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Working Session V:
Review of OSCE police-related activities

**“POLICE REFORM” IN THE OSCE AND
“DIRECTION OF CHANGE” IN POLICING**

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Police reform in the OSCE and the direction of change in policing

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Thank you Mr. Chairman,

Mr. Chairman, distinguished participants of this afternoon session.

It is a great honor and pleasure to be here and address such a great audience.

Before I begin let me thank Kazak Chairmanship for the kind invitation and their hospitality.

I am a civilian member of Turkish National Police Academy, teaching basic courses such as introduction to Law Enforcement (policing) and Police Ethics. As I am not a uniformed police officer, but a civilian member of the Turkish National Police (TNP), my presentation of the “evaluation of OSCE police related activities¹” for the last ten years will partly reflect an outsider’s perception.

Before I move on to my presentation, let me remind you that the views expressed in my written and oral presentations are entirely my personal views and do not necessarily represent the official views of the Turkish National Police or the Turkish Government.

Introduction

This presentation will not be stating a conclusive list of all police-related OSCE activities. On the contrary, it will focus selectively on some significant areas of police-related activities.

I will emphasize some of the important points raised in the OSCE report. However, my presentation will not be exclusively limited with past activities and issues raised in this report. As a civilian academic working in the area of police reform, I will be emphasizing some of the issues which I consider to have particular importance.

Moreover, three areas of the OSCE police- related activities that took place between 1998 and 2009 will be discussed:

- Police Development and Reform
- Community Policing/Development of Police-Public Partnerships
- The Fight against Organized Crime

Before moving on to the evaluation of the OSCE report, let us have a look at the main role and objectives of the police in the European Code of Police Ethics.

¹ This presentation is an evaluation of the “Report by the OSCE Secretary General on Police-Related Activities of the OSCE Executive Structures up to the End of 2009”. This report is “Submitted in Accordance with Permanent Council Decision 914/09, Athens, 2 December 2009.

I believe that this is a sound starting point if we want to see the role of the police in society, in general, and against crime and criminals, in particular.

1. Objectives of the police in European Code of Police Ethics (ECPE)

The quotation below is the first Article of the European Code of Police Ethics, and perhaps it is the most unified and agreed upon document on the role of the police. This code covers not only the police but also other military and semi-military law enforcement agencies functioning as internal security service providers.

Objectives of the Police

1. The main purposes of the police in a democratic society governed by the Rule of Law are:

- To maintain public tranquility, and law and order in society;
- To protect and respect the individual's fundamental rights and freedoms as enshrined notably in the European Convention on Human Rights;
- To prevent and combat crime;
- To detect crime;
- To provide assistance and service functions to the public.

The first sentence of the first article of the ECPE clearly refers to two basic principles of "democracy" and "rule of law. According to this article, "The main purposes of the police in a democratic society governed by the Rule of Law are: -to maintain public tranquility, and law and order in society; and -to protect and respect the individual's fundamental rights and freedoms."

The role of the police -to prevent and combat crime, - to detect crime which comes after the main role of the police to maintain public tranquility.

A closer look at the role of the police in the participating states of the OSCE reveals that the role of the police is not limited with the security provided for the individual comfort of the citizens, but goes far beyond this role. An effective police organization will eventually provide society with peace and security as well as safeguarding the democratic system.

However, effectiveness of the police cannot be taken for granted. There are some elements that provide and maintain the effectiveness of the police.

Policing in a democratic system should have the elements of a democratic administration. A democratic system cannot be reduced to the ruling of governments that are elected by national elections. All public services, including the police service, should be delivered according to the nature of a democratic administration. Effectiveness of the police services is very much depended upon the nature of the police organizational structure as well as the style of policing.

