

Belgrade Centre for Human Rights (www.bgcentar.rs)
Centre for Civil-Military Relations (www.ccmr-bg.org)
Forum for Security and Democracy (www.fbd.org.rs)



COLLECTION OF POLICY PAPERS ON POLICE REFORM IN SERBIA

(NUMBER 1 – DECEMBER 2009)



In front of you is first *Collection of Policy Papers on Police Reform in Serbia* which is the result of joint work of three non-governmental organizations: Belgrade Centre for Human Rights, Centre for Civil-Military Relations and Forum for Security and Democracy. It is a part of the project „Fostering Civil Society Involvement in Police Reform” supported by the OSCE Mission to Serbia, embassies of the Netherlands, Norway and Hungary in Serbia, as well as the Geneva Centre for Democratic Control of Armed Forces (DCAF).

Collection of Policy Papers on Police Reform in Serbia

NUMBER 1 – DECEMBER 2009

Authors:

Žarko Marković

Saša Đorđević

Miloš Stanojević

Publishers:

Belgrade Centre for Human Rights, Centre for Civil-Military Relations, Forum for Security and Democracy

Supported by:

OSCE Mission to Serbia, embassies of the Netherlands, Norway and Hungary in Serbia, as well as the Geneva Centre for Democratic Control of Armed Forces (DCAF)

Belgrade 2009

Contents:

POLICE OVERSIGHT IN SERBIA	4
INTRODUCTION	5
EXTERNAL OVERSIGHT	5
INTERNAL OVERSIGHT	7
PREVENTIVE MECHANISMS	9
RECOMMENDATIONS	10
THE STOCKHOLM PROGRAM AS A STARTING MODEL FOR THE POLICE REFORM STRATEGY IN SERBIA	12
INTRODUCTION	13
THE INCENTIVE FOR DEFINING POLICE REFORM STRATEGY IN SERBIA	13
THE “CITIZEN” AS A REFERENCE POINT OF SECURITY IN THE POLICE REFORM STRATEGY IN SERBIA	15
STRENGTHENING REGIONAL AND INTERNATIONAL POLICE COOPERATION AS ONE OF THE PRIORITIES OF THE POLICE REFORM STRATEGY IN SERBIA	16
INSTEAD OF MAKING A CONCLUSION: A “STEP FORWARD” IN THE POLICE REFORM	17
RECOMMENDATIONS	19
POLICE AS PERCIVED BY THE NATIONAL MINORITIES	21
INTRODUCTION	22
THE FRAMEWORK OF THE PROBLEM	22
CHANGE OF SECURITY ENVIRONMENT	23
MEETING THE EUROPEAN UNION STANDARDS	24
INITIATIVES FOR IMPROVING PERCEPTION OF THE POLICE	25
CURRENT SITUATION	27
RECOMMENDATIONS	29

POLICE OVERSIGHT IN SERBIA

Author: ŽARKO MARKOVIĆ

Researcher, the Belgrade Centre for Human Rights

This text contains brief overview of the current situation, legislative framework, as well as of the overall (not only legal) practice in the oversight of the police work starting from the instruments of the external oversight and the Sector for Internal Control, to the mechanisms for resolving the complaints on the police work filed by the citizens. The paper offers general and specific solutions to resolve or alleviate the existing problems, with the aim to establish an efficient control of the police work.

General remarks

- The existing centralised external oversight system does not provide for an efficient civilian and democratic oversight, and it could be improved by extending some jurisdiction in this area to the local authorities, as they have the best knowledge of the problems and policing at the local level;
- The system of solving the citizens' complaints about the police work regarding the violations of human rights should be more transparent and established in the manner to be more independent from the police service. That is possible to achieve if the body responsible for complaints is extracted from the MoI or if a new, independent body is established. Ombudsman and a Special Police Ombudsman could be two last out-of-court instances for the citizens to refer to in case they are not satisfied with the actions undertaken by the independent body responsible for citizens' complaints;
- Permanent education of the police in the area of human rights is a necessity. It is also necessary to insist on strictly following the law on engaging with citizens, in order to reduce possibilities to violate their rights;
- Civil Society organisations and independent state oversight bodies should be able to have better insight into the police work. At the same time, efforts should be invested into the capacity building of these organisations in order to enhance their ability to oversee the police work, in particular at the local level.

Introduction

Civilian and democratic oversight of the military and police, as well as of the secret services, is one of the basic prerequisites for the establishment of the rule of law. Most frequently made mistake in the societies with the high level of crime, and in particular in the so-called transition societies, is that the police should have 'hands free' in fighting the crime. Actually it should be the opposite – an overall efficient oversight of policing is extremely important in these societies, because there are opportunities for higher level of abuse by the police. It is also very often the case that illicit activities of the police contribute to an increase of the level of crime. There is another problem, which is characteristic feature of the transition countries – the lack of trust of the citizens in the state institutions¹, and particularly in the police service, which, for many years, was, as a rule, misused and abused by the authorities for political or ideological purposes (it was very often exclusively used to commit criminal acts). That is why the citizens perceive police as a repressive instrument in the hands of the ruling elite, and not as a service for the citizens. In the countries with weak democratic institutions there is always a danger that the police and military could be used to protect the interests of a small group of people in power or close to the power, and that is put before the interests of the state. Very often there is a strong opposition to the establishment of the mechanisms for democratic and civilian oversight within the police, military or security services.² Due to all that, it is not enough to reform the laws; it is necessary to work towards changing the mind-set of people who work in the police, but also towards changing the mind-set of the citizens.

To establish an efficient civilian oversight, it is necessary to create preconditions for all three branches of power – legislative, executive and judicial – to be able to get a complete insight into the work of the police, by means of regular reporting to the legislative and executive authorities, as well as by having access to all documents and by receiving and resolving the citizens' complaints on the police work.

In Serbia, there are several policing oversight mechanisms, majority of which have recently been established or modified³ and, practically speaking, they could all be significantly improved and harmonised. This practical Policy Paper will try to point out possibilities for their improvement and harmonisation.

External Oversight

In Serbia, external oversight of the police is delegated to the National Assembly⁴, in particular to its Defence and Security Committee. Some jurisdiction rests with administrative

¹ According to the Public Opinion Poll on the Police Reform in Serbia, carried out in November 2008, by the OSCE Mission to Serbia and the MoI of the Republic of Serbia, the citizens' trust in the police is higher than their trust in most of the institutions (police holds the fourth position, behind the Church, military and the educational system) but the level of trust is still low (30% of citizens have negative, and only 28% positive opinion of the police).

² Democratic Oversight of Police Forces, The National Democratic Institute for International Affairs, 2005, Internet, http://www.ndi.org/files/1906_gov_policing_080105.pdf.

³ The Law on Police of 2006, the Law on Ministries of 2008, the Law on State Administration of 2005, the Law on Government of 2005, the Law on Ombudsman of 2005, the Law on Free Access of Information of Public Importance of 2004, the Law on State Auditing Institution of 2005, the Law on Personal Data Protection of 2008, the Law on Public Procurement of 2008, the Law on Prevention of the Conflict of Interest while Discharging Public Duties of 2004, The Rules of Procedure of the National Assembly of 2009, and Rules of Procedure of the Government of 2008.

⁴ The Law on Police, "Official Journal of the Republic of Serbia", No. 101/05, Article 170, Paragraph 1.

authorities, however, in practice, external oversight is reduced to annual reports submitted to the National Assembly by the Minister of Interior, and the report is not a public document.

