

Standard Summary Project Fiche – IPA centralised programmes
(Regional / Horizontal programmes ; centralised National programmes)

1. Basic information

1.1 CRIS Number: 2007/19322

1.2 Title: Police Reform: Internal Affairs

1.3 ELARG Statistical code: 01.24

1.4 Location: Serbia

Implementing arrangements:

1.5 Contracting Authority – European Commission

1.6 Implementing Agency: N/A

1.7 Beneficiary (including details of project manager): Ministry of Interior

Financing:

1.8 Overall cost: € 1 Million

1.9 EU contribution: € 1 Million

1.10 Final date for contracting: 3 years after the signature of the Financing Agreement

1.11 Final date for execution of contracts: 5 years after the signature of the Financing Agreement

1.12 Final date for disbursements: 6 years after the signature of the Financing Agreement

2. Overall Objective and Project Purpose

2.1 Overall Objective:

Assist the Serbian Police force in meeting EU standards of professionalism and conduct

2.2 Project purpose:

1) Promote the independence, professionalism and capabilities of the Section for Internal Control of Police (formerly the General Inspectorate for Public Security Section) to push forward Police reform in Serbia

2) Support the means and mechanisms of the Internal Control of Police Section to identify and prevent police corruption and misuse of power.

2.3 Link with AP/NPAA / EP/ SAA

The European Partnership identifies police reform and the need to ensure accountability; reform of police education and co-operation among law enforcement agencies as a crucial steps in the transition of Serbia's judicial system. (pp 17)

Under "Reinforcement of institutions and rule of law" (Article 80 of the SAA) improving the functioning of the police and other law enforcement bodies by providing adequate police training and fighting corruption are also identified as key to the reform of the judicial system

2.3 Link with MIPD

Under the MIPD's Political Requirements'' the need to develop a professional police force by improving internal controls and ensuring greater standards of accountability is highlighted for support (p 16). Expected results from support under the MIPD include - 'capabilities of the law enforcement agencies in the fight against money laundering, drugs, organised crime, terrorism and corruption will be enforced as well as improvement of internal control of the Serbian Police forces'

2.4 Link with National Development Plan (where applicable)

N/A

2.5 Link with national/ sectoral investment plans(where applicable)

N/A

3. Description of project

3.1 Background and justification:

With the passing of the Law on the Police (November 2005) Serbia made a major step in the modernisation of the police service. Under the law the policing responsibilities of the Ministry of the Interior have been clearly determined and separated from other ministerial responsibilities.

According to the Law on Police there are competences of internal affairs for the first time in the history of the police of Republic of Serbia. Instead of the Inspectorate General, the new Law established the Section of internal control of police (formerly the General Inspectorate for Public Security Section) The Internal Police Section takes operational and preventive measures with the aim to identify, prevent, combat and penalise all types of misuse and in police work. (*in further text: Section*)

The provision for internal oversight of the policing services is a key part of the reform process. The government of Serbia has committed itself to public administration reform, tackling corruption and ensuring accountability in all facets of administration. The relationship between accountability and policing is directly connected to the social values of a democratic society.

Under the new Police Law the Internal Control Section will monitor the legality of police work, especially with regard to respect and protection of human rights. The Section Head reports regularly to the Minister of the Interior. At the request of government and the parliament the Minister of Interior submits a report on the work of the Section. The new Police law allows the Minister of the Interior to prescribe more closely forms and methods of internal oversight should the need arise.

External oversight of police affairs is performed by the courts of law and the Parliamentary Committee for Defence and Security. Any procedure against a member of the police force begins with a complaint to the competent Public Prosecutor, which can be done by a citizen or the Ministry of the Interior itself. In most cases this is done by citizens. Any complaint will be accepted or rejected at the discretion of the Public Prosecutor. In the majority of cases complaints made by citizens are rejected as unfounded.

As with other areas of the public administration reform process the implementation of new laws is resource intensive and police legislation is no exception. The implementation of the law also requires a greater culture change within the police force itself. ‘Police culture and values need to evolve to accommodate to the changing social values of a society in transition, striving towards the EU....Serbia’s police service still needs a long and serious rehabilitation, primarily through a thorough reform of education and training. Specific importance should be given to the modernisation and institutionalisation of training as the foundation of on-going professional advancement’¹

The OSCE, a key actor in this sector in Serbia, reflects this understanding. The report ‘Police Reform in Serbia: Towards the Creation of A Modern and Accountable Police Force’ (OSCE 2004) identified the need for some elements within political parties to acknowledge that the police service is not a political tool and that accountability is often confused with control. Rather operational independence control and responsibility must rest with an independent and professional police service. Above all public trust in the Serbian police service should be the determining feature of Police reform and Internal Control plays a vital part in realising this. Serbian citizens demand the ‘de-politicisation’ of their police service.

