

ROLE
OF LOCAL SELF
GOVERNANCE (LSG)
IN SECURITY PROVISION
IN KYRGYZSTAN



Foreword

The following document focuses on the interaction of local self-governance bodies with police in the framework of provision of public security; we would like to note the following:

Firstly, the relevance and practical significance of such research in the light of the ongoing reform of internal affairs bodies which, in its turn, was initiated in compliance with the "National strategy of sustainable development of the Kyrgyz Republic for 2013-2017" and "Measures on reform of internal affairs bodies".

Also it is important to point out active efforts of Civic Union "For reforms and results" which in recent years showed interest in taking active part in the promotion and implementation of the reform process - particularly with the involvement related to the preparation of analytical reports from their conducted research.

The Ministry of Interior of the Kyrgyz Republic has the opportunity to ascertain gained results and take part in discussion of the recommendations.

With regards to the focus of the given research, it should be noted that the issue of citizens' involvement in provision of public security is historically traditional as in the past work of Soviet police considerable experience of interaction with local governance authorities and other public unions was acquired.

However, fundamental public transformations that took place in our country in the last decades require reconsideration of the significance and efficiency of such interaction in the current context. It is in this regard that the conduct of the proposed study and, particularly, conclusions and recommendations acquired in the process of analysis deserve strong support and commitment.

Citizens' trust is a necessary element allowing police to efficiently fulfill duties on the provision of rule of law and security. This is also based and supported via close and well-organized work with local self-governance bodies. Understanding and identifying the importance of these partnership relations is significant for the overall security context in our times.

In this regard, I wish the Civic Union "For reforms and results" further interesting initiatives and productive cooperation with all stakeholders.

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ROLE OF LOCAL SELF GOVERNANCE IN SECURITY PROVISION IN KYRGYZSTAN

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«Co-Security» Policy Briefing series

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This issue is the fourth in the series of "Co-Security". This issue analyzes present approaches and legislative frameworks of participation of local self-governance bodies in ensuring public security. In the conclusion section, this document contains practical recommendations directed at strengthening the role of local self-governance bodies in security provision.

The document is designed for decision makers, interested representatives of civil society, international organizations, expert communities and mass media.

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ABBREVIATIONS

ROVD	– city and district internal affairs bodies
VPS	– Voluntary public squads
JDI	– juvenile delinquency inspectors
Mol	– Ministry of Interior of the Kyrgyz Republic
LSG, self-governance	– local self-governance
NGO	– non-governmental organizations
LEA	– Law Enforcement Agency
PCPC	– public crime prevention center
NI, inspectors	– neighborhood police inspectors
CA Mol	– Central Apparatus of the Ministry of Interior
Co-Security	– (“joint provision of public security”) – new term suggested by Civic Union “For reforms and results” to denote philosophy, set of norms and practices directed at promotion of interaction among citizens, law enforcement bodies and other structures for better provision of security with focus on citizens' interests. In foreign literature, the term has a similar analogy as “community policing”.



INTRODUCTION

The value of one's personal and relatives' safety is primary for every person. Therefore, creating an environment, where the person feels safe is one of the state's objectives, which, according to a number of theorists, is a fundamental principle¹. The tragic events in different regions of Kyrgyzstan, which resulted in riots in April and June of 2010, showed the shortcomings of the existing provision of rule of law. Immediately after the Soviet period, ensuring public security was exclusively the role of law enforcement bodies. Such a view resulted in focusing previous security sector reforms mostly on police, as a consequence, achieving limited effectiveness.

International experience shows that among the key actors in security provision, self-governance bodies and civil society plays one of the main roles, besides the police. The approach, where all relevant stakeholders take part in protection of public order, is described as community policing (or, in this document, the terms "Co-Security" and community policing are used interchangeably).

In recent years in Kyrgyzstan, officials and civil society more frequently use the idea of Community Policing. The National strategy for sustainable development of the Kyrgyz Republic for 2013 – 2017 implies specification of legislative power and duties of self-governance bodies in protection of public order.

The government, having adopted the Measures on police reform in 2013², did not fully adhere to national strategy, because in the official document self-governance is not mentioned directly. Following the expected results on strengthening collaboration with citizens, the introduction of public assessment of the police – if

achieved – and the subsequent police transparency and accountability, creation of civil oversight over police work, can be achieved through the active involvement of the LSG.

New decisions of executive power that validates comprehensive assessments of police work³ contains rules on use of information received from LSG on quality of police work and information on implementation of joint plans.

In its turn, the representatives of non-governmental sector suggest their own recommendations on involvement of communities and LSG in public security provision.

There is a significant number of good practical examples of social partnership at the local level, however, this experience has not been widespread in the country yet.