Ombudsman has a possibility to bring criminal, misdemeanour or other proceedings by filing a request, which is filing charges, in case he/she establishes elements of criminal or any other punishable act in the actions of an official or an employee in an administrative institution. Since Ombudsman is a rather new institution in Serbia, it is not possible to properly evaluate the effects of his work, or his contribution to the establishment of oversight of policing. The working conditions of Ombudsman⁵ cast a doubt on the state authorities' commitment to provide for normal functioning of this institution.

Local governance bodies have no possibility to oversee local policing, even though they are much better informed on police activities at the local level than the National Assembly MPs, and regardless of the fact that they pass part of the regulations police is supposed to implement.

Good results have been achieved and the relation between the police and citizens has been improved in the countries in which local governments have significant jurisdictions in policing oversight (Holland, some regions and cities in Canada and the USA), including local police chiefs appointments, oversight of policing and handling the citizens' complaints.⁶ Strictly centralised state administration system in Serbia could not be evaluated as efficient enough when it comes to providing security for its citizens, so it is necessary to seriously think about the possibility of transferring certain jurisdictions to local government bodies. There are modalities of cooperation, which would serve as policing oversight instruments and provide for more transparency, and some of the modalities are: involvement of local authorities in the police chiefs selection process; the local police submitting reports to local authorities; cooperation in solving problems at local level (such as domestic violence, juvenile violence, drugs addiction problems). In order for this model of civilian oversight to function properly, besides the necessary amendments to the Law on Police and the Law on Local Self-Governance, it is necessary to provide certain prerequisites, such as financial means and people trained to perform policing oversight at the local level – if that were not the case, they would present an obstacle to efficient policing. Besides, it is necessary to create such an oversight mechanism that the body in charge of policing oversight would have all the support from both central authorities and judiciary; if not, the oversight at local level would not have real impact on local policing.

The problem of financial oversight of the police stems from an inefficient auditing system of the country. The State Auditing Institution was founded in 2007 and it has not produced a single report on financial auditing, so far.⁷ Besides, the financial documentation filing system in the MoI makes the auditing even more difficult. It should be made more simple and more accessible for auditing.

As for compliance with the Law on Free Access to Information of Public Importance, the MoI has been a problem since the Law entered into force. Commissioner for Information of

⁵ More in the Report of Ombudsman for 2008, available at <http://www.ombudsman.rs>.

⁶ Democratic Oversight of Police Forces, The National Democratic Institute for International Affairs, 2005. Internet, http://www.ndi.org/files/1906_gov_policing_080105.pdf.

⁷ Radoslav Sretenović, General State Auditor, announced that the report of financial audit of the Draft Law on Annual Account of the Budget for 2008 would be submitted to the National Assembly the end of November (Daily Politika, of 8 October 2009).

Public Importance labelled this Ministry as the ministry, which more often than others did not comply with the requirements of this Law⁸.

In Serbia, legally there is a possibility to establish special bodies (hearing committees and commissions), which would investigate specific conduct of the police, but that opportunity is not being used. In the past these bodies existed, but baring in mind the way they operated and the results they achieved (hearing committees and independent commissions established by the Parliament – former Federal Parliament and the National Assembly of the Republic of Serbia)⁹, they were not considered efficient. Their work was not free of political influence, so the procedure for establishing such bodies should be defined more precisely, taking into consideration their need to be independent of political factors.

When it comes to judiciary, the mechanisms ensuring impartiality of court proceedings versus the State (because of the conduct of the police), or versus police officers, are not developed. That is extremely important, because the prosecution mainly relies on the evidence gathered by the police. The ways of gathering evidence, as well as the whole investigation in cases treating the situations in which police took part, must be defined in such a way that it would ensure impartiality and independence of the investigators. In that context, the prosecutors constantly in contact with the defendant police officer should be exempted.

Internal Oversight

The Law on Police¹⁰ defines the proceeding in cases of complaints filed by the citizens who considered that a police officer, by illegal or improper action, infringed their rights and liberties. In the MoI, a three-member commission appointed by the Minister is responsible for addressing the complaints. One member of the commission always comes from the Internal Control Sector, one comes from the police force and the third represents the public. The issue here is whether this composition of the commission ensures its independence.

The efficiency and effectiveness of the citizens' complaints model should be analysed, and its validity could be evaluated according to three indicators¹¹

- Impact of complaint mechanism on the relation between the citizens and police – whether the mechanism contributes to the improvement of the relation and trust building?
- To what extent do the citizens know about the existence and functioning of the complaint mechanism;
- The Efficiency of the complaint mechanism compared to other instruments at the disposal of the citizens (for example: court proceedings, referring to Ombudsman).

It has to be noted that no reliable research programs were carried out using these indicators, still if we use them to try and evaluate the results achieved by applying the existing complaint model, we could conclude that the level of efficiency and citizens' trust is not satisfactory. That means that the introduction of a different complaint system should be

⁸ The Report of the Commissioner for Information of Public importance for 2008.

⁹ The Hearing committee of the Federal Parliament investigating the assassination of the former Minister of Defence of the FRY, Pavle Bulatovic; the Hearing Committee of the Republic Parliament investigating the alleged tapping of the Cabinet of the then President of FRY, Vojislav Kostunica, the commission established by the Supreme Defence council to investigate the murder of the two guards soldiers in the barracks in.

¹⁰ The Law on Police, "Official Journal of the Republic of Serbia", No. 101/05, Article 180.

¹¹ Samuel Walker, *Police Accountability: Current Issues and Research Needs*, Washington, DC, 2007.

considered. The Internal Control has improved over the last couple of years in uncovering corruption in the police¹², but the results are still slim in revealing the cases of excessive use of force, intimidation, deprivation of basic rights of the persons under criminal investigation, light and heavy bodily injuries, etc. It should be noted that the domestic and international organisations for human rights protection have data showing that the number of these acts are much larger than the ones in possession of the Sector for Internal Control of the MoI.

In the comparative overview there are very different, specific citizens' complaints models. They differ from country to country, and there are countries in which several different systems are implemented. However, there are three basic groups of models.

The first group of countries implements the citizens' complaints system in which a body completely independent of the police (most often it is an independent commission or ombudsman) addresses the complaints. That could be a body established at the state level, regional level or at the local level. An advantage of this system is that the citizens rate it as the best, because there are all the prerequisites for an independent and objective work. The members of the police force may, however, perceive it as not objective and in support of a plaintiff, and it occurs that the police do not respect the decisions of the body. In order to prevent this from happening, there are legal mechanisms preventing the police to ignore the decisions of the independent body.

It is possible to have a specialised body within the Ministry of Interior, which deals with citizens' complaints – the members are most often the citizens (so-called civilians) and members of the police. In some countries the chair person of that body is always a civilian, which should be a symbol of its independence from the police. The problem of preserving independence of 'non-police members' is the key obstacle to gaining the citizens' trust.

The third model, and the most frequently implemented in the EU countries, is the one in which both of the mentioned bodies exist and their jurisdiction is either split or is run in parallel. The most serious issue in this model is how and whether to divide jurisdiction, and, at the same time, preserve the functioning of both bodies. That could be achieved by defining instances – the body within the police would be responsible for the first instance, and an independent body would be responsible in the second instance – independent commission or ombudsman (such a solution is implemented in Slovenia, for example).

The key prerequisite for a successful work of a body responsible for addressing citizens' complaints is to provide unlimited access to all the evidence in possession of the police, and a possibility of hearing all the needed witnesses.

According to some research projects¹³, the ideal model is the one containing a specialised police ombudsman with broad jurisdiction, and the citizens could refer to having exhausted all possibilities offered by the internal control – with an independent commission. The police ombudsman should have the so-called liaison officers in all the organisational units of the police. In case there is no police ombudsman, the jurisdiction of the regular ombudsman in cases of citizens' complaints against the police should be specifically defined, and the citizens should be properly informed about the matter.