2. Democratization of Policing

Effectiveness of policing in participating States is strongly related with the enhancement of police public relations, with a reform in internal security sector. "Democratization of policing" is an important part of the reform activities in internal security sector. Democratization of policing requires the improvement of existing democratic

mechanisms such as “civilian (governmental) control” of the police. However, existing civilian control mechanisms should further be enhanced with the creation of “civilian (societal) control of the police” which can be divided classified as “civil participation” and “civilian oversight of policing” by the Media and NGOs.

2.1. Civilian (governmental) “control” of the police

According to Article 13 of the ECPE:

“Police organizations, when performing police duties in civil society, shall be under the responsibility of civilian authorities.”

Police organizations, in participating states, are usually established and function under civilian authorities such as the Ministry of Interiors and/or the Ministry of Justice. Yet, in some participating states elected local officials have no power or say over policing.

Existing civilian control of policing by appointed civil officials of the national governments may be strengthened and made more effective by the involvement of elected local civilian authorities.

2.2. Civilian (societal) control of the police

Control and oversight of locally elected civilian authorities on policing is a crucial aspect of democratic policing. There is, in some participating states, a need to improve the involvement of locally elected public officials into police services.

Civil Participation

Most of the police functions, such as traffic services and local security issues, are local services that require to some extent involvement and support of the local people. Involvement of local people into some of the decisions taken regarding the local security issues is an effective method to gain local support.

In short, in addition to civilian control and democratic control of policing, civil participation in policing is an important element of a democratic administration.

Civilian “oversight” of policing by the Media and NGOs

Police services, unlike many other public services, are usually subject to complaints about human rights violation accusations. Therefore, controlling the police cannot be limited by centrally appointed or even locally elected civil public officials. Police, in some participating States may not be happy about civil control and oversight over their functions, but in the long run, these mechanisms eventually will help the police attain more effectiveness and efficiency.

In addition to existing control of the police by appointed civil authorities, there is a strong need to have “**civilian oversight**” mechanisms over police services. Instead of resisting these civilian control and oversight mechanisms, a professional police organization run by professionals may turn these apparently disadvantages into advantages.

Appropriate civilian control of policing is again an ideal civil participation and oversight mechanisms are model condition for a real community policing.

3. Community Policing (CP) and police effectiveness

As a policing style, Community Policing (CP) is a “must” for a democratic system. We cannot think of policing without the support of the policed. In other words, policing without the consent of a particular society is not policing. Policing without the consent and wider support of a particular society cannot be defined as policing. It could be defined as something else, but not as policing.

Community policing is also very much related with the democratization of policing. Community policing can only be realized in a democratic environment that is “transparent” and have clearly stated and established “accountability” mechanisms.

In short, there is a strong need among the countries that have paramilitary law enforcement agencies to reconsider their police reform towards a more democratic policing. Community policing will only remain as rhetoric unless it is realized by a democratic policing reform that involves the “civilianization” of police organizations and services. Most of all, community policing is an important factor for effective policing.

3.1. Police Effectiveness

As it was stated on the OSCE report, “police-public partnerships have proven an effective approach for: building mutual trust and confidence between the police and the public, and between different sections of society; enhancing community participation in improving the communities’ own safety and social order; and preventing crime.”

“Success has been particularly evident in the introduction of community policing officers and the creation of police-public forums where the police and representatives from other government agencies, the private sector, civil society and different communities come together to jointly undertake problem-solving and crime-preventing initiatives.”

Effective policing is essential not only to fight against ordinary and organized crime but also to uphold the rule of law and to defend democratic institutions. However, police effectiveness cannot simply be reduced to the individual efforts of police officers.

Some of the factors influencing police effectiveness are “**public support**” and “**integrity**” of the police organization. In fact, these two elements are interrelated and feed each other.

3.2. Police/Public Relations

While, public support is the result of police integrity, on the one hand, “police integrity” creates public support, on the other. Obviously, police integrity and public support are interlinked.

Effectiveness of policing is very much related with the involvement of the community in policing that requires organizational as well as individual efforts.