Local self-governance possesses considerable potential for efficient participation in provision of rule of law due to transition of Kyrgyzstan to double level budget, close interaction with citizens and important level of trust towards them. According to data from the survey conducted in the country in January 2015, 70% of population have trust in LSG, however, only 26,5% of interviewed noted that they are aware of LSG's involvement in provision of security⁴.

The potential of LSG is also related to its accountability towards citizens and awareness on problems, which exist in communities. **Therefore, they can represent interests of public to a greater extent, than the structures which are vertically subordinate to central authorities.**

In the same vein, the Prime Minister Mr. Otorbaev stated that improving self-

1. Thomas Hobbs. Origin, essence, objective, forms of state. Study about state sovereignty.

2. Decree of the Government #220 from 30.04.2013

3. Decree of the Government #81 from 24.02.2015

4. Social polling of citizens was conducted by Erfolg Consult with the request of Liberal Youth Alliance and Civic Union "For Reforms and Results"



governance bodies was an utmost priority for the Government. *"We say, take as much power as you can cope with, but citizens should have trust"* – he added⁵.

Strengthening the role of LSG (not declaratory but in reality) resulted in new reformist trend, nevertheless, it lacks consideration of existing practices in Kyrgyzstan and abroad.

On the other side, the critics on excessive enhancement of LSG's influence, especially on police, point out to the risk of loss of independence by police and their shift towards serving the interests of local elites⁶.

By recognizing the relevance of the above-mentioned risks, it is important to find the 'fine line', where LSG will efficiently participate in provision of security without encroaching on integrity of law enforcement structures and procedural independence of such activities, like investigation.

Civic Union "For reforms and results", with support from Saferworld and Foundation for Tolerance International, conducted a study on the role of LSG in security

provision in Kyrgyzstan. The present document provides analysis of legal framework and practices in the regions. The study focuses on interaction of LSG and LEA, financing of initiatives in the field of crime prevention and security, involvement of LSG in the process of appointment of police senior management staff. A number of recommendations is provided at the end of the document.

Objective: Analysis of the existing practices and legislation related to the role of local self-governance bodies in security provision in Kyrgyzstan in order to identify how the role of LSG can be evolved to better reflect all citizens' interests and security concerns.

5. Prime minister criticized heads of Ajil Okmotu. IA Kyrtag, 13: <http://kyrtag.kg/news/premer-podverg-kritike-glav-ayyl-okmotu/>
6. http://www.vesti.kg/index.php?option=com_k2&view=item&id=13212&Itemid=83

The following issues were studied in this analysis:

- Participation of LSG in the provision of public security
- Collaboration between LSG and LEA
- Financial support of LSG to security provision at local levels
- Mechanisms of police accountability to LSG

Reflecting on the interaction of police with self-governance bodies, the authors of the analytical document covered external police services (foremost NI) and the management of ROVD.

Field and desk studies were used data collection during the research phase of this task.

The research team used a structured interview (based on the preliminary prepared list of questions) with key stakeholders in all regions of Kyrgyzstan. There were interviewed (16) LEA staff (including the management of territorial ROVD and NI); (14) representatives of LSG bodies (including deputies of local councils, management and executive level staff in Ayil Okmotu and mayor's offices); (11) representatives of non-governmental organizations and LCPC. The geography of research covered urban and rural areas.

5 focus-group discussions were held with the citizens.

The field study took place in December-January 2015.

To discuss preliminary conclusions and recommendations the following events were arranged in March 2015: one focus group discussion with NI from different regions, one focus group discussion with LSG representatives from different regions, one focus group discussion with NGO representatives engaged in promotion of social partnership among police and public in several regions of Kyrgyzstan.

One consultation with staff of CA Mol took place.

Anonymity of all respondents is ensured in the analytical document.

In conjunction with this, the normative legal acts, which regulate the role of LSG bodies in security provision were analyzed.

STUDY RESULTS

The law of KR "On local self-governance" outlines involvement of LSG in provision of public security (article 18, issues of local significance: support to public order) without clear implementation mechanisms. At the same time, city and village councils, in accordance with the law, have the competence to identify the order of addressing the issues of local significance (article 31).

More detailed information is provided in the Law of the KR "On crime prevention", where among main mechanisms on the establishment of local crime prevention centers (LCPC) and involvement of LSG in adoption and implementation of plans on crime prevention were outlined.

According to law amendments adopted in January 2015, LCPC is a non-commercial organization established by LSG with the aim of joint participation of LSG and citizens in crime prevention. Such centers are authorized to establish associations, to be registered as a legal entity, attract investments for achievement of their objectives, etc. (article 12-1 of the Law of KR "On crime prevention").