¹² The results of the work of the Sector for Internal Control, available at <http://prezentacije.mup.sr.gov.yu/sukp/rez.html>.

¹³ See M. den Boer and R. Fernhout, *Policing the Police - Police Oversight Mechanisms in Europe: Towards a Comparative Overview of Ombudsmen and Their Competencies*, 2008. and *Democratic Oversight of Police Forces*, The National Democratic Institute for International Affairs, 2005.

Preventive Mechanisms

Serbia is a signatory to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which means it is obliged allow the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to visit the detention facilities. The visits present one of the ways to prevent torture and are very useful (for the police, the Ministry of Justice, which is responsible for the enforcement of criminal sanctions). The visits are periodical, so it is necessary to establish permanent preventive mechanisms at the state level. Ombudsman is in the initial stage of establishing one of the mechanisms. The mechanism should deal with the rights and position of the detained persons. Considering the resources at the disposal of Ombudsman (both material and human), it is very important to involve NGOs which have experience in the protection of human rights. The NGOs should have easier access to detainees and to the documentation regarding the rights of these persons.

The NGOs, which monitor the police work and deal with the infringement of the rights of the detained persons, are not allowed to talk to the detainees. According to the Criminal Procedure Code, each visit to a detainee must be approved by the trial (or investigative) judge. The organisations visiting can hardly know who the detainees are in advance, or who the trial judge is. This practically means that detainees are not allowed to talk to the NGOs activists during their visits, and the detainees very often have complaints on the behaviour of the police. Unlike the persons in police detention, they are not the responsibility of the police, and have no reason to fear possible revenge of the police in case they report police misconduct, and their memory is still very fresh, so they are able to give more accurate information of possible cases of torture or other inhuman treatment of punishment. The convicts, on the other hand, are allowed to talk to the NGOs activists during their visits, and as they are not in the jurisdiction of the police, they can point out the misconduct or illegal actions of the police.

There is a preventive method known in the comparative law as the so-called *early warning system*. In that system, the body responsible for citizens' complaints on the police conduct keep records on the number of complaints per police officer. In case the complaints on conduct of a certain police officer are filed too often, the body introduces the measures of special monitoring and control of the police officer, even in cases when the misconduct had not been previously proved. Police officers against whom complaints are often filed, and their misconduct proved, may be sanctioned. The sanctions include no promotion for a certain period of time, salary reduction, and attending additional training programs.

Recommendations:

The recommendations concerning the external oversight

- It is necessary to enhance the knowledge of the parliamentarians and local representatives on the principles and procedures of policing, as well as on the oversight mechanisms in other countries. Besides it is necessary to strengthen the professional services of the Parliament.
- Local authorities should be authorised to, to a certain degree, oversee the local policing, because they are much better acquainted with local problems and local policing than the central authorities. Local bodies and institutions closely working with the police should also be involved in this oversight (social services warning constantly about domestic violence cases and the police not reacting; through local government, they should have a possibility to hold police officers responsible for that).
- The prosecutors who, in the course of discharging their duties, are in constant touch with the suspect police officers should be exempted from proceedings against them.

The recommendations concerning the internal oversight

- The possibility to establish the so-called Police Ombudsman should be considered. It should be a specialised body, or it should be the existing Ombudsman with specially regulated jurisdiction and code of conduct regarding the addressing of citizens complaints on policing
- The body addressing the citizens' complaints (Commission) should be removed from the Ministry of Interior in order to ensure its independence from the police (one should be careful about the proper representation of the police in the Commission)

The recommendation concerning the preventive measures

- Organisations of civil society and independent bodies (first of all ombudsmen at the republic, province and local levels) should be able to have an insight into the police work as much as possible. They should be allowed to visit all the locations with detainees, to have access to the documentation and to talk to the detainees, regardless of whether they are in police detention, detention or in prison.
- Special attention should be paid to the training of staff in the areas of human rights respect, the prevention of torture and other inhuman and degrading treatment or punishments. At the same time the means banned by the international agreements should be put out of use, in compliance with the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).¹⁴ The measures (for example recording of interviews), which would both help the police and prosecution in gathering the evidence, and be preventive measures regarding the issues of torture and other inhuman and degrading treatment or punishment.
- The so-called *early warning system* should be introduced, and the records should be kept on the number of complaints against each police officer. The police officers against whom there are often complaints should be specially monitored and sent to additional training.
- The police stations should have capacity to perform their legal obligations – first of all they should have capacities for police detention in the stations. Currently, persons in police detention are located in prisons, and it is formally illegal.

¹⁴ CPT Report for Serbia published in 2009, available at <http://www.cpt.coe.int/en/states/srb.htm>

- It is necessary to constantly analyse the work of police, not only in the sense of the legality of their work, but in terms of appropriateness of conduct.

THE STOCKHOLM PROGRAM AS A STARTING MODEL FOR THE POLICE REFORM STRATEGY IN SERBIA

Author: SAŠA ĐORĐEVIĆ

Researcher, the Centre for Civil-Military Relations

The Stockholm Program proposal, the adoption of which is the priority of the Swedish European Union (EU) Presidency, is a five-year EU strategy in the area of building and preserving the Area of Freedom, Security and Justice. This paper will explain why it is necessary to have a strategic approach to the police reform in Serbia, and how the priorities defined by the Stockholm Program could affect the respect of human rights and enhance regional police cooperation.

General Remarks:

- The Ministry of Interior of the Republic of Serbia (MoI) has not yet formulated its strategic plan for the police reform, even though it was stipulated by the Law on Police. That slows down the police reform process and the European integration. In that context, the Stockholm Program proposal and the EU documents regulating the Area of Freedom, Security and Justice could be used as the starting point and as an idea for the police reform strategy in Serbia.
- One of the priorities of the Stockholm Program proposal is the respect and protection of human rights. In order to adjust to the principles of cooperation of the European states in the field of police and justice, it is important that the 'citizen' is clearly defined as the point of reference for security in the strategic plan for the police reform. In the future police reform strategy, special attention should be given to the protection of human and minority rights.
- The Stabilisation and Association Process declares that good neighbourly relations and regional cooperation are the key prerequisites for progress towards EU. That way the EU wants to achieve regional stability and security, and at the same time to enhance the police cooperation between the Western Balkans countries. Good practice of the EU member states police cooperation promoted by the Stockholm Program present a good, coherent basis to enhance the cooperation in the Balkans with the aim of building security community.

Introduction

The impacts of the Stockholm Program on the police reform in Serbia are multiple, and are closely connected to the European integration process.¹ Firstly, the Stockholm Program proposal, as a EU strategic document which defines priorities of the member states cooperation in the area of justice and internal affairs, along with the EU documents regulating the Area of Freedom, Security and Justice present good starting point for strategic approach for police reform in Serbia, which at the moment does not exist. Secondly, the priorities noted in the Stockholm Program proposal regarding human rights protection can have “spill-over“ effect on both the police reform (in the strategic sense) and on the course of the European integration process. Thirdly, it is necessary to connect the “regional approach” of the EU towards the Western Balkan with one of the basic priorities of the Stockholm Program proposal, namely strengthening of citizens’ protection.² Both of them require building up the good neighbourly relations and strengthening of regional police and justice cooperation.

In advancing police reform and European integration process, Serbia will have to meet additional EU standards due to three reasons: 1) inadequate strategic planning and priorities definition; 2) inadequate internal controls; 3) serious problems in preventing police corruption.³ Special attention in this paper will address the first of these reasons.

