



Organization for Security and Co-Operation in Europe  
Centre in Bishkek

## CONCEPT PAPER

### KYRGYZ REPUBLIC: POLICE REFORM STRATEGY

#### EXECUTIVE SUMMARY

The need for comprehensive reform of the Kyrgyz police has been recognized for many years by the government, civil society, international donors and the police itself. Yet, while technical assistance programs have increased the professionalism and capacity of the police, domestic and international supporters of reform have failed to marshal the necessary funds and programs to effect broad organizational change within the police. Current gains being made in police assistance now threaten to stall unless broader democratic policing goals are more fully incorporated into a comprehensive approach to police reform.

Future international assistance to the Kyrgyz police should thus take a step back to reconceptualize the goals of police reform. Guiding principles for the next phase of police assistance from the OSCE would thus include:

- Securing the conceptual and programmatic framework—and commensurate international commitments—for comprehensive, long-term assistance to the Kyrgyz police;
- Preparing the police force for its new role in building a democratic society;
- Building trust and improving relations between police and the public; and
- Employing a participatory approach that involves civil society, government and the police in all phases of police reform.

President Askar Akaev and the Kyrgyz Ministry of Internal Affairs have already articulated a vision—and wide domestic support exists—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. The OSCE thus foresees assistance to the Kyrgyz Republic in undertaking broad professional, legal, rule of law and administrative reforms to help achieve this aim.

***Professional development.*** Building on gains made from technical assistance to date, the OSCE program would continue to advance the technical and professional development of the police. Training and assistance would focus not only on imparting technical skills, but also on shaping the ethics, professionalism and culture of the police more generally.

***Legal reforms.*** The OSCE program would support the government in making legal reforms that reshape the formal and informal base for police work.

***Rule of law reforms.*** The OSCE program would promote adherence to the rule of law within the police force.

***Administrative reforms.*** The OSCE program would assist in revising procedures regarding police officers, police institutions and police-public relations in order to improve the quality of the police force and its responsiveness to the needs of the public and officers.

The OSCE would take the lead in coordinating international assistance and would work to facilitate the participation of other international donors, the Kyrgyz government, police and civil society. It is hoped that the program will contribute to the emergence of the Kyrgyz police force as a democratic 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 myriad duties.

## **REFORM CONTEXT**

The need for reform of the Kyrgyz police has been recognized for many years by the government, civil society, international donors and the police itself. Reform is clearly justified by 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. Reform is equally justified by 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 reform, competing domestic demands and a lack of sufficient international support has left it unequipped to fully address reforms on a conceptual, legal, administrative or financial level. The State Commission on Police Reform was established in September 2003 under the presidential administration with a promising composition and mandate, with members of the government, civil society, parliament, academic institutions and police appointed to organize and oversee police reform. However, this commission has yet to begin its work.

International assistance for Kyrgyz police reform has to date been limited and focused largely on improving the professionalism and technical capacity of the police. The United Nations Development Programme (UNDP) carried out a 1997 advisory mission on modernizing the Police Academy curriculum, followed by a 1997-2000 Crime Prevention and Reduction program that 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 programs planned. The UN Office for Drugs and Crime (UNODC), European Commission and several bilateral donors have also contributed technical assistance to fight drug trafficking, control the borders and support other specific projects.

Begun in August 2003 at the request of the Kyrgyz government, the OSCE's Police Assistance Programme for Kyrgyzstan (PAP) is the most comprehensive initiative implemented to date. The program takes an eight-pronged approach to modernize and strengthen 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 and curriculum. The PAP is well underway and expected to be completed in the first half of 2005.

