government for security matters, referring to some decision in the Law on police. The undertaken measures are taken in regards of inclusion on local self-government as a main player for providing security in the municipalities, but as well as a player for bigger democratic and civil control over police.

Anica Tomsic has presented her views based on the experience of the “Human Rights Support Project” and provided assistance to the possible victims of police abuse. Like in the previous annual reports, it is noticeable the severity of injuries in the cases involving police officials, especially the special police unit “ALPHA”. Their biggest weakness was located in their direct assignment to the Minister of Interior. The majority of citizens complain about infliction of bodily injuries and mistreatment (53%), as well as about rude and indecent conduct of police officers (26%). In the RM there is no independent, external authority for investigation of the complaints about police authorization overstepping. The Sector for internal control and professional standards is hierarchically bonded with the Ministry of Interior, due to which it lacks the necessary dose of independence and impartiality. The imposition of symbolic and inadequate penalties in cases of police abuse generates a climate of impunity among police officers, which leaves them with room to position them above the law. In its responses to the complaints, the Sector abandoned the practice of giving strange and contradictory explanations for the reason of victims’ injuries, but the remark stays that in 25% of the cases the Sector gave no explanation whatsoever.

Vojislav Zafirovski, Head of the Interior Ministry's Sector for Internal Control and Professional Standards has presented perceptions on “*Does the Law on police strengthen police in function of protection civic rights or will it bring efficiency without effectiveness?*” The law of police is a legal framework for

implementation on the Strategy for reforms in the police sector (legal regulation and condition for operationalisation on the Law on police), which will contribute toward protection of human rights and freedom as part of the police work and the right for complaints against inadequate police behaviour. The sector for internal control and professional standards is having an important role in the MoI focusing on analysis of the causes, grading the justification of using force and compulsory means and control over the estimation of the standards and rules of procedure. He highlighted the importance of cooperation between the Sector and civil society and the Ombudsman Institution, with a view to having more efficient investigations in cases of police abuse.

Ph.D. **Zvonimir Jankulovski** has presented his and worldwide experiences on the topic “Does the Law on police strengthen police in function of protection civic rights or will it bring efficiency without effectiveness?” The new law on police does not protect police officers from undesirable and unwanted interference in posting and transfers. There is no neutral mechanism in the law that can ensure it. In this regard, the adoption of a new police organization in Macedonia in which the control over the police is divided between the central government and local self government can not ensure impartiality and political neutrality of the police. What we need in Macedonia is an organizational structure of the police that distributes responsibility to police officers on all levels of hierarchy. We need to establish a decentralized police that acts close to the needs of the citizens, and new forms of community policing. According to comparative research on police reform in Central and Eastern Europe from 2003 in Macedonia there is strong resistance to community policing and greater accountability for high ranking police personnel, as well as for political, military and economic actors who have interest in maintaining the status quo of public security arrangements. Even though the new government shows more sense for changing the process of reforms it still suffers from some attitudes which grounded in a conservative ideology which puts an accent to deterrence in addition to advocating the increase of the number of police officers and more technological innovation, in order to improve the apprehension of offenders.

Contributions from the discussion

The security sector reforms should be analysed in 4 dimensions: de-politization, de-concentration, decentralization and professionalization. Those reforms are a long term process which is supporting the process of transformation of the Macedonian society in general and requiring achievement of standards and responsibilities.

Some participants have stressed the necessity of bigger democratic and civil control. The Parliament should have the key role in the democratic control.

One of the major reasons for the present condition of the police regarding the efficiency and endangerment of human and civil rights during police actions is partization of the police and lack of professionalism. Within the law should be foreseen special procedures and criteria for promotion of police staff.

It has been strengthened the necessity for the police to become a service to the citizens and not to be an instrument of the government. Article 8 of the Police Law is giving possibility for submitting complains to the committee for

internal control and standards, which is a department inside the police. Contrary in other European countries upon the submitted complaint the decision is overtaken by a department independent from the police. It has been proposed to introduce at least one segment of control external from the Ministry of Interior during the complaining procedure. This department should be situated in the Parliament and should include representatives from the non-governmental sector and prominent experts for security matters and human rights.

The representative from the police trade union demanded bigger security, a beneficiary status for those who are exposed to risk and danger, so that their motivation would increase and they would be less affected by corruption traps.

The role of the public prosecutor and his cooperation with the Sector for internal control is essential for improving the protections of the citizens from possible abuse by authorized persons. Furthermore the cooperation between those two bodies is crucial. They should act like allies and not as rivals or two confronted parties. The next annual report of the public prosecutor will state the insufficient and unconstructive cooperation between the public prosecutor office and Ministry of Interior.

It is important to keep in mind that citizen oversight of police is intimately tied to the issue of the civil rights of minorities. The idea of a police ombudsman was well supported. It is often adopted in divided societies and proves to be a helpful tool there. Elaborating the practice in the UK, it was made reference to special places for taking suspects into custody. These places are under constant surveillance and the responsible person to take over and run the case is clearly registered. Overstepping responsibilities could then easily be associated to a specific person. There is strong need for struggle to overcome the military traditions in our police culture. Even the quasi-decentralized Macedonian police structure still displays authoritarian tendencies.

Article 11 of the Police Law is referring to the creation of boards for cooperation with the local population. As a mechanism of protection this article is taking up the idea of the decentralization process of transparency through delivering information. The public security information can be obtained on the sectoral level. The division in between the police and politics should be visible. The first policeman is not the Minister, but the director of the public security. The security is executed on three levels: strategically in the centre for public security, operationally on the sectoral level and tactical on the level of the police stations. The major role of the Minister is to supervise the work of the police.

Summarized conclusions

- There is a permanent need of monitoring the condition of human rights and efficiency of the police.
- For improvement of human rights and their protection from possible abuse during official duties, adopting a good law is not enough. Alteration is needed in the fields of the culture of attitude and behaviour, depolitization of the police and its further professionalization.

- Improvements of the mechanisms of democratic and civil control are necessary. It should include the Parliament, local self-government and civil sector. Transparency in the working of the Ministry of Interior is required.
- Transformation from “militia” into “police” is a long lasting process, which besides legislative changes demands changes of consciousness among all actors.
- The police should develop into a more citizen responsive force, and build a closer relationship with the community. Such a change, if real rather than superficial, would require a substantial increase in human resources and recommitment of current resources, significant changes in philosophy, and potentially further massive restructuring of police organizations.
- Cooperation in between the public prosecutor and civil sector from one side and sector for internal control on the other, should and must be improved. This cooperation should be strengthened in technical and cognitive content.
- The Ministry of Interior should provide a reasonable and detailed explanation as wherefrom injuries of citizens during police action originated, given the assumption that the burden of proof for the reasons of injuries lies within the authorities;
- On one side an improvement of the working conditions and professionalization of the police should be taken into consideration and on the other side a process of depolitization has to take place. The connection between those two elements with the process of decentralization and de-concentration is very important for the upcoming period of implementation of the Law of police.