The aim of this paper is to analyze why the police reform in Serbia should be strategically oriented and based on the principles of the respect of human rights and regional cooperation. The aim of the reform is the creation of the police which more efficiently will deal with corruption and crime, respecting human rights and acting in the service of the people.

The incentive for defining police reform strategy in Serbia

The process of building and preserving the European Area of Freedom, Security and Justice in the EU is based on the strategic approach that is carried out through three basic steps: 1) defining five year programs which establish priorities and aims of member states' cooperation in the area of justice and internal affairs; 2) defining action plans and their implementation; 3) evaluation of the acquired degree of cooperation. The Stockholm Program proposal is of exceptional importance in creation of the police reform strategy in Serbia, because, Serbia may speed up the police reform process as well as the entire process of association by following the specific solutions and EU trends in this area.

Police reform should be dealt with in a strategic manner, with clearly defined goals and priorities. A clear Strategy is at the core of the police reform and it is necessary to define precisely its mission, vision, goals and values. The strategy defines the rules which should influence the police management, culture and work in an efficient manner. A Strategic approach is the only way to start genuine reform and thus it represents the only benchmark of

¹ At the moment of publishing this text the changes in the Stockholm Program have been made, but human rights protection and strengthening of the regional police cooperation remained top priorities. Draft Stockholm Program is available at: http://www.se2009.eu/polopoly_fs/1.19577!menu/standard/file/Draft_Stockholm_Programme_16_October_2009.pdf.

² The latest Enlargement Strategy and main challenges in 2009-2010 considers good neighbourly relations as one of the key conditions for the EU membership. The documents insists ten times on establishment and maintaining of good neighbourly relations.

³ Commission Staff Working Document, Serbia 2009 Progress Report, SEC(2009) 1339, Brussels, 14.10.2009, Internet, http://ec.europa.eu/enlargement/pdf/key_documents/2009/sr_rapport_2009_en.pdf.

the “real” reform.⁴ Relying on the above mentioned EU approach and steps in building up the Area of Freedom, Security and Justice, we can conclude that the MoI did not approach reform in a proper manner. Absence of a “roof” police reform strategy and the existence of diverse sector strategies which have impact on the police reform process hampered a thorough police reform process in Serbia. Thus, there is a possibility of disharmony between the strategies which will in the following period make the process of strategic approach to reform difficult. MoI did not adopt the strategy and it is not known if it has started working on its formulation. The introduction of strategic approach in the police work increases its efficiency. By implementing a strategy some of 35 chapters defined by the EU policy of conditionality will be closed. Together it contributes to speeding up of the European integrations process in Serbia.

The Adoption of the Law on Police in 2005 and the subsequent systematisation of the Ministry represent a partially completed “first generation of the reforms” which was initiated after October 5, 2000.⁵ On that occasion the legal framework of the police reform was adopted whereby defining the organization and the police activities, and the establishment of civil control over the police. Still, the necessary strategic approach to the police reform was missing. But there are still “imperfections” in establishing democratic and civil control. It is of exceptional importance that the “second generation of reforms” initiated after the adoption of the Law on Police is approached in a strategic manner for it means consolidation of the previously implemented reforms, efficient functioning of the institutions and procedures with the costs that enable sustainable development of the society and a state.⁶ An additional reason is that the existence of a strategy enables a continuation of reform regardless the change of authorities in Serbia so that the new authorities, based on the strategy, may continue the reform starting from the “previous point”. Thus the reforms course will not be interrupted nor will it lead to the worst possible solution of starting from the beginning again. By adoption of the reform plan and by definition of the priorities the “transitional period” will not bring new and negative consequences and will reduce politicisation.

Special attention in the Stockholm Program proposal is given to the evaluation of the member states cooperation in the area of justice and internal affairs. The strategy of Serbian police reform requires a self-critical and objective observation of the reform implementation. To this end it is necessary to establish main criteria and police reform indicators, i.e. evaluation system so that the police can present achievements and obstacles to the reform in a form of an annual report. Thus the problem of the reform would be approached in a strategic and analytical manner. It is important to include the civil society organizations, independent state regulatory bodies, National Assembly and its Security and Defence Committee in the process of assessing reform for that would improve dialogue among all parties and provide insight into all possible solutions.

Although reports on the work of the MoI and reports on the implementation of police reform strategy could be separated, we think that Annual Report on Work might have as an

⁴ Dr Amadeo Watkins, Chief of Strategic Planning Unit, Section for Law Enforcement, OSCE Mission in Serbia, interview, 5 October, 2009.

⁵ We are of the opinion that „the first“ generation of reforms was partially completed according to the criteria of „the first“ and „the second“ generations of reforms of Timothy Edmunds. See: Timothy Edmunds, *Security Sector Reform in Transforming Societies: Croatia, Serbia and Montenegro*, Manchester University Press, Manchester, 2007, pp. 89-101.

⁶ Timothy Edmunds, *Security Sector Reform: Concepts and Implementation*, Centre for Democratic Control of Armed Forces, Geneva, 2001, p. 5, Internet, http://www.dcaf.ch/news/past_2001/ev_Geneva_01112023_Report_1.pdf.

attachment Report on Implementing Police Reform Strategy so that all necessary data on the police work could be found in one place. As for the Ministry of Interior organizational structure, a key role in building up evaluation system should be entrusted to the Bureau for the Strategic Planning as institutional core for the strategic approach to the police reform. Besides, it is necessary to make the reports available to public. We particularly point out that strategy should precede reports for thus they would gain in importance and would provide contrasted assessment of the work.

The “Citizen” as a reference point of security in the police reform strategy in Serbia

The new proposal of EU strategy in creation of the Area of Freedom, Security and Justice, starts by the slogan “open and secure Europe which serves the citizens”, thus leading to another key element of the Stockholm Program proposal, human rights.

It is noticeable that the Stockholm Program proposal underlines the principles of the “human security” concept. Building up a “Europe of citizens” requires all future actions and plans to be directed towards the citizen. The priorities mentioned in the Stockholm Program proposal related to the protection of the human rights can “spill-over“ on both the police reform process (in the strategic sense) and course of the European integrations. According to the Serbia Progress Report of the European Commission for 2009 there is existent legal and institutional framework in Serbia for the respect of human rights. However, it is noticeable that there is insufficient improvement in full implementation of the Law on Human Rights. As human rights are foundation of the Stockholm Program proposal, in future and in further course of European integrations Serbia may expect greater conditionality in the area of basic rights and freedoms protection. Discrimination of vulnerable groups such as Roma, handicapped individuals and LGBT population is particular problem. These groups, the report points out, are often victims of intolerance and speech of hatred. Surely the police reform strategy that “takes care about” protection of the human rights will have the attitude of the European Commission changed.

The role of police in maintaining public order and peace is crucial for establishing internal security in which protection of the basic rights and freedoms should be priority of each policeman.⁷ It is very important that in formulating and conducting future police reform strategy “a citizen” is designated as the reference point of security, for the police should be citizens’ service and not the instrument of political elites. Protection of human rights as priority of the Stockholm Program proposal must be key point in police reform strategy. It is particularly important to point out freedom of movement and creation of space that respects differences among people and protects marginalized groups. To this end the implementation of the Convention on Police Cooperation in South East Europe, as West Balkan counterpart to Schengen Agreement is extremely important. However, regarding the role of the police in maintaining public peace and order the achievements and realisation of the Strategy on Police Work in Local Community remain unclear. Although it should be available to public the reasons why that is not case are not known although it is contrary to its primary goal i.e. achievement of transparency.