The "National strategy for sustainable development of the Kyrgyz Republic for 2013 – 2017" adopted by the Decree #11 of KR President as of 21 January 2013, directly indicates the necessity of legislative approval of the authorities and commitments of LSG in this field.

Legislation also empowers LSG bodies with specific authority on issues, which both directly and indirectly have impact on the law and order. Thus, the Law "On LSG" allows village councils to give restrictions that may include prohibition of sales of alcohol drinks (article 31). The Law "On freedom of assemblies" outlines the spectrum of tasks and authority for promotion of citizens' rights to peaceful assemblies, including appeals to the court on banning public assemblies.

Normative legal acts also delegate city mayors the functions of coordination of the work of public authorities' territorial divisions. City mayors and heads of Ayil Okmotu have the right to raise the issue of dismissal of territorial state bodies' heads (except for judges, prosecutors, national security bodies and statistical committee) in case of inappropriate fulfillment of their duties (article 44, 50 the Law "On LSG").

The heads of LSG bodies in rural areas according to law, agree on appointment of heads of relevant territorial state bodies. (article 50 the Law of KR "On LSG").

For cities, like Bishkek and Osh, expanded authority, such as agreement upon appointment of heads of territorial state bodies, is given (the Law of KR "On status of capital city", the Law of KR "On status of Osh city").

The Decree #81 of KR Government from 24 February 2015 "On adoption of Regulations on framework of comprehensive assessment of police" refers to LSG's role in provision of information for external assessment and along with police and local state administrations participate in the development and implementation of joint plans on crime prevention and ensuring public security.

CONCLUSION 1

Local self-governance bodies do not always assume their active role in the maintenance of public security; sometimes their functions are limited to mere assistance to law enforcement bodies.

Reflecting on the question of *“who should be involved in the maintenance of law and order in our neighborhood”* overwhelming majority of the interviewed representatives of police, LSG and non-governmental sector indicated local self-governance bodies along with the police. Thus, the perception that the authorities in the fields should not remain inactive is a general consensus.

However, probably due to legislative vagueness, the practice of LSG involvement in security provision might differ.

In some cases, LSG plays ‘a secondary role’ after police by providing support to police in fulfillment of their duties. This implies functioning of voluntary public squads (VPS), provision of technical assistance in operation of buildings, purchase of office appliances and even vehicles, as well as fuel for office vehicles.

Some of the interviewed police representatives, who in general support the idea of VPS revival, note that in fact the squads do not function in full capacity.

“Let’s assume we involve them through Mayor’s Office to maintain public order during mass events. At the beginning they are there, but after a while one can see only police officers who remain, the VPS leave for their homes,” told police officer.

Almost all interviewed police and LSG representatives indicate LCPC as an example of involvement of LSG in the maintenance of public security. Although in

many cases, this can only be represented by the court of elders, which review the cases on administrative violations. The study showed that other LCPC structures (women’s councils and youth committees) often do not perform well, and in some cases, they only exist nominally. In some communities even courts of elders exist formally.

Interviewed representatives of the civil society often highlight as initiatives of LSG, such activities as, organization of reporting meetings, meetings on prevention and work of VPS and LCPC. Less often, for instance, in Jalal-Abad, Naryn, Karakol cities, the respondents admitted that they could hardly imagine active work of LSG in maintenance of public security.

The amendments made in the Law of KR “On Crime prevention” in December 2014 open up additional possibilities to involve LSG bodies and communities through LCPC to maintenance public order. Currently various stakeholders – Mol, Saferworld, UN Office on Drugs and Crime, OSCE, Civic Union “For reforms and result” – consider possibility to draft model provisions, methodical recommendations, and instructions for LCPC’s work. In its turn, the Government assigned the Ministry of Justice together with the Mol and State Agency for Local Self-governance and Interethnic relations (SALSGIR) to draft model constitutive Charter of LCPC⁷. Although the work is being finalised, the information about development of this important document for society and LSG is not yet been publicly available.

7. Interview with staff of CA Mol.

CONCLUSION 2

Individual LSG bodies demonstrate broader understanding of their tasks.

Some LSG bodies take the more important roles in security provision, arguing that improvement of roads, preventing traffic jam and streetcar "races", installment of streetlights directly affect the security of citizens.

Local self-governance of Ak-Sai district took the same path, and jointly with police and citizens, prioritized the problems related to security in the community, in result of which, developed joint plan to address them. UNODC and local partner NGO provided consultation and technical assistance in this process.

Another example is Yrys Ayil Okmotu in Jalal-Abad province, where with support from Saferworld and Foundation for Tolerance International, LCPC members identified existing community problems and tried to find solutions jointly with Ayil Okmotu and police. Regular traffic accidents on the highway adjacent to

villages