

Making the Transition to Democratic Policing: The Next Phase of OSCE Assistance to the Kyrgyz Republic

The Kyrgyz Republic, like many new democracies exiting the “transition phase”, has more needs than current funds and priorities can accommodate. After ten years, its democracy hangs more precariously in the balance now than in the days immediately following independence. While many people have already benefited from the changes brought by democracy, many others have not. Disillusionment has grown, fed by the slowness of the democracy-building process, the lack of visible change in old Soviet institutions, and the fact that – for many people – democracy has yet to alleviate the social or material hardships they face every day. Amidst much international investment, new pro-democracy programmes, and extensive media coverage of democratic reforms, real change has been slow to reach people’s daily lives. Nowhere is this more apparent than with regard to the reform of the Kyrgyz police force.

In democratic societies, the police serve to protect the people and their rights. Yet, the legacy of most post-Soviet republics is a police force designed to protect the state, a force that at times acts *against* the people, their rights, and their security. If police officers are to perform their critical role in a democratic system based on the rule of law, targeted reforms are necessary to reorient the mission and philosophy of the police force. Such overarching goals, however, have so far taken a backseat to meeting the very real technical and training needs of a police force left with antiquated equipment and inadequate skill-sets.

The Context of Current Reform Efforts

In Kyrgyzstan, the need for police reform has been recognized for many years by the government, civil society, international donors, and the police force itself. The relatively low professional and technical capacity of the police, which has been exacerbated by the new challenges of fighting terrorism, organized crime, and the international drug trade is, by itself, enough to necessitate reform. Another factor is the need to reorient the police force to the new public security role it must play in a democratic society – a role that cannot be achieved without improving its human rights record, mending relations with the public, and purging corruption at all levels.

Although the Kyrgyz government has recognized the need for change, it is hampered by problems that also affect many other states: Competing do-

mestic demands and a lack of effective international support have left it ill-equipped to fully address the problem on a conceptual, legal, administrative, or financial level. The State Commission on Police Reform was established in September 2003 under the presidential administration. With members of the government, civil society, parliament, academic institutions, and police appointed to the commission to organize and oversee significant police reforms, it had a promising composition and mandate. A year later, however, it has yet to begin its work.

International assistance for Kyrgyz police reform has so far been limited, and what little there has been has focused largely on improving the force's professionalism and technical capacity. The United Nations Development Programme (UNDP) deployed an advisory mission on modernizing the Police Academy curriculum in 1997, which was followed by a Crime Prevention and Reduction programme in 1997-2000. The latter sought to combat organized crime by increasing operational expertise, modernizing national laws, creating better information and communications systems, and encouraging public participation in the fight against crime. The UNDP currently has no future police reform programmes planned. The UN Office for Drugs and Crime (UNODC), the European Commission, and several bilateral donors have also contributed technical assistance to fighting drug trafficking, controlling the borders, and supporting other specific projects.

The OSCE's Police Assistance Programme for Kyrgyzstan (PAP), which was begun in August 2003 at the request of the Kyrgyz government, is the most comprehensive initiative that has been implemented to date. The programme takes an eight-pronged approach to modernizing and strengthening law enforcement capacity and institutions in Kyrgyzstan, seeking to: improve the quality of police investigations; strengthen drug interdiction capacities; establish a modern emergency-call response centre; create an information analysis system; develop a radio communications system for criminal police; improve police capacity to prevent conflict and manage public disorder; introduce a community policing pilot project; and conduct a comprehensive revision of Police Academy training activities and curricula. The PAP is well underway and expected to be completed in the first half of 2005.

Learning from Our Experiences

Police reform in the Kyrgyz Republic has focused – with some success – on a wide set of professionalism and technical reform issues. Yet international support for this has been piecemeal at best, lacking both cohesion and comprehensiveness. Current gains being made in police reform now threaten to stall unless broader democratic-policing goals are more fully incorporated into a comprehensive approach to police reform.