The future police reform strategy should pay special attention to the principles on which European Convention on Human Rights is based and to the mechanisms of protecting them; it

⁷ William G. O’Neill, *Police Reform and Human Rights: A HURIST Document*, United Nations Development Programme, New York, 2004, Internet, http://www.undp.org/governance/docs/HR_Pub_PoliceReform&HR.pdf.

is necessary to strictly forbid discrimination, racism, anti-Semitism, xenophobia and homophobia and point out that police will fully protect the rights of all minorities. The strategy should also stress protection of the children's rights and vulnerable groups, particularly Roma. It is necessary to enable larger participation of the citizens both in making and in implementing future strategy (but also in police work). This will prove the level of police consolidation i.e. commitment of the key players to implement aims and priorities within democratic institutions.

The Stockholm Program proposal points out particular importance to protecting data on the individuals. Protection of data on the individuals as part of human rights corps is doubtlessly very important both for the police reform and European integrations. The implementation of the Law on Data Protection in Serbia is very slow. As to the report of the Commissioner for 2008 the body that have "special difficulties" relative to the Law on Free Access to Information due to the number of refused requests or denied information was MoI of the Republic of Serbia. That is why it is necessary for the MoI to enable better cooperation with the Commissioner. This will enhance transparency of MoI work and increase assessment of the MoI Bulletin on its work which is, as to the Commissioner, at the lowest level at the moment.

The existing Bulletin should be amended with the information on budgetary expenditures, procedures for achieving rights before MoI, types of services provided by MoI and human resources at MoI disposal. The requests to enable access to information would be also answered by lower organization units such as police directorates without their prior check by the „centre". It is necessary to make Strategy of Communication for public relations where equally important role would be played both by the very Headquarters of the Ministry of Interior in Belgrade and regional police directorates.

Strengthening regional and international police cooperation as one of the priorities of the police reform strategy in Serbia

We witness that only regional and international police cooperation contributes to the efficient struggle against transnational crime ("Pukanić" case or operation "The Danube"). The countries of the West Balkan lack speed in reaction, trust and joint actions. In other words, it is necessary to institutionalise cooperation among the countries in the region. However, one cannot say that there is no progress in regional police cooperation. This may be confirmed by a great number of regional initiatives and bodies which operate within justice or internal affairs frameworks. Lack of coordination of the existing regional initiatives presents a great obstacle for strengthening security cooperation. However, we should praise the efforts in coordinating activities of the Regional Cooperation Council, successor of the Stability Pact for South East Europe.

Strengthening of regional police cooperation with the aim of building a security community should be one of the priorities in the police reform strategy.⁸ In the process of strengthening the cooperation it is possible to use principles on which the EU member states police cooperation is based, the principles that are presented in five-year programs: 1) respect for the diversities of the countries members, flexibility in integrations, integration processes at „different speeds"; 2) establishment of diverse institutional mechanisms, ways of decision

⁸ The term security community denotes a region in which the use of violence to a great extent became almost completely improbable, even inconceivable.

making and policy formulating;⁹ 3) creation of alternative ways of police cooperation.¹⁰ Strategy for police reform in Serbia should take into consideration all mentioned principles for they are all equally important for creation of security community or crime prevention.

The Stockholm Program proposal points out particularly the importance of the European arrest warrant which enhances cooperation, trust among the countries members and respect for the rule of law.¹¹ The existence of the similar agreement among the countries in the West Balkan should create conditions for combating organized crime at the regional level and not only in individual countries. For example, in case of trial for the murder of Ivo Pukanić and Nikola Franjić there should have been one trial and one sentence and not two separate trials and two sentences (in Croatia and in Serbia). This is not important only because it would be more effective and efficient but also because it would enable fast and efficient fulfilment of justice. But, for defining such mechanism among the countries in the region it is necessary first of all to negotiate and to formulate good bilateral and multilateral agreements.

One of the ideas for the future police reform strategy within the context of European integrations and regional police cooperation is initiative for defining regional strategy of internal security and/or joint strategy for combating organized crime and/or „white book“ of the organized crime. This document can have concrete operative levels of cooperation and at the same time approach the struggle against organized crime in a strategic and analytical manner.

It is noticeable that Stockholm Program proposal attributes great importance to EUROPOL. In the context of the international police cooperation it is necessary to strengthen the cooperation between Serbian police and EUROPOL and continue with investing efforts for signing operative agreement. Further participation of the Serbian police in peacekeeping missions should be encouraged as well as strengthening of cooperation with EUROPOL in this area for in future it will play more important role as underlined in Stockholm Program proposal¹²

Instead of making a conclusion: A “step forward” in the police reform

For defining a proper and functional strategy for the police reform in Serbia it is not possible to start only from the EU five year programs for justice and internal affairs or existing European solutions. These programs may be only good starting points in defining priorities, aims and visions of the police reform. The practice of the EU member states in police and justice cooperation are good model for strengthening regional cooperation. Future police

⁹ It is necessary to use capacities of the existing regional initiatives and bodies. We particularly point out the Regional Center for Combating Trans-Border Crime (SECI centre in Bucharest) for it proved to have the most significant role at the operative level. SECI made the first annual report on security threats assessments relative to the organized crime in South East Europe (counterpart to the EUROPOL report – Organized Crime Threat Assessment, OCTA). More information at: <http://www.secicenter.org/p460/OCTA+SEE>.

¹⁰ Alternative ways of police cooperation may be formulation of the more efficient coordination mechanisms in police operations, faster exchange of information, joint actions, establishing cooperation within expert working groups, strengthening cooperation based on the informal contacts of the ministers of interior/justice.

¹¹ Sergio Carrera and Joanna Apap, *Judicial Cooperation and the European Arrest Warrant - A Good Testing Ground for Mutual Recognition in an Enlarged EU*, Centre for European Policy Studies, Brussels, 2004, Internet, <http://www.ceps.be/book/judicial-cooperation-and-european-arrest-warrant-good-testing-ground-mutual-recognition-enlarge>.

¹² The police servicemen of the Ministry of Interior, Republic of Serbia have been engaged in the peacekeeping missions in Liberia (UNMIL) and Haiti (MINISTAH) under the auspices of the United Nations.

reform strategy should develop mechanisms for monitoring European programs and trends in European legislation in order to react more efficiently to future conditions in the area of justice and internal affairs. It is necessary to be “one step in advance” in the police reform. In the future these conditions will be more rigorous and more precise. Meeting conditions enables achievement of dual goal. A police force that can deal with crime and corruption in an efficient manner, that respects human rights and acts as public service is being created; European integrations are being speeded up which makes Serbian strategic aim closer. Finally, it is necessary to have a clear vision about the way in which this strategy should be implemented.

Recommendations:

Strategic approach

- It is necessary to create a strategic plan for the police reform in which the Bureau for Strategic Planning will play key role in the organizational sense.
- It is necessary to develop further capacity of the Bureau for Strategic Planning enabling it to produce strategic analysis by means of which it should make future strategy and to act as MoI's "liaison officer" in developing strategies of all sectors of importance for police reform and, in general, for internal security.
- It is necessary to create an action plan which would define steps in implementing the police reform strategy.
- The police reform strategy should oblige the MoI to compile and publish annual reports on the strategy implementation, which may be part of the annual Report on MoI Work.
- In developing and implementing the police reform strategy it is necessary to improve coordination with the Ministry of Finance which is crucial in the sense of long term planning.
- It is necessary to define ways of coordination with the civil society organizations, and if possible model them on the positive practice of the European Integrations Office of the Republic of Serbia Government.