Article 18 of the ECPE states that:

“The police shall be organized in a way that promotes good police/public relations and where appropriate effective co-operation

with other agencies, local communities, non-governmental organizations and other representatives of the public, including ethnic minority groups.”

In a number of host States, the creation of a police-public partnership centered on enhancing the relationship between the police and ethnic minority communities, and contributed to the improvement of safety and security situation of some ethnic minority communities. The specific focus is to improve police-minority relations that have been successfully pursued by the field operations in South-Eastern Europe. This should also be replicated in other OSCE regions. This is particularly important since societies in the OSCE area are becoming increasingly multicultural and diverse.

As stated by the OSCE report, “Being an integral part of the democratic vision of policing, the development of police-public partnerships through community policing remains a priority for the OSCE”.

However, there is another important factor effecting “public support” as well as “police effectiveness.”

3.3. Police “corruption” and “integrity”

Police effectiveness against organized crime and terror activities cannot only be achieved by the efforts of the police organization. On the contrary, effectiveness of the police against **ordinary crime** as well as **organized crime** is very much linked with the wider “support of the community” and this, in turn, is linked with the “integrity of the police”.

Individually and organizationally corrupt police will be ineffective and eventually organizationally dysfunctional against organized crime. “Organized crime,” as the word implies, usually if not always, involves very high and respectable participation of the government and governmental institutions, namely the members of the Criminal Justice system and, in particular, the police and other law enforcement agencies.

We cannot think of organized crime activities without thinking of some high-level bureaucrats, especially the members of the Criminal Justice system, such as the high-level participation of law enforcement agencies, prosecutors and judges.

In short, big level corruption in the society is, usually, if not always, linked with the corruption within the governmental institution and respectable members of the private sector. Therefore, any anti-corruption and organized crime activity must involve the anti-corruption activities within the law enforcement agencies. The level and impact of the so-called individual corruption within a police organization cannot be underestimated for two main reasons.

First, individual corruption is not purely individual acts committed by the so-called corrupt individual officers. On the contrary, an individual corruption is an indication of corrupt institutions. In other words, individual corruption, to some extent, signals the corruption of the system.

Second, regardless of the cause of the corruption being individual or institutional, corrupt practices tend to spread like an infectious disease. Unless necessary precautions are taken, corruption will spread and will eventually dismantle the organization.

An organization that is made up by individuals who fail to uphold professional standards will eventually be ineffective against conventional/ordinary crime, let alone organized crime and corrupt activities. Therefore, we cannot underestimate the corrupting effect of the police corruption in the struggle against crime and terrorism.

In relation to the prevention of police corruption, Article 21 of the European Code of Police Ethics states that,

“Effective measures to prevent and combat police corruption shall be established in the police organization at all levels.”

Unless we consider and target the root causes of corruption of individual police officers, the so-called **“rotten apple”** explanations will end up being a method of cover up. The rotten apple explanation of police corruption underestimates and even leads to covering up the extent of corruption within police organizations.

The so-called “rotten apple” explanations, against allegation of police corruption and other types of misconduct, may politically seem to be good and save the day, but in the long run it will not solve problems. On the contrary, unless the roots of corruption are identified and addressed/solved; the corruption will spread and eventually will lead to the loss of **“integrity”** and **“legitimacy”** of the entire institution.

4. Police Reform: “Democratization of Policing”

Policing, like any other public service sector, is a dynamic field. Police services need to be flexible and adjustable to the changing needs of society as well as the communities and vulnerable groups and individuals within each society. Police reform cannot be isolated from the administrative reform. Reform in the general administrative system is closely linked with the reform of other public service sectors, including the Criminal Justice System.

As it is clearly stated in the report, prepared after the Annual Police Experts Meeting, on 20-21 May 2010, Vienna, reform in the security sector should not be limited with the police but also requires a judicial reform in Criminal Justice Systems.