For the public, the visible changes in police culture represent the main litmus test for the whole reform process. In this respect, police education is the determining factor for defining the future culture of the police service. Introducing new recruits during basic training to policing principles and curricula in line with human rights standards and accepted guidelines for use of force can cement attitudes and behaviour at a critical juncture. Assistance to police education should be focused on ensuring sustainable education development Police Reform in Serbia: Towards the Creation of A Modern and Accountable Police Force’ (OSCE 2004)

The OSCE and other actors acknowledge that the Internal Affairs section requires significant support if it is to realise its mandate. The Ministry of Interior accepts that to implement the new police law new and more resources are required and that the Internal Section is dependent on the organisational resources of other units of the Ministry of Interior. Directing support the Internal Section will address a key lesson learnt highlighted in the MIPD. ‘‘While Serbia has a strong track record in the production of legislation, a key policy lessons from the CARDS period is that the necessary implementation ‘follow through’ to realize the benefits, in terms of transforming the country’s regulatory environment, has not always been adequate’’(MIPD 2007-9)

The Internal Affairs Section at present has a staff of 56 (inspectors/logistics staff) and which should rise to a total of 100 personnel. The Section is composed of a Head Office (Belgrade) and four branch offices (Belgrade, Novi Sad, Niš and Kragujevac). The Head of the Section is an Assistant Minister. At present there is an insufficient knowledge of EU standards and practices that impede the activities of the Section. The lack of good communication links between central and regional offices leads to ineffective command and control lines. As such the Section can not readily implement preventive or punitive actions to address corruption.

¹ Police Reform in Serbia: Five Years Later, Conflict Studies Research Centre (Defence Academy of the UK), Balkan Series 2006

To meet modern EU standards, the Section requires substantial support in terms of human resource development, specialised training office and investigative equipment. In establishing the independence and integrity of the Section it is important that offices are separated from regular police.

3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact (where applicable)

Empowering the functional capabilities of the internal police in Serbia will have a major impact in the overall public administration reform process. Police reform is a key area of Public Administration Reform and the successful implementation of the new police law can prove a stimulus to wider reforms. Improved policing standards are crucial to the democratisation of Serbian society. Additionally, the performance of the police has impacts on economic development, tourism and the image of Serbia abroad.

3.3 Results and measurable indicators:

- 1) Incorporation of EU best practice in the Section's operational, command and control procedures
- 2) Improved communication between central and regional offices leading to increased case identification and penalties
- 2) Strengthened infrastructure for more effective and efficient delivery and achievement duties in line with law
- 3) Increasing administrative capacity and improving inter-agency co-operation.
- 4) Cooperation and coordination between the competent Ministries and other public institutions strengthened.

3.4 Activities:

Activity 1

Assessment of the capabilities of the Section to meet its mandate- including an organisational review, human resource assessment, training needs, equipment and communication requirements Based on this review design and implement an organisational, training, communication and resource strategy for the Section

Introduce EU standards and practices, preventive and punitive polices, to address internal corruption.

Develop and introduce an IT application system to improve communication internally in the Section's headquarter and with the regional offices

Develop and introduce a training programme/study tours for preventing corrupt behaviour based on EU best practices

These activities will be implemented through a Twinning Contract.

3.5 Conditionality and sequencing:

- The Internal Section must be ready to commit the necessary time and resources to maximise the benefits of the Twinning contract. Project implemented through a Twinning requires full commitment and participation of the senior management of the beneficiary institution
- In addition to providing the Twinning partner with adequate staff and other resources to effectively operate, the senior management must be fully involved in the development and implementation of the policies and institutional change required to deliver the project results
- Implementation of the project is also conditioned upon involvement and commitment of the stakeholders towards fulfillment of the project objectives.
- Special efforts shall be made to ensure minority groups are fully included in project initiatives and benefit from project results. This includes a) giving special attention to importance to minority groups, and b) ensuring gender equality mechanisms.