Human rights

- It is necessary to define the citizen as a point of reference for security in the police reform strategy.
- The police reform strategy should point out that priority of any police officer is the protection of the basic rights and liberties of all citizens.
- The police reform strategy should put MoI under obligation to regularly amend Bulletin, especially with the information on budget expenditures, procedures for achieving rights before MoI, types of services provided by MoI and human resources it has at its disposal.
- The future police reform strategy should provide for the requests relative to the access to information to be addressed by the lower MoI organizational units as well, such as regional police directorates, without being previously checked by the central directorate of the MoI.
- Developing and implementing Strategy for MoI Communication in which both MoI located in Belgrade and regional police directorates will play their respective roles.

Regional and international police cooperation

- The police reform strategy should, pursuant to the aim of building up security community in the Western Balkans, initiate defining of the regional strategy of internal security as a long term goal. Before that, the action plans should define intermediate stages for the purpose of accommodating and establishing contacts between the individuals in charge of strategic planning.
- It is necessary to initiate work on making proposal for regional agreement on extradition or "regional arrest warrant" similar to European arrest warrant.
- For the purpose of further development of international police cooperation of the Republic of Serbia it is necessary to sign and ratify operational agreement with EUROPOL.
- It is necessary to enhance participation of the Serbian police in peacekeeping missions by internal and external promotion (the role of the civil society organisations is pointed out); organization of seminars in which interested candidates will get insight into the rights and

obligations, costs and benefits, importance of participation in peacekeeping missions from police officers who had already taken part in these missions.

POLICE AS PERCIVED BY THE NATIONAL MINORITIES

Author: MILOŠ STANOJEVIĆ
Researcher, the Forum for Security and Democracy

The change of the perception of police by the national minorities is important factor in police reform process in Serbia. Confidence building between the ethnic minority communities and the police is prerequisite for their better cooperation and with this for more efficient solution of the contemporary security challenges. This paper describes the reasons for the change of image which national minorities have about the police. The paper contains list of the relevant recommendations for the purpose of solving this problem.

General remarks

- Negative heritage relative to the relationship between national minorities and a police is a stronghold of prejudices and bad experience due to which current perception of the police by the national minorities has been established.
- The problem of perception of the police by the national minorities should be considered in the wider context including social-economic situation in the country and the regions inhabited predominantly by the ethnic minorities.
- Proactive approach of the state in resolving this problem. This can be achieved by the strategic approach, by implementing projects the aim of which would be confidence building between the national minorities and the police.
- Adoption and implementation of the Strategy for Community Policing should be a priority of the Serbian Ministry of Interior.
- Lack of efforts invested in resolution of existing problems should additionally deteriorate the relationship between them which would have negative impact on the further reform of the police.
- Better perception of the police by the national minorities, confidence building and cooperation between them can contribute to the police reform process and to improvement of the general security situation in Serbia, as well as to fulfilment of the conditions for the European integration of the country.

Introduction

The relationship between national minorities and police involves fundamental principles of the state – rule of law and law enforcement. This paper deals with one segment of this problem in Serbia – how national minorities perceive police.

Although during the last ten years initiatives and concrete actions have been made¹ to get the police service closer to the national minorities in Republic of Serbia, it is still noticeable that there are problems both in this process and in the very relationship between the police and the national minorities.²

Negative perception of the police by the national minorities in Serbia represents serious problem. This is also the issue of building mutual trust and cooperation of the national minorities and the state institutions and national minorities' perception of the very state and attitude towards it. The state of general distrust and negative experience relative to the police result in a lack of interest of the ethnic minority groups for cooperation and participation in the process of the police reform.

In this policy paper³ we would like *to point out a need for better perception of the police by the national minorities for the purpose of improving their cooperation and communication*. Thus, it would be possible to exercise considerable impact on more successful police reform process in Serbia and improvement of general security situation in the country as well as on speeding up the process of European integration.

The Framework of the Problem

Historical context of the relations between the national minorities and the police in Serbia have negative connotation due to the police behaviour towards national minorities in the past, especially during the nineties of the 20th century. Although almost ten years passed since the establishment of the democracy in Serbia, there was not more significant confidence building between the police and the national minorities. Most often the problem is that the national minorities associate the police with the period when it was used as a tool in dealing with political opponents and when it treated national minorities as the second rate citizens.⁴

The problem of perception and relationship between police and national minorities cannot be considered only in a narrow framework including only the MoI work and/or activities of these minorities' representatives. In order to solve this problem it is necessary to take into consideration the wider socio-economic framework of the national minorities. The border regions of Serbia, with mostly heterogeneous national structure are economically

¹ In the municipalities Preševo, Bujanovac and Medvedja, municipality security councils were organized, a number of round tables have been organized throughout Serbia about minorities and police, there have been announcements for the training and work in the national minorities languages – some of the mentioned initiatives were initiated by the MoI

² „National Minorities are Not Motivated for the Work in the Police”, daily Borba, February 5, 2009

³ This proposal of the practical policy is result of the research on the ground and numerous interviews made with the representatives of the national minorities in the period June – October 2009

⁴ Interview with the members of the Preševo Municipality Council, September 20, 2009, Archive, Forum for Security an Democracy (FBD).

underdeveloped regions (with possible exception of the municipalities on the north of Vojvodina).⁵

General unemployment and poverty lead to the intensified development of criminal activities. This is of particular importance for the border areas and south of Serbia (Ground Safety Zone) where due to such situation grey economy, smuggling of the narcotics and armament, illegal population migrations and human trafficking are blossoming.⁶ The perpetrators of the criminal offences who get into conflict with the police are often citizens of these border areas among whom there are also members of the ethnic minorities. The result is often confrontations of the police and the local population including members of the national minorities. In such atmosphere it is hard to work on the change of perception of the police by the national minorities. *The strategic approach to the socio-economic development of these areas should serve as a greater framework for building positive perception of the police by the national minorities which will improve general security situation in the country as well.*

Change of security environment

With disappearance of the world blocks and with the end of the Cold War, at the end of the eighties, the fear from the military attack ceased to be basic security threat both globally and in Serbia. Today, the main security challenge is the fight against organized crime and terrorism that affect all citizens of one society regardless of their nationality.

For the purpose of building up state capacities for responding to new security challenges, risks and threats, the important segment are relevant security information from the ground which can be acquired only by including all citizens in the security system and increasing awareness of the population on the importance of communication with the police. To this end, cooperation with the national minorities is of precious importance since they belong to particularly vulnerable or sensitive groups. Negative examples of the latest developments in south Serbia (bomb explosion in Preševo) confirms the thesis on the importance of improving communication between police and local population with the aim of preventing such and similar negative events.⁷

The border areas are most risky in the security sense and they are suitable for the operations of the organized criminal groups. Due to their geographic positions these areas are transit areas for many forms of illegal trafficking (people, arms, narcotics, etc) and often they are potential hot spots of inter-ethnic conflicts, especially in the countries of unstable democracy such as Serbia.

The national minorities are not dispersed throughout territory of Serbia but they live in some regions, mainly border areas of Serbia where they make relative or absolute majority. According to the census made in 2002 there were 82.86% of the Serbs in Serbia, and the

⁵ The Border areas of Vojvodina, due to their geographic position are attractive regions for economic investments.

⁶ Archive of the FBD, Archive of the General Ninoslav Krstić, first commander of the ground forces in GSZ and chairman of the FBD.

⁷ Explosion in Preševo: the bomb was placed near the entrance to building where families of the police and Gendarmerie personnel live, but also a number of the civilians, Serbs, Albanians. Published on July 14, 2007, at RTS site, available at Internet at: <http://www.rts.rs/page/stories/sr/story/135/Hronika/73885/Eksplozija+u+Pre%C5%A1evu+.html>.

remaining percentage consists of the 27 nations.⁸ These data point out sufficiently the importance of cooperation between the police and minority ethnic communities taking into consideration their diversity.