The OSCE report states that,

“A number of police reform initiatives that started only in the last few years need to be strengthened in order to achieve sustainable police development and reform. Some of these initiatives include: the development of strategic planning capacities in the Ministries of Interior and Police Directorates; the creation of transparent, effective and efficient human resources management systems; and the development of police accountability structures, such as internal and external police oversight mechanisms.”

It should also be recognized that that police reform and development activities will not attain their full potential unless they are accompanied and complemented by measures for achieving good governance and eliminating corruption.

As stated in the OSCE report:

“The Ministries of the Interior, the police agencies and civil society representatives from various participating States have indicated – either through verbal requests or formal Memorandums of Understanding – that they would highly appreciate continued OSCE assistance –demand and perhaps pressure- in specific areas of police reform. These areas include: the development of national capacity for strategic reform planning; transparent, effective and efficient human resource management systems; and effective police accountability structures.”

- *Police reform should address the following areas:*
- Organizational structure of police
- Police selection and training/education process
- “Physical” and “mental modernization” of police personnel

4.1. Organizational Structure of Police

Despite the fact that police professionalism has started with the “Industrial Revolution” in Europe, one of the basic requirements of modernization is the “division of labor” in the security sector has not fully realized yet even in some European and OSCE nations.

Modernization of the security sector requires that policing is a “**civil service entity**” operated under “**civilian authorities.**” This also requires that a police organization should organizationally be structured as a “**civilian institution.**”

Today, not only countries who are not a members of the EU, but even some members of the European Union countries still maintain military or semi-military law enforcement agencies. According to the ideal democratic regimes “internal security services”, namely the “policing” should be delivered like any other civil public services with the civil service mentality. The civil (public) service mentality can only grow and foster in a civil organizational structure, not military or semi-military ones. Military or semi-military nature of police organizations have traditionally resisted some civil sector elements such as “**transparency,**” “**accountability,**” “**civil and democratic participation**” and “**civilian oversight**”.

In short, “transparency” and “accountability” are two vital concepts in democratic policing.

There is an urgent need, in OSCE regions to reform and civilianize the internal security sector and by changing the military or semi-military nature of law enforcement agencies into transparent and accountable public service sector institutions. Law enforcement agencies producing internal security services have to be civilianized both in terms of organizational structure and the educational-nature and mentality.

Police educational institutions should not be isolated from society both physically and socially. According to the Article 27 of the European Code of Police Ethics;

“General police training shall be as open as possible towards society.”

Police reforms, which took place in Belgium and Austria, in recent years, constitutes two role models for those countries that still have military or semi-military police organizations.

In short, democratic policing reform should include:

Civilian (governmental) control of policing

- Administrative control
- Judicial control

Civilian (societal) control of policing

- Civilian control and oversight of policing by democratically elected local authorities
- Civil participation
- Civilian oversight of the Media and NGOs

In recent years, there have been some changes, in the internal security sector, in participating States. However, we can always dispute if these changes were good enough to be called reform. Change in any sector is an inevitable fact of life. What is more, any substantial change in any system can be seen as reform or revolution.

However, one thing is very clear that some members States still have military style or paramilitary police organizations. This is not only politically incorrect for the countries in question but also a great disadvantage in terms of effective and efficient policing. As it was stated in the OSCE, community policing and similar programs are an inevitable requirement of democratic governments, in general and democratic policing in particular.

Conclusion and Suggestions

These are some of the significant conclusions produced in line with three broad thematic areas of the OSCE police-related activities which took place between the years of 1998 and 2009.

1. The direction of the change in policing for the participating States is further democratization of policing.

Democratization of policing has utmost importance, and participating States should further democratize and civilianize their internal security sector. Democratization of policing and improving operational and tactical policing capacities, and enhancing key policing skills, will also help to increase the level of respect for human rights and fundamental freedoms.