3.6 Linked activities

Within strengthening programme of educational, human and technical capacities, Section of internal control of the police has realized yet or is in the phase of realisation of projects supported by OSCE Mission in Serbia, Council of Europe and other generic services. The most important are:

- training held by London Metropolitan Police anticorruption staff (use of equipment for proactive techniques) – supported by OSCE Mission in Serbia;
- lectures from Human Rights area and mechanisms for its protection – in cooperation with French Embassy in Serbia and French Inspectorate General of National Police;
- seminar on anticorruption instruments to fight corruption in Belgium Police – supported by OSCE Mission in Serbia;
- study visit to Belgium bodies which deal with control of police conduct – supported by OSCE Mission in Serbia in May 2006;
- HR training for trainers in cooperation with CoE DGII – supported by CoE in June 2006.

3.7 Lessons learned

The main obstacles to the work of the Section of internal control (in further text: *Section*) is lack of systematic training, insufficient transfer of best practice and poor equipment which causes, in some cases, poor exchange of information.

The Section employees are usually unable to be informed about the new best practice due to the lack of training and modern equipment (PCs, Internet). Communication between Section HQ, regional headquarters and police stations is often slow and ineffective due to the lack of modern equipment.

However, cooperation of Section with competent public prosecutors and courts is at a satisfactory level and Section staff consults with public prosecutors regarding specific issues.

The Section should create personnel management system in accordance with EU standards. Therefore, the bodies responsible for the reforming the Section should deal with all three aspects of the reform: institution building, legislation and best practices. Also, cooperation between Section, the Courts, MoJ and Public Prosecutor Offices should be improved.

Efficient internal control should take into consideration legality of police activities. Special attention should be on prevention, fight against corruption and torture, including all cases of not informing or covering these activities, as well as determining of responsibilities and penalizing of all participants.

4. Indicative Budget (amounts in million €)

Activities	TOTAL COST	SOURCES OF FUNDING										
		EU CONTRIBUTION				NATIONAL PUBLIC CONTRIBUTION					PRIVATE	
		Total	% *	IB	INV	Total	% *	Central	Regional	IFIs	Total	% *
Activity 1	1	1	100	1								
contract 1.1	1	1	100	1								
contract 1.2												
Activity 2												
contract 2.1												
contract 2.2												

-												
TOTAL	1	1	100									

* expressed in % of the Total Cost

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1.1	T+Q1	T+ Q2	T+Q8

All projects should in principle be ready for tendering in the 1ST Quarter following the signature of the FA

6. Cross cutting issues (where applicable)

Development Policy Joint Statement by the Council and the European Commission of 10 November 2000 establishes that a number of Cross-cutting Issues shall be mainstreamed into EC development co-operation and assistance.

Cross-cutting issues will be addressed in the project so as to comply with the best EU standards and practice in that area and in a way which demonstrates how they will be dealt with within the project's framework, its activities and outputs.

Cross-cutting issues will be addressed in a proactive manner, and will present a specific component of projects (at all levels of projects' development, starting from the project

identification stage). Synergies between the projects and the objectives of will be identified and developed. Also, the projects' objectives and activities need to be screened in order to ensure they won't impact negatively on gender equality, minorities' inclusion and environment.

Finally, the beneficiary will make sure its objectives, policies and interventions have a positive impact on and are in line with the main principles of gender equality, minorities' inclusion and environment.

6.1 Equal Opportunity

The Serbian police force is committed to promoting equality of opportunity for women and men in terms of employment, service delivery and involvement. This project must ensure that females will be supported to the same extent as men in executing their duties.

Furthermore the implementation of this project should be sensitive to any policies, procedures or practices which inhibit or exclude females from playing a full role within the Internal Police Section. In addition support should ensure that working practices of the Internal Police Section enhances the work/life balance while promoting operational effectiveness.

6.2 Environment

N/A

6.3 Minorities

The inclusion of more minority group police officers in the Internal Police will add to its reputation as being fair and unbiased. Actions may be recommended to encourage successful police officers from minority groups to join the Internal Police. The Ministry of Interior should be encouraged to promote diversity with the police force and the Internal Police section specifically.