Police preventive work being one segment of proactive work in suppressing criminal activities and security risks is the key for achievement of important results. Through its cooperation with the countries in the region Serbia realized advantages of new methodology approach in solving problems of organized crime and new security risks.

Proactive approach to resolving these issues is a new trend in the police work in joint operations with the police services of the neighbouring countries.⁹ This new concept of police work is guided by intelligence information (Intelligence Led Policing).¹⁰ By improving local national minorities' perception of the police, a possibility for their closer cooperation opens. ***Through intensified cooperation of the police and local population (which in case of border areas are mostly members of the national minorities) and in dealing with general security issues it is possible to improve new proactive concept of policing.***

Meeting the European Union Standards

Respect for human and minority rights is one of the fundamental principles on which the European Union (EU) is founded. By signing agreements on stabilization and association and European partnership, the Government of Serbia undertook an obligation to fulfil conditions and to adopt European principles with the aim of being integrated into the EU. Decision of the European Council of February 18, 2008¹¹, mentions the need for full implementation of the Law on Police. This understands establishment of professionalism and responsibility and improving transparency of the police work. Besides, this document points out the need for ***promoting participation of the members of the national minorities.***

The MoI cooperates with EU institutions and international organizations through the Bureau for International Cooperation and European Integration. This understands the fulfilment of undertaken obligations resulting from the membership in some organizations such as OSCE, Council of Europe and UN agencies. The cooperation is also achieved through membership in Southeast Europe Police Chiefs Association (SEPCA) and through Regional Cooperation Council (RCC). As of May 5, 2006 Serbia is a signatory to Police Cooperation Convention for SEE. Taking over EU standards in the area of police education and reform is a positive trend within the MoI of Serbia. However, the European Commission

⁸ Montenegrins – 0.92%, Yugoslavs – 1.08%, Albanians – 0.82%, Bosniacs – 1.81%, Hungarians – 3.91%, Muslims – 0.26%, Bulgarians – 0.27%, Bačka Croats (Bunjevci) – 0.27%, Vlachs – 0.53%, Gorani – 0.006%, Greeks – 0.008%, Egyptians – 0.01%, Jews – 0.02%, Macedonians – 0.34%, Germans – 0.05%, Roma – 1.44%, Romanians – 0.5%, Russians – 0.03%, Ruthenians – 0.21%, Slovaks – 0.8%, Slovenians – 0.07%, Turks – 0.007%, Ukrainians – 0.07%, Croats – 0.94%, Czechs – 0.03%, Šokci – 0.009%, Ashkali – 0.008% and Tzintzars – 0.004%

⁹ The example “Pukanić” as successfully coordinated action of the Serbian and Croatian police in detecting international criminal group.

¹⁰ Presentation of individual experience of the West Balkan countries and regional cooperation in combating organized crime, presentation of Minister Dačić. Available at: [http://prezentacije.mup.gov.rs/Regionalana Ministarska/Presentations/MoI%20Serbia.pdf](http://prezentacije.mup.gov.rs/Regionalana_Ministarska/Presentations/MoI%20Serbia.pdf)

¹¹ Document (2008/213/EC), Council Decision of February 18, 2008 on principles, priorities and conditions of European partnership with Republic of Serbia including Kosovo and on annulment of the decision 2006/56/EC. Available at: http://kzpeu.seio.gov.rs/dokumenti/ep/ep_2008_sr.pdf

last report on Serbia's progress to the EU for 2009 points out that the progress of the police reform process in Serbia can be described as moderate.¹²

It is important to point out that in order to meet the EU standards the Federal Republic of Yugoslavia joined in 2001 the Framework Convention on the Protection of National Minorities. The EU Council of Ministers adopted the Resolution on Implementing the Framework Convention in Serbia and Montenegro on November 17, 2004 pointing out that there is a good legal basis for the minorities' protection. However, there are still ethnically motivated conflicts which are a consequence of passed conflicts and social conditions. This specially refers to the Albanian national minority in the south of Serbia but also to Hungarians in Vojvodina, ***requiring for greater engagement of state officials in resolving this issue in order to meet principals of the Convention.*** The Advisory Committee of the Framework Convention for the Protection of the National Minorities in its second opinion for Serbia, adopted on March 19 2009, assesses mainly in a positive manner the role of the multiethnic police in south Serbia with a remark that these achievements remain limited only to the mentioned region.¹³

The change of the existing perception of the police by the national minorities is necessary for meeting the European standards and making police reform complete.¹⁴ The respect of the national minorities' rights in the territory of Serbia by the police should not be understood only as an obligation to the EU but as one of the state means in building confidence and better communication between the national minorities and the police, which would lead to improvement of the general security situation in the country. To this end, the police should use proactive approach in resolving problems with the representatives of the ethnic minority communities, especially in sensitive border regions.

Initiatives for improving perception of the police

Socio-economic development factor

As the problem of negative perception of the police by the national minorities is placed in the wider socio-economic context, it is important to consider past initiatives for the improvement of general economic and consequently security situation in the areas in which the problem is the most present. In November 2008 an Agreement on Cooperation regarding local economic development was signed between Coordinating Body for the south of Serbia, US Agency for International Development and municipalities of Preševo, Bujanovac and Medvedja which included these municipalities in the program of municipalities' economic development (MEGA).¹⁵ The municipality Offices for local economic development in Preševo, Bujanovac and Medvedja and Economic Councils in which representatives of local authorities and private sector participate are founded.

¹² European Commission. Serbia 2009 Progress Report. SEC(2009)1339. Brussels. October 2009. Available at : http://ec.europa.eu/enlargement/pdf/key_documents/2009/sr_rapport_2009_en.pdf

¹³ ACFC/OP/II(2009)001, Second opinion of the Advisory Committee on implementation of Framework Convention for the Protection of the National Minorities in Serbia, adopted on March 19, 2009. Available at: http://www.ljudskaprava.gov.rs/dokumenti/okvirna_misljenje%202%20srpski.pdf

¹⁴ Apart from the change of perception, it is necessary to implement the standards relative to the police work (organization, professionalization, depoliticisation)

¹⁵ Agency Vranje Press, report of Coordinating Body of the Government of Serbia for the municipalities Bujanovac, Preševo and Medvedja, period September 2008 – March 2009.

This and similar actions of the Government of Serbia in cooperation with international organisations can contribute to the socio-economic progress in underdeveloped and nationally mixed parts of the country. However, the process must be locally owned in order to provide long term and sustainable improvement. This issue should be more seriously considered. Separate actions limited in time will not achieve satisfactory results. It is necessary to carry out permanent actions for building economic capacities that will have impact on the improvement of the security situation. Consequently it is necessary to pay greater attention to the problem of economic underdevelopment in the regions in which national minorities create considerable number of the population and national minorities should be involved in resolution of this problem.¹⁶

MoI Initiatives

Within the project “Policing National Minority Groups” during 2007 and 2008 numerous activities were undertaken to animate candidates from the ethnic minority groups to join the MoI. These actions included media activities carried out in languages of the minorities (posters, brochures, radio and TV programs, etc). In the environment in which national minorities represent majority of population special discussions were organized. Unfortunately, despite all these activities the minorities show lack of motivation to work in the police.¹⁷

The announcements in the languages of national minorities for entering the Basic Police Training Centre in Sremska Kamenica as well as the permanent announcement at the MoI site inviting specially the members of the national minorities to apply for the job, represent positive examples of cooperation with these national minorities.¹⁸ But the practice is sometimes different. There are examples when the members of the national minorities who applied for job were rejected as unsuitable for police training or doing police job without being given additional explanations, which is justified by the police discretionary right.¹⁹ The police naturally have discretionary right in the case of majority population as well. But, in the case of the national minorities, due to the image they have about the police, this may cause suspicion in impartial work of the police. This is one example showing that instead of building confidence between national minorities and police a deeper gap and mistrust are made.