The nature of police services requires a continual monitoring by “external civil control” and “oversight” mechanisms, in addition to traditional “internal control and supervision” systems. Despite the worries of some traditional minded law enforcement personal, effective “external civil control” and “oversight” mechanisms, will not weaken the police in its fight against crime. On the contrary, a closely monitored police organization, by external control mechanisms, will be more effective in the fight against conventional crime, in general and organized crime, in particular.

Effective community policing can only be achieved in a police system that is a part of a democratic administration. Efforts to civilianize and democratize policing will

eventually help the community policing efforts to yield expected results. The so-called community policing efforts, without the wider support of the community based on a democratic administration, will not be successful and last long.

Perhaps it is right time, for participating States, to focus on creating “external (civil) control and oversight mechanisms” or improving the systems currently in place.

2. Community Policing (CP) activities will enhance the efforts of democratization of policing.

Community policing efforts will not only strengthen the police in their fight against organized crime activities, such as anti-drug, anti-corruption and anti-terrorist activities, but also help the police and society to come together and establish long term and a sustainable partnership.

All of these activities promote the OSCE vision of democratic policing that is effective in protecting the lives and property of all individuals, detecting crime, and preserving order and social stability, and is based on police-public partnerships and a joint problem-solving approach that strengthens the rule of law and promotes human rights.

The OSCE report states that, a number of successful Community Policing projects have been initiated and supported by the OSCE in the participating states. However, this should always be reiterated that Community Policing is not only one of the styles that can be picked up and deployed by governments. It is almost a synonym for effective and efficient policing. Community policing should not be seen as a temporary solution to construct a bridge between the police and the society. On the contrary, it should be an integral and indispensable part of routine policing. Otherwise, community policing will only be seen, by the police as well as society, as a new and improved version of police Public Relation (PR) activities and deem to fail.

Therefore, there is still a strong need to improve and maintain Community Policing efforts in participating states. In other words, community policing activities should be seen as an integral part of policing and continuously supported by the OSCE in the future.

3. The fight against “police corruption” is an integral part of the fight against “societal corruption” in general and “organized crime,” in particular.

Effective and efficient organized crime activities can only be achieved by law enforcement agencies that hold certain professional standards and integrity. Police corruption and misconduct will gradually erode the public trust and a corrupt police organization will be organizationally dysfunctional against organized crime activities.

The fight against "police corruption" is an important and inseparable part of the fight against "societal corruption." Therefore, there is again a strong need to establish an effective “**integrity testing**” system to monitor and control the honesty of police officers who are assigned to fight corruption.

Especially, those countries where the corruption is widespread, an internal system of anti-police corruption, similar to that of the "**Internal Affairs**" division of the U.S. American police system can be considered. This system involves systematic checking of the police officers by a number of methods which can be summarized as "integrity testing".

The importance of the struggle against police corruption in the struggle of societal corruption and organized crime is not adequately mentioned in the OSCE past activities.

4. Police recruitment and training process should be revised in line with (universal) "civil" values and democratic standards.

Cadets attending a police educational institution should be equipped with the norms and values of a civil and democratic society. Respect for "human rights" and the "rule of law," and a "civil service" mentality in policing are just some of the cognitive/intellectual qualities police officers should acquire in police educational institutions. Police officers should be aware of the fact that they are the (public) "servants" not "masters."

5. Resistance of military and semi-military police organizations to the elements of public service sector such as "transparency" and "accountability" is an issue to be solved.

Bearing in mind the overall theme of the Annual Security Review Conference (ASRC) which is *Strengthening Indivisible Security and Building Trust and Transparency in the OSCE Area*, "transparency" and "accountability" are two very important mechanisms in policing. However, military organizations have traditionally been resistant towards civilian control of policing, which inevitably require the transparency and accountability of police services. Therefore, there is an urgent need to reform police organizations and turn them into civil service institutions.

6. In addition to the cooperation in police operations, among the participating States, in the fight against transnational crime, there is also further and continuous need for cooperation between participating States in the advancement of democratic values.