ANNEX I: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche Police Reform: Internal Affairs	Programme name and number Internal Police	
	Contracting period expires 5 years after the signature of the Financing Agreement	Disbursement period: expires 6 years after the signature of the Financing Agreement
	Total budget : € 1 million	IPA budget: € 1 million

Overall objective	Objectively verifiable indicators	Sources of Verification	
Restitution of international standards of police officers' professional conduct		-Government sources -European Commission Progress Reports -Specific surveys	
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
(1) Independence of Section and creating professional, competent and trained service	- new organisational set-up created including new rules of procedures	- Publications and statistics of Ministry of Interior and other Government and non-Government sources - Project implementation and evaluation reports	
2) Prevention of misuse and illegal police officers' conduct	- decrease of citizen's complaints		
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
1) Best practice guidance and lessons learned are incorporated within the Section and improvements in performance by Central and permanent regional offices	1.application in every day work of EU standards and best practices	- Project progress reports - Analysis done by project	Strong support to the reforms of the Ministry of Interior provided by the Government
2) Strengthened infrastructure for more effective and efficient delivery and achievement duties in line with law	2. increased efficiency in daily work		Willingness of MoI staff and representatives to accept changes
3) Increasing administrative capacity and improving inter-agency co-operation.	3.improved interagency co-operation within an appropriate frame		
4) Cooperation and coordination between the competent Ministries and other public institutions strengthened.	4. Strong mechanisms of coordination established		
Activities	Means	Costs	Assumptions
1) Assessment of the capabilities of the Section to meet its mandate assess training, communication and professional needs and based on the above assessment, design and implement a full concept of TA and specific equipment			
2) Support efficient coordination of state organs in fight against corruption, torture, including all cases of not informing or covering these activities, as well as determining of responsibilities of all participants in police forces and implementation of all other relevant measures to improve rule of law.			
3) Measures already underway will be enhanced to further decrease the number of people attempting to reach Western European countries illegally, and additional initiatives will be taken to strengthen these measures.			

ANNEX II: amounts (in M€) Contracted and disbursed by quarter for the project

Contracted	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11
Contract 1.1		2.0									
Contract 1.2											
Contract 1.3											
Contract 1.4											
.....											
Cumulated		2.0									
Disbursed											
Contract 1.1		1,600,000						400,000			
Contract 1.2											
Contract 1.3											
Contract 1.4											
.....											
Cumulated		1,600,000						2,000,000			

ANNEX III

Description of Institutional Framework

The Ministry of Interior is in charge of implementation and monitoring of this project, i.e. the Internal Control Sector. The work, mandate and authorisations of the Ministry are regulated by the Law on Ministries (adopted on May 15, 2007 (Official Gazette of Republic of Serbia no. 48/07)) – i.e. Article 5.

The Ministry of Interior consists of the following departments:

Finance and HR Sector

Internal Control Sector

Police Directorate

Protection and Rescue Sector

Directorate for Police Education, Professional Development and Science

ANNEX IV

Reference to laws, regulations and strategic documents:

Reference list of relevant laws and regulations

General:

- Constitution of the Republic of Serbia
- Law for the Implementation of the Constitution of the Republic of Serbia
- National Strategy for Serbia and Montenegro's Accession to the European Union
- Action Plan for the Implementation of the European Partnership

Home Affairs:

- Law on Police
- Law on Criminal Procedure
- Law on Misdemeanour
- Criminal Code

Reference to AP /NPAA / EP / SAA

The European Partnership identifies police reform and the need to ensure accountability; reform of police education and co-operation among law enforcement agencies as a crucial steps in the transition of Serbia's judicial system. (pp 17)

Under "Reinforcement of institutions and rule of law" (Article 80 of the SAA) improving the functioning of the police and other law enforcement bodies by providing adequate police training and fighting corruption are also identified as key to the reform of the judicial system

Reference to MIPD

Under the MIPD's Political Requirements'' the need to develop a professional police force by improving internal controls and ensuring greater standards of accountability is highlighted for support (p 16). Expected results from support under the MIPD include - 'capabilities of the

law enforcement agencies in the fight against money laundering, drugs, organised crime, terrorism and corruption will be enforced as well as improvement of internal control of the Serbian Police forces’

Reference to National Development Plan

N/A

Reference to national / sectoral investment plans

N/A

ANNEX V Details per EU funded contract (*) where applicable:

- 1) Assessment of the capabilities of the Section to meet its mandate assess training, communication and professional needs and based on the above assessment, design and implement a full concept of TA and specific equipment
- 2) Support efficient coordination of state organs in fight against corruption, torture, including all cases of not informing or covering these activities, as well as determining of responsibilities of all participants in police forces and implementation of all other relevant measures to improve rule of law.
- 3) Measures already underway will be enhanced to further decrease the number of people attempting to reach Western European countries illegally, and additional initiatives will be taken to strengthen these measures.