One of the positive MoI initiatives is the language courses for the policemen working in the nationally mixed environment. According to the representatives of the Democratic Community of Vojvodina Hungarians in practice these courses are not efficient solution. They consider that it would be better to employ representatives of the national minority living in certain area instead of training already employed policemen Serbs, by means of which the MoI would save money invested in the language schools. On the other hand, although MoI

¹⁶ ACFC/OP/II(2009)001, Second opinion of the Advisory Committee on the implementation of Framework Convention for the protection of the National Minorities in Serbia, adopted, March 19, 2009, Available at: http://www.ljudskaprava.gov.rs/dokumenti/okvirna_misljenje%202%20srpski.pdf

¹⁷ Response of Republic of Serbia Government to Article 6 of the Convention, paragraph 108 of the Second cycle Advisory Committee, Council of Europe, submitted on September 30, 2009, Published on October 26, 2009. Available at: http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_2nd_Com_Serbia_sr.pdf

¹⁸ Announcement in the languages of the national minorities at the site of the Centre for Basic Police Training. Available at : http://www.copo.edu.rs/Jezici_manjina-186-1

¹⁹ Interview with Balint Pastor, Chief of National minorities delegates’ group, May 25, 2009. Archive FBD.

was initially successful in including national minorities in the police work, in practice again the problems occurred: some of the representatives of the national minorities after joining police service do not want to communicate in their mother tongue with the members of their national minorities. The presumption of the representatives of the Hungarian national minority is that this partially occurs because of their wish to fit into new working environment and partially because of their fear that they would provoke negative reactions of their colleagues of Serbian nationality.

International Community Assistance

Municipal Security Councils and advisory groups of the citizens represent successfully implemented projects that were made in cooperation of the MoI and OSCE Mission to Serbia. The security councils produced good results in Bujanovac municipality in which they contribute to a large extent to the improvement of the general security situation through cooperation between local population and police. The perception of the police by the Albanians and Roma that live in this municipality was improved also after the actions initiated by the police chiefs in Bujanovac (such as Days of the Open Doors) in cooperation with the OSCE Mission in Serbia. As of 2004 a number of the round tables were held dealing with relationship between the police and the ethnic minority groups and they continue working on this issue.²⁰

It is important to point out that such approach in solving the problem produced results. Besides, there is still no national strategy for community policing which is available to the public and due to this it is very difficult to make analysis of the results achieved so far.²¹ In building confidence and better perception of the police by the national minorities, particular importance will be attached to the work of the police in the local community as one of the priorities contained in the Memorandum of Understanding between Serbia MoI and OSCE Mission to Serbia revised on September 7, 2009.

Implementation of the multiethnic police program in south Serbia which has been carried out in the past years in cooperation with OSCE Mission to Serbia is another positive example. Thanks to that program, number of national minorities' representatives has increased in the regular police forces and reaction of the population is extremely positive. The problem which occurs in this regard is lack of financial motivation, and thus despite initial success in the project of the multiethnic police, interest for the work in police among the population decreased.

In the period from 2001 to 2008 in cooperation with National Police Directorate of the Kingdom of Norway, the MoI of Serbia initiated and realized projects JU-NO1, JU-NO2, JU-NO3 and JU-NO4. These projects were organised to develop methodology of problem-oriented policing. This concept of the policing means better communication of the police and population including members of the national minorities. The projects were implemented in the territory of the AR Vojvodina, which is of the particular importance taking into consideration multiethnic structure of this region, as well as in all police directorates in the territory of Serbia.

²⁰ Interview, "Vreme" – Milorad Veljović, Director, Police Directorate, MoI Serbia, Weekly "Vreme"930, October 30, 2008

²¹ The MoI, Republic of Serbia, Police Directorate – in the Headquarters, official document "Strategic Program for Police Development in Community in RS" Belgrade, 2007 was not available to the public at the moment this text was concluded.

Current situation

However, the current state, despite mentioned concrete but insufficient initiatives of the MoI, can be mainly reduced to declarative orientation of the police chiefs for improving cooperation with the national minorities²², without realization in practice. The reason for this may lay in the fact *that majority of the MoI initiatives carried out so far were not aimed at systematic change of the perception of the police by the members of the ethnic minorities.*

The members of the national minorities are not as yet interested in being included in the public security system in Serbia.²³ *Additional problem is lack of initiative of the national minorities for building confidence and improving cooperation with the police.* For them the police remains repressive structure so all attempts of becoming close to and reform the police remain a dead letter without important concrete results.

In considering this problem it is important to take into consideration representation of the national minorities in the police structure. It is hard to establish the exact number of the representatives of the national minorities in the police. Official MoI bodies do not have data on representation of the minorities in the Ministry, at the state level. The data vary and the answer to the question on their representation in the police differs. Some police directorates have data about the employed members of the national minorities while for others the same data are non-existent.²⁴ Lack of existence of this type of data in the MoI is explained by the right of each individual to state his/her nationality, or not. This type of data, according to the representatives of the national minorities, will have motivation impact for the purpose of improving relationship with the police.²⁵

In the situation where each ethnic community presents a closed system, distancing and worsening of the relations between national minorities and police is a possibility which can make difficult the efficient resolution of the security issues. Contemporary approaches to resolving security challenges assume close cooperation and communication of the police and local population which does not exist in this case.

²² Good cooperation of Serbia and OSC , Agency BETA, Wednesday, October 21, 2009, 14:18.

²³ State Secretary, MoI of Serbia, Dragan Marković, The members of the national minorities are not interested enough to work in the police, Author, Beta, December 15, 2008.

²⁴ Report of the province Ombudsman for 2008. p.24.

²⁵ This proposal of the practical policy resulted from the research on the ground and numerous interviews made with the national minorities representatives in the period June-October 2009.

Recommendations:

Increase state responsibility towards members of the national minorities

- Promoting police work through media campaign
- Making and implementing strategies for the social-economic development of the border areas; intervention of the state aimed at increasing of employment rate in these sensitive regions, which may possibly lead to decrease of crime rate in them. This will gradually decrease number of confrontation cases among the population of these regions, including members of national minorities and police.
- Strengthening National Minorities Councils.

More intensified work on including members of the national minorities in the police work

- Continue with organizing round tables about confidence building and necessity of cooperation between national minorities and police
- Based on the experience from the pilot municipalities, continue with the work of the municipality security committees to improve dialog between police and national minorities. The work of these committees helped improving public image of the police. This leads to intensified cooperation between the citizens and police resulting in more successful response of the police to actual security challenges, risks and threats.

Strategic approach of the MoI in resolving the problems

- The most important recommendation for improving perception of the police by the members of the national minorities is adoption and implementation of the National Strategy for Community Policing.²⁶

Strengthening capacities of the local NGO

- Development and strengthening civil sector in the environments where national minorities are majority of the population in order to monitor the status of these minorities and existing problems in their relation with the police.

²⁶ The concept of community policing is a part of the National Program for EU Integration of Serbia and assumes a partner relationship between the police and local communities to decrease potential security risks and daily problems through permanent communication and involvement of all citizens in resolving problems.