## **MAIN CONCLUSIONS OF THE EXPERIENCE TO DATE**

Police reform in the Kyrgyz Republic has focused—and made progress—on a wide set of professionalism and technical reform issues, yet this international support 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 neighborhood policing. However, for the following reasons, this program alone has not and likely will not have a significant impact on police reform:

- The government has well-defined police reform as a priority, but has to date not adopted a comprehensive reform concept that includes legal reforms, administrative reforms and the resolution of problem issues like respect for the rule of law and human rights, corruption, torture, detention, inter-ethnic conflict and transparency. In this sense, the support of the OSCE's PAP is thus provided in an operational and conceptual vacuum.
- Lacking 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 seven of them. Civil society could not understand or accept that the OSCE would support and equip such a police.
- The mandate of the OSCE in Kyrgyzstan is broad, encompassing human rights, legal reform, rule of law, corruption, detention, torture and ethnic conflict. As each of these issues remains a key problem within the police force, the OSCE is well-positioned—and perhaps even expected by the local community and government—to address these matters in the context of police reform as well.

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 and, perhaps most importantly, legitimize international support of the police in the eyes of the public.

## **GUIDING PRINCIPLES FOR THE NEXT PHASE**

A promising development has been the Kyrgyz Ministry of Internal Affairs' (MIA) recent publication of a concept paper on reforming the MIA system, including the police. The paper articulates a conceptual vision and concrete program 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.

Future international assistance to the Kyrgyz police should likewise take a step back to reconceptualize the goals of police reform. The overarching mission should set a clear path to achieving a transformation not only in the discharge of specific tasks of the police, but also in the overall role of the police. Guiding principles for the next phase of police assistance from the OSCE would include:

- Developing the conceptual and programmatic framework—and commensurate international commitments—for comprehensive, long-term assistance to the Kyrgyz police;
- Continuing to advance the technical and professional development of operational capacities at the capital and regional level;
- Identifying legal reforms necessary to reshape the formal and informal base for police work;
- Promoting greater accountability, transparency and respect for the rule of law within the police force;
- Building trust and improving relations between police and the public, particularly by institutionalizing community involvement in police work;
- Employing a participatory approach that involves civil society, government and the police alike in all phases of reform;
- Undertaking systematic and significant efforts to address gender issues in a culturally competent way; and
- Supporting a balanced ethnic representation in the police forces.

## PROGRAM OBJECTIVES

### *Goal*

The Kyrgyz police force would evolve 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.

### *Purpose*

The program would assist Kyrgyz parties in undertaking professional, legal, rule of law and administrative reforms aimed at preparing the police force for its new role in building a democratic society.

### *Thematic priorities*

- a. Professional development: The program aims to build the professional and technical capacity of police officers so they may effectively carry out their duties of preventing crime and enforcing laws.
  - *Training and assistance on technical issues*. The PAP's technical assistance has improved both the capacity and responsiveness of the police and should be continued in fields identified by an expert assessment mission.
  - *Training and assistance on ethical issues*. Moving to the next level of professional development, the program would provide training, mentoring and other assistance to shape officers' conduct and the police culture more generally. Such direct training would augment legal and administrative reforms aimed at same goal (see sections 4.3b and 4.3d).
  - *Police Academy curriculum*. The program would 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 curriculum where necessary and mechanisms for training

*all* serving officers in new standards would enhance the current OSCE curriculum and training programs.

- b. Legal reforms: The program seeks to provide a legal framework that orients police to their new duty of protecting people and their rights.
- *Laws on technical issues*. The program would 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 base 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* officers are to carry out these duties. Support would thus be given to the government in the further revision of Kyrgyz laws to incorporate principles of democratic policing and to adopt a comprehensive ethics code, 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 in the internal regulations officers use in their day-to-day interactions with the public. Assistance would thus be provided to police to ensure that internal procedures conform to national laws and are written in plain language, allowing for the meaningful application of those laws. Internal regulations thus should not simply direct police to ‘protect human rights,’ but articulate how officers would 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 driver.
  - *Informal procedures*. The program would assist the police and civil society in documenting informal practices of the police to assess how the informal base of police work could be shaped to support the new democratic role of police. This analysis would 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 currently exists a lack of domestic legal personnel trained in international human rights and democratic policing standards. Providing international legal training to national experts would establish a pool of people who could not only conduct the needed analyses of national laws in the short term, but also retain domestic expertise in international standards long after international police missions have concluded.
- c. Rule of law: The program seeks to institutionalize police accountability to the rule of law.
- *Expert mission*. The program would 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 would complement efforts to establish merit-based selection procedures, improve internal and external accountability, and make internal regulations public, which also indirectly limit abuse by reducing opportunities for corruption (see section 4.3d). Such direct police anti-corruption measures will also benefit from coordination with ongoing larger-scale efforts to fight corruption in the Kyrgyz Republic (see section 5.1).
- d. Administrative reforms regarding individual police officers: The program would make available the technical assistance necessary to reorganize 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 and based on merit, and should be developed through public consultation, made public and distributed widely. 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 representation on the police force (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 police.
  - *Criteria for evaluation and recognition of officers.* The criteria for evaluation, promotion and recognition of officers should be revised to reinforce and operationalize respect for the principles of democratic policing.
  - *Police rights and benefits.* The Ministry of Internal Affairs has identified the establishment of social protections for personnel as the “most important condition” in determining the success of reforms. The program would thus facilitate the government’s analysis of how to improve the salaries, benefits, health care and working conditions of police, as well as how to institutionalize legal and social guarantees for police officer 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 modeled within the police force. The internal management style should thus be revised to be more participatory and based on uniform, predictable rules.
  - *Gender and ethnic representation.* An analysis would be conducted on how best to achieve balanced gender and ethnic representation on the police force. The June 2004 expert mission on multi-ethnic policing will provide a valuable start in this regard.
- e. Administrative reforms regarding police institutions: The program would provide technical assistance to support administrative reforms that increase the transparency and accountability of the police force.
- *Internal accountability.* Many reforms adopted in national laws regarding discipline procedures, internal affairs policies and police ethics have not yet been—but need to be—fully incorporated into internal regulations and practice. Increased specificity about officer roles and the consequences for failing to meet these responsibilities would ensure legal accountability of police and also protect officers from arbitrary application of disciplinary laws.
  - *External accountability.* The first fundamental step taken by the program in promoting transparency and thus accountability would be to make internal regulations open to the public. Secondly, the program would institutionalize an individual complaint mechanism, making citizen rights and complaint procedures readily available to the public. The program would 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. Over the longer-term, perhaps the most effective and proactive external accountability mechanism of the program would be to institutionalize a participatory approach in police procedures, creating a permanent mechanism for involving the community in the planning and operational activities of the police.
  - *Separation of powers.* An analysis should be done of the organizational relationship between the police, government and other justice institutions to ensure that it allows minimum political interference and maximum accountability in police work. This analysis would look particularly at issues of police force independence and police officer rights, both of which are key in establishing a separation of powers.

- f. Administrative reforms regarding police-public relations: The program would provide technical assistance to support administrative reforms that improve the institution's relationship with the public and responsiveness to the needs of the community.
- *Community policing*. Encompassing everything from community relations and public education to greater accountability, improved personnel and police training, the community policing strategy reinforces many of the program's other reforms, but it also offers a broader, comprehensive vision for sustainable democratization of the police force. The OSCE's successful pilot program in community policing should be initiated as a nationwide program 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 police responsibilities, and bridge the divide between police and the public. Participation of human rights and civil society groups in Police Academy training would educate the public about the challenges police officers face and build trust between police and the public. Training civil society in security issues would foster understanding, as well as the capacity for local engagement in the development and sustained implementation of police reforms.
  - *Preventive posture*. An effective system for collecting information about police abuses should be established. The information gathered could be used by the police and community to prevent future incidents by developing early warning systems and by recommending changes in training, procedures or management.
  - *External appearance*. Police mission statements, uniforms and names are superficial aspects of the police force, yet are outward, visible signs of reform that contribute to both public and police perception of the force. Accordingly, the OSCE supports ideas circulated by the Ministry of Internal Affairs to change the institution's name from "militia" to "police" and to update the uniforms of the police.

### ***Expected results***

- Increased knowledge of and respect for human rights among the Kyrgyz police.
- Institutionalization of respect for rule of law in both internal and external police practices.
- Harmonization of the Kyrgyz legal framework with international law and practices.
- Improved working environment for police officers.
- Improved relations between police and the public.
- Fewer cases of police violating domestic laws.
- Increased public awareness of the rights of citizens and responsibilities of police.
- Modern curriculum and training programs at the Police Academy and in the field, reaching all serving and new officers.
- Improved technical capacity of the police force to carry out its duties.
- Local capacity within civil society, the police and the government to sustain reforms and monitor for needed reforms in the future.

## **PROGRAM IMPLEMENTATION**

### ***Approach***

Local ownership: Kyrgyz ownership (i.e. the real participation of civil society, the government and the police) is crucial to any success. Local actors must thus be involved at every stage of the reform effort, including initial strategy development, project design, implementation and evaluation.

Holistic approach: A vision for comprehensive police reform, coordinated with broader reforms in the justice sector, must be developed. The OSCE must then decide on the level and areas of its contribution to these reforms.

Geographic focus: Interventions of the OSCE with partners will be concentrated in Bishkek and the regional centers in at least two additional geographic areas. Ethnic representation on the police force, and thus administrative reform, is a particularly acute issue in Southern Kyrgyzstan and should thus be taken into account when determining which geographic regions to target.

### ***Management***

The OSCE's program operations for police reform would be managed by the Centre in Bishkek (CiB), which would be responsible for coordinating activities of OSCE partners in this field and ensuring the program is executed as planned. The CiB would recruit the necessary human resources to fulfill this task. The program would be supported by the current staff of the Police Assistance Programme office in Bishkek.

### ***Partners***

- Coordinating body: The OSCE would take the lead in coordinating international assistance. One coordination mechanism could be to create an executive committee of international donors assisting the Kyrgyz police that would meet periodically and share information to avoid duplication and ensure cohesive assistance to the police.
- International partners: Police reform is an extremely complex and long-term program that could not be supported by the OSCE alone. The OSCE should thus advocate for partners to participate in the program. Administrative reforms in particular could be entrusted to a public management reform consultant, while the European Commission could provide valuable assistance in the technical projects where it has extensive experience, and other partners could be similarly recruited to execute appropriate components of the program.
- Government: The government itself has identified the need for wide-reaching reform and expressed a willingness to embark on substantive police reform. The Ministry of Internal Affairs will be a key partner in developing and implementing the specific program for reform.
- Police: The final OSCE program for assistance and reform should be developed in cooperation with, and signed in approval by, a representative of the police force.
- State Commission on Police Reform: Successful police reforms will require oversight by a functioning local body that is sufficiently independent yet not politically isolated from the government, that includes police and civil society participation, and that has adequate civil service personnel assigned so this management role is actually executed. The State Commission on Police Reform would seem to meet these conditions and, as such, the OSCE would like to invite the commission to activate its operations. The OSCE could advocate at least two steps that would enhance the effectiveness of this body: (1) One member should be charged with the responsibility of following security reforms across the justice sector, so



police reform is carried out in conjunction with broader justice reforms; (2) Civil society members of this commission should receive training in security matters to maximize their effective participation. The international community should plan to stay involved with the commission until reforms are completed.

- Civil society: Sustainability of the program's reforms will hinge on meaningful engagement of local civil society groups in the planning, implementation and assessment of those reforms.

### *Planning*

Next steps: The next step is to commission the professional assistance of an international consultant to evaluate police reform needs with a broad view, meeting with all stakeholders and making recommendations on possible places for OSCE involvement. This evaluation would supplement the OSCE's Comprehensive Police Sector Assessment mission and Multi-Ethnic Policing mission recently completed in the Kyrgyz Republic.

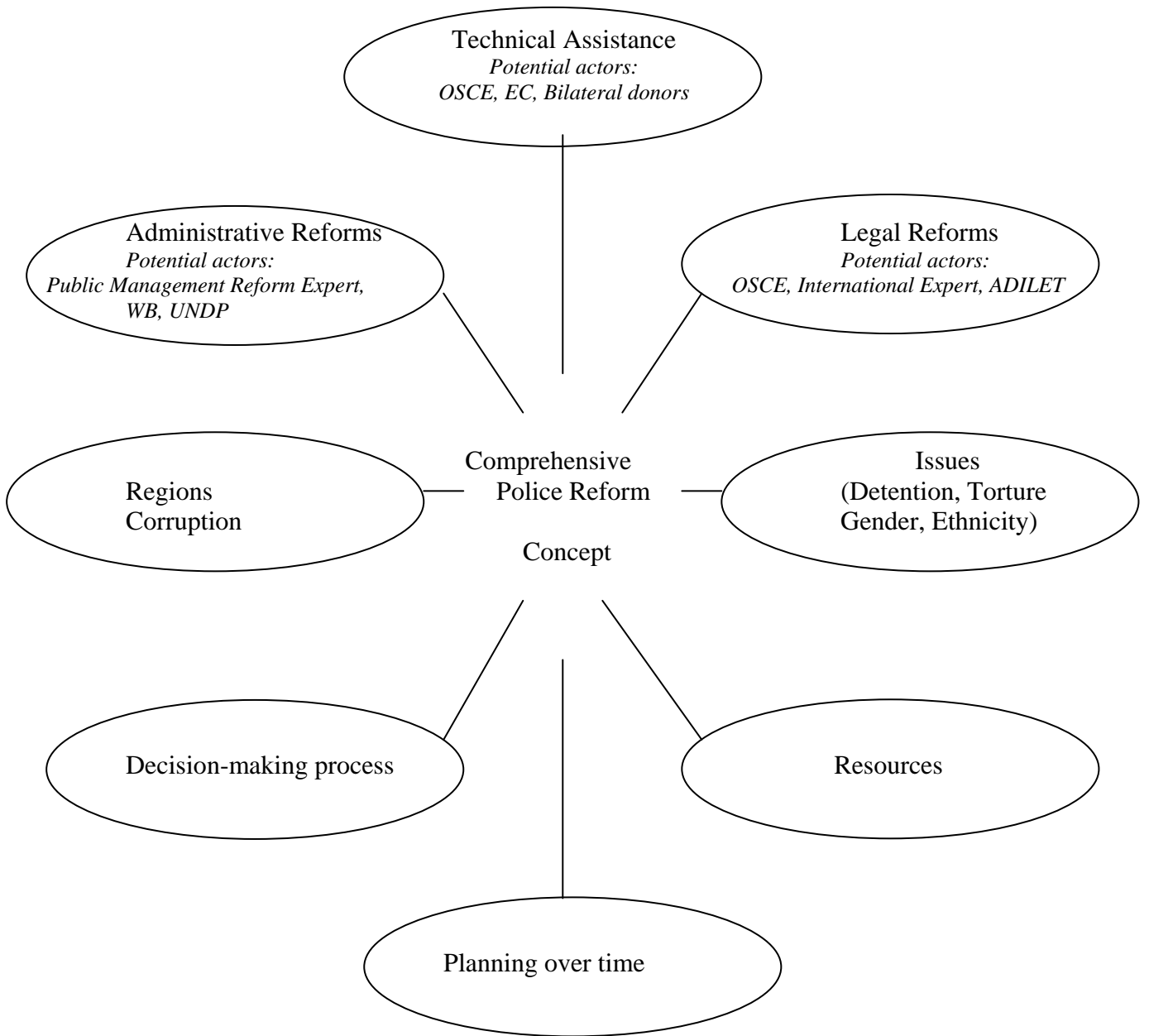
The results of these strategic assessment missions and the present discussion paper will provide input for a wider consultation process facilitated by the OSCE on the national and regional level.

Participatory planning workshops would then be held in October to elaborate the proposal for program activities beginning in December 2004. The OSCE would use this program proposal to raise funds for the program.

Capacity needed: The scope and level of the OSCE's involvement will depend on the availability of funding.

Long-term commitment: Support of such a reform program requires a longer-term approach and the necessary longer-term funding.

**PROGRAM FRAMEWORK**



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