Specifically, the OSCE's PAP has without a doubt provided pragmatic and needs-oriented support to the police and can be credited with substantial gains made in training, drug interception capacities and neighbourhood policing. However, for the following reasons, this programme alone has not had a significant impact on police reform and is unlikely to do so in the future:

- The government has defined police reform as a priority, but has not yet adopted a comprehensive reform plan that includes legal reforms, administrative reforms, and the resolution of problem issues such as respect for the rule of law and human rights, corruption, torture, detention, inter-ethnic conflict, and transparency. As a consequence, the support of the OSCE's PAP is provided in an operational and conceptual vacuum.
- In the absence of a structural and ideological overhaul of the police force, international assistance to the police only further alienates the public and threatens the legitimacy of international donors. In focusing almost exclusively on improving the professional and technical capacity of the police, the PAP has been perceived by civil society as supporting a corrupt and undemocratic institution that protects only the interests of the state authority. This technical bias turned into a serious problem in the context of the tragic Aksy events, when police opened fire on a group of demonstrators, killing six of them.¹ Kyrgyz civil society could not comprehend how the OSCE could support and equip a police force capable of such actions.
- The mandate of the OSCE in Kyrgyzstan is broad, encompassing human rights, legal reform, rule of law, corruption, detention, torture, and ethnic conflict issues. As each of these topics is also a major problem within the police force, the OSCE is well-positioned – and perhaps even expected by the local community and government – to address them in the context of police reform.

It has become clear that a well-defined framework for broader democratic police reform in Kyrgyzstan would provide much-needed direction for currently disjointed international police assistance, justify continued technical assistance within the OSCE's political mandate, legitimize international support of the police in the eyes of the public, and, perhaps most importantly, effect real change in the relationship between the Kyrgyz police and the public.

1 On 17 March 2002, six people were killed when police opened fire on a crowd protesting the imprisonment of parliamentary deputy Azimbek Beknazarov, who was arrested after criticizing the Kyrgyz president.

Guiding Principles for the Next Phase

One promising development was the publication this year of a concept paper by the Kyrgyz Ministry of Internal Affairs (MIA) on reforming the MIA, including the police. The paper articulates a vision and a concrete programme for broad police reform that seeks to fundamentally reorient the mission of the police from protecting the state to protecting the people and their rights. This is a vision with which the OSCE Centre in Kyrgyzstan agrees, and it provides an opportunity for deeper co-operation between the OSCE and the Kyrgyz government, to the very real benefit of the Kyrgyz people.

There are six guiding principles for the next phase of OSCE assistance to the Kyrgyz police:

1. Stakeholders must develop the conceptual and programmatic framework – and commensurate international commitments – for comprehensive, long-term assistance to the Kyrgyz police. Before the details of any further international assistance are defined, the participants should take time out to rethink the goals of police reform. The overriding goal should be to define means to achieve a transformation not only of the way the police discharge specific tasks, but also of their overall role.
2. International assistance should continue to advance the technical, professional, and operational development of the police in the capital and the regions. The reforms carried out so far have made substantial progress in improving police capacity and should be continued.
3. International and domestic efforts should be undertaken to identify the legal reforms necessary to reshape the formal and informal basis of police work.
4. Police reforms should promote greater accountability, transparency, and respect for the rule of law within the police force. If the police force is to enforce and create respect for the rule of law in society, it must itself adhere to the same democratic standards.
5. The reforms should make a priority of building trust and improving relations between police and the public. Structural and procedural changes should be enacted to institutionalize community involvement in police work.
6. Reforms must employ a participatory approach involving civil society, government, and the police in all phases, including initial strategy development, project design, implementation, and evaluation. Kyrgyz ownership is crucial to success, and the reform process must thus garner the meaningful participation of all stakeholders. A major systematic effort should also be made to involve participants that reflect the gender and ethnic make-up of the country.

In supporting broader police reforms, the OSCE seeks to facilitate the evolution of the Kyrgyz police force into an institution that protects the people and their rights; is responsive, open, and accountable to the public; adheres to the rule of law; and has the expertise necessary to carry out its duties.

OSCE Strategy

To address the myriad challenges and goals of Kyrgyz police reform, the next phase of OSCE programming will assist Kyrgyz parties in undertaking a wide range of professional, legal, rule-of-law, and administrative reforms in order to prepare the police force for its new role in building a democratic society.

Professional Development

The OSCE aims to build the professional and technical capacity of police officers so that they may effectively carry out their duties of crime prevention and law enforcement.

Training and assistance on technical issues. The PAP's technical assistance has improved both the capacity and the responsiveness of the police and should be continued in fields to be identified by an expert assessment mission.

Training and assistance on ethical issues. Moving to the next level of professional development, the programme will provide training, mentoring, and other assistance to shape the conduct of officers and police culture more generally. Direct training in ethics will augment legal and administrative reforms aimed at the same goal.

Police Academy curricula. The next phase of OSCE assistance will build on current efforts to modernize the curriculum and teaching methods at the Police Academy, with a particular focus on protecting human rights and developing the police as a central component of a democratic criminal justice system. Developing decentralized training processes, region-specific curricula where necessary, and mechanisms for training *all* serving officers in new standards will enhance the current OSCE curriculum and training programmes.

Legal Reforms

The OSCE will facilitate the development of a legal framework that supports the police in fulfilling their new duty of protecting the people and their rights.

Laws on technical issues. The OSCE will provide assistance to the government in conducting a thorough assessment and evaluation of all laws, policies, and procedures in order to eliminate gaps and contradictions in the

existing legal foundation of police work and to harmonize national and international laws on police practices.

Laws on ethical issues. Kyrgyz law currently defines the duties of police officers, yet it is largely silent on *how* they are to carry them out. Support should thus be given to the government in further revising Kyrgyz laws to incorporate principles of democratic policing and adopting a comprehensive code of ethics, based on the European Code of Police Ethics or other widely used models.

Internal regulations. Many reforms already made to national laws have yet to be incorporated into the internal regulations officers use in their day-to-day interactions with the public. Assistance will thus be provided to the police to ensure that internal procedures conform to national laws and are written in plain language, allowing for their meaningful application. Internal regulations should thus not simply direct police to “protect human rights” but should also articulate how officers should protect human rights in situations they encounter every day, for example, by detailing procedures on what officers can and cannot do when they stop a motorist.

Informal procedures. The OSCE will assist the police and civil society in documenting informal police practices to assess how the informal foundation of police work could be reformed to support the new democratic role of the police. This analysis will serve as the basis for legal reforms, as a monitoring activity that could itself limit undesirable actions, and as a confidence-building measure for the community.

Domestic capacity in international law. There is currently a lack of Kyrgyz legal personnel trained in international human rights and democratic policing standards. Providing international legal training to national experts will not only establish a pool of people able to conduct the necessary analyses of national laws in the short term, but will also mean that domestic expertise in international standards is retained long after international police missions have concluded.

Rule of Law

The OSCE seeks to institutionalize the accountability of the police under the rule of law. To this end, the OSCE will fund a comprehensive analysis of legal and administrative reforms necessary to bring local procedures into compliance with Kyrgyzstan’s international human rights obligations, focusing in particular on issues of detention, torture, and corruption. These rule-of-law reforms will complement efforts to establish merit-based selection procedures, improve internal and external accountability, and make internal regulations public, which will also indirectly limit abuse by reducing opportunities for corruption. Measures of this kind designed to deal directly with police corruption will also benefit from co-ordination with ongoing larger-scale efforts to fight corruption in the Kyrgyz Republic.

Administrative Reforms Regarding Individual Police Officers

The OSCE will provide the technical assistance necessary to reorganize the administration of the police force, with the goal of improving the working environment for individual officers.

Police qualifications and recruitment. Selection processes and criteria should be standardized, based on merit, developed through public consultation, and widely distributed and publicized. A clear and broadly agreed selection policy used to vet all new and current officers would increase the legitimacy of the force, reduce controversy over the representation of diverse ethnic groups (a particular problem in the South), and help fight corruption by establishing meritocratic criteria as the condition for employment. Increased public confidence in the quality and independence of officers will produce a corresponding rise in the prestige of the police.

Criteria for evaluation and recognition of officers. The criteria for evaluation, promotion, and recognition of officers should be revised to reinforce respect for the principles of democratic policing and make it measurable.

Police rights and benefits. The Kyrgyz Ministry of Internal Affairs has identified the establishment of social security guarantees for police personnel as the “most important condition” for determining the success of reforms. The OSCE will thus support the government’s attempts to analyse how to improve the salaries, benefits, healthcare, and working conditions of police personnel, and how to institutionalize legal and social guarantees for police officers’ rights.

Police management style. If police officers are to respect and employ a participatory and rule-based approach in their work with the public, the same approach must be put into practice within the police force. Internal management style should thus be revised to be more participatory and based on uniform, predictable rules.

Gender and ethnic representation. An analysis should be conducted on how best to achieve balanced gender and ethnic representation in the police force.

Administrative Reforms with Respect to Police Institutions

The OSCE will provide technical assistance to support administrative reforms that increase the transparency and accountability of the police.

Internal accountability. Many reforms relating to disciplinary procedures, internal affairs policies, and police ethics that have been adopted in Kyrgyz law have not yet been – but need to be – fully incorporated into internal regulations and practice. Increasingly exact definitions of the role of police officers and the consequences for failing to discharge these responsi-

bilities correctly will ensure the legal accountability of the police while protecting officers from the arbitrary application of disciplinary laws.

External accountability. The first fundamental step in promoting transparency, and thus accountability, is to open internal regulations to public view. Second, an individual complaints mechanism should be institutionalized, making citizens' rights and complaint procedures readily available to the public. The OSCE will also work with the government, police, and civil society to assess the best options for some form of sustained external oversight, such as a citizen review board or citizen monitors. In the longer term, however, perhaps the most effective and farsighted means by which the programme will create external accountability will be its introduction of a participatory element to police procedures, i.e. the creation of a permanent mechanism for involving the community in the planning and operational activities of the police.

Separation of powers. An analysis should be made of the organizational relationship between the police, government, and other justice institutions to ensure that it minimizes political interference while maximizing accountability in police work. This analysis should look particularly at issues of police independence and officers' rights, both of which are key to establishing the separation of powers.

Administrative Reforms with Respect to Police-Public Relations

The OSCE will provide technical assistance to support administrative reforms that improve the relationship between the police and the public and the police's responsiveness to the needs of the community.

Community policing. Encompassing a range of measures from community relations and public education to greater accountability, improved training of police officers and other personnel, the community policing strategy reinforces many of the OSCE's other reforms, but it also offers a broader, comprehensive vision for sustainable democratization of the police force. The OSCE's successful pilot programme in community policing should be rolled-out as a nationwide programme and expanded in scope, based on the recommendations of an expert in the field.

Public awareness activities. Education campaigns conducted by the police force help officers internalize human rights standards, educate people about their rights and the responsibilities of the police, and bridge the divide between the police and the public. Likewise, the participation of human rights and civil society groups in Police Academy training will educate the public about the challenges police officers face while building trust between the police and the public. Furthermore, training representatives of civil society in security issues will foster understanding, as well as the capacity for local engagement in the development and sustained implementation of police reforms.

Prevention. An effective system should be established for collecting information on police abuses. The information gathered could be used by the police and communities to prevent future incidents by developing early warning systems and by recommending changes in training, procedures, or management.

External appearance. Mission statements, uniforms, and names are superficial, yet reform in these areas represents an outward, visible sign that can contribute to shaping the perception of the force by both the public and police officers themselves. Accordingly, the OSCE supports the Ministry of Internal Affairs' suggestion that the institution's name be changed from "militia" to "police" and that the uniforms be updated.

Looking Forwards

The OSCE does not lightly take on responsibility for such comprehensive reforms, but does so with a clear vision of the expected benefits to the Kyrgyz people.

With this more comprehensive vision of police reform, the OSCE expects to see:

- Increased knowledge of and respect for human rights among the Kyrgyz police
- Institutionalization of respect for the rule of law in both internal and external police practices
- Harmonization of the Kyrgyz legal framework with international law and practices
- An improved working environment for police officers
- Improved relations between the police and the public
- Fewer cases of the police violating domestic laws
- Increased public awareness of the rights of citizens and the responsibilities of the police
- Modern curricula and training programmes at the Police Academy and in the field, reaching all serving and new officers
- Improved capabilities on the part of the police to carry out their duties, and
- Creation of a local capacity within civil society, the police, and the government to sustain reforms and monitor the need for further reforms in the future.

Regarding the OSCE itself, the Centre expects the participatory approach and the more comprehensive reform programme to bolster the OSCE's credibility in the eyes of the Kyrgyz people and the wider world.

It is hoped that the next phase of OSCE assistance to Kyrgyzstan will not only improve the effectiveness of the Kyrgyz police, but will also foster people's sense of safety in their community, trust in their government, and faith in democracy and the international institutions supporting their own nascent democracy. The reform process is a long-term undertaking. Its success depends in part on the dedication of the Kyrgyz government, but also on long-term financing of the programme by foreign sponsors.