Police organizations of the participating States have to fight against organized crime, which naturally involves a number of criminal actors both nationally and internationally.

Therefore, police operations targeting organized crime have to take into consideration the necessity of continuous and further cooperation between participating States. Organized crime such as terrorism, drug and human trafficking are transnational crimes and naturally require promoting regional law enforcement co-operation in the fight against organized transnational crime and terrorism.

Although crime and criminality is a fact of life but the existence of widespread corrupt and organized crime that include human and drug trafficking are usually associated with

the corruption of the system in general. Perhaps, democratization and reform of criminal justice institutions will be a more effective method in preventing and fighting organized crime continuously.

In conclusion, democratization of a system in general, and the police organization in particular, may not completely solve organized crime; however, it is one of the best long term preventive measures against organized crime and criminality.

7. Presently, threats and challenges stemming from the territory of Afghanistan seems to rank this country among the most important engagement of the OSCE in the future.

Transnational threats can be listed as terrorism, organized crime with all its facets from drug trafficking to corruption, money laundering to trafficking in human beings, and cyber security. The OSCE had to be equipped with necessary resources if it was to be effective in defeating these aspects of crime.

Afghanistan seems to be in one of the challenging regions in terms of transnational threats which include terrorism and drug trafficking. The OSCE HQ and field missions had to be supported with necessary resources if it was to be effective in defeating these aspects of crime in Afghanistan.

Based on the historical and cultural ties, some participating countries such as Turkey may be in a better position to offer educational support for the Afghan police. Improvement of Afghan police both in terms of technical equipment as well as raising the professionalism of police officers will gradually lead to increase its effectiveness in the fight against organized crime. In the framework of the bilateral police cooperation agreement between Turkey and Afghanistan, Turkey already have made some contributions to Afghanistan both in terms of improving the educational systems of the Afghan police for basic police training as well as providing in-service training for specific areas.

Concluding Remarks

The OSCE activities in the area of “law enforcement” (policing) in the region will certainly help to promote security and peace which are essential elements of “stability” and “prosperity” for the region as well as the world. However, all these efforts can only be long lasting and sustainable as long as these activities lead to the development of stable “democratic regimes” in the participating countries.

Therefore, promoting democratic values in the mid and long-term seems to be the only viable solution to most, if not all, security problems including, “organized crime” activities, “terrorism” and widespread societal and governmental “corruption”.

The reason why I put so much emphasis on promoting democratic values stems from the assertion that “security” (peace and order) cannot be exported or imported. It has to be produced and maintained locally. In other words, the “peace and order” have to be “home-grown”.

In order to be able to achieve sustainable security, the peace has to grow in the hearts and minds of the people, in the first place. This can only be achieved in a free and democratic society.

Finally, the activities and contributions of the OSCE by maintaining and promoting peace in the region and its positive impact on the “political stability”, and “economic prosperity” in the participating countries can not be underestimated.

I hope that the poor quality of my presentation does not, implicitly, underestimate the great impact of the OSCE which has already been created in the region.

If I can conclude my presentation with a very short and conclusive statement, it would be that the “The OSCE has, so far, done great job in terms of creating a safer region and safer world. However, there is still a strong need for the OSCE to continue its activities, in general, and peace efforts in the region, in particular.”

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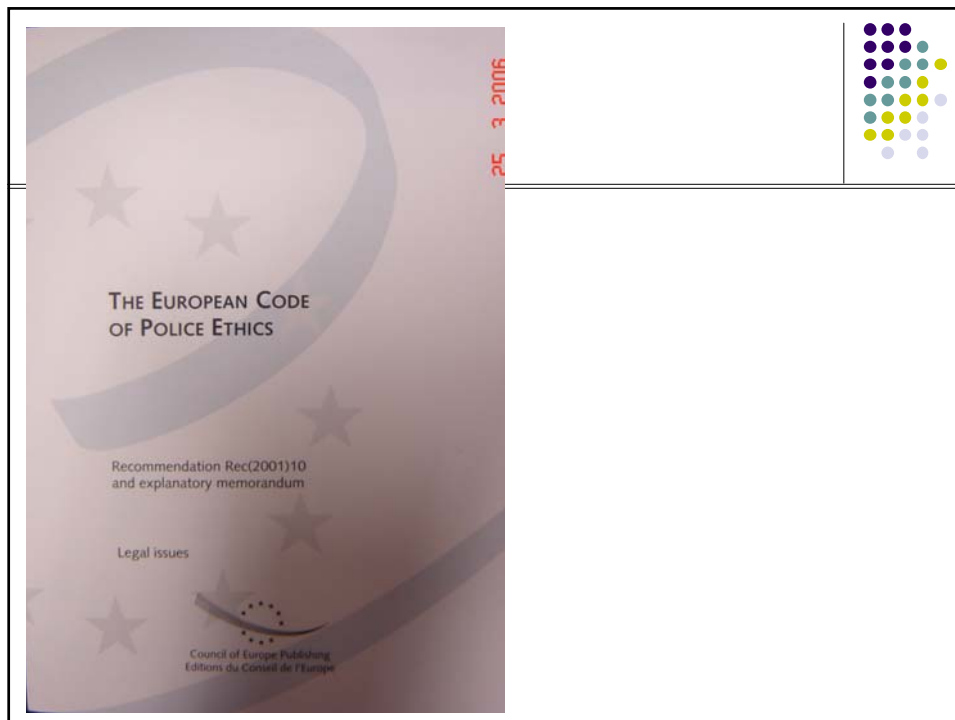


- Police Development and Reform
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Objectives of the police in

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Democratization of Policing



1. Civilian (governmental) “control” of the police



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Article 13:

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2. Civilian (societal) control of the police



Civil Participation



*Civilian “oversight” of policing
by the Media and NGOs*



**3. “Community Policing” (CP)
&
“police effectiveness”**



Police Effectiveness



Police/Public Relations

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Article 18:

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Police “corruption”
&
“integrity”



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Article 21:

“Effective measures to prevent and combat police corruption shall be established in the police organization at all levels.”

Police Reform:

“Democratization of Policing”





Police reform should address the following areas:

- Organizational structure of police
- Police selection and training/education process
- “Physical” and “mental modernization” of police personnel



Organizational Structure of Police



Modernization of the security sector requires that policing is a **“civil service entity”** operated under **“civilian authorities.”**

This also requires that a police organization should organizationally be structured as a **“civilian institution.”**



“transparency,”
“accountability,”
“civil and democratic participation”
“civilian oversight”



Police education & training



European Code of Police Ethics (ECPE)

Article 27:

“General police training shall be as open as possible towards society.”



Civilian (governmental) control of policing

- *Administrative control*
- *Judicial control*



Civilian (societal) control of policing

- *Civilian control and oversight of policing by democratically elected local authorities*
- *Civil participation*
- *Civilian oversight of the Media and NGOs*



Conclusion(s)



1. The direction of the change in policing for the participating States is further “democratization of policing”.



2. “Community Policing” (CP) activities will enhance the efforts of “democratization of policing”.



3. The fight against “police corruption” is an integral part of the fight against “societal corruption” in general and “organized crime,” in particular.



4. “Police recruitment and training” process should be revised in line with (universal) “civil” values and democratic standards.



5. Resistance of “military” and “semi-military” police organizations to the elements of public service sector such as “transparency” and “accountability” is an issue to be solved.



6. In addition to the cooperation in police operations, between the participating States, in the fight against transnational crime, there is also further and continuous need for cooperation between participating States in the advancement of democracy in participating states.



7. Presently, threats and challenges stemming from the territory of Afghanistan seems to rank this country among the most important engagement of the OSCE in the future.



Thank you, for your kind attention...

Ibrahim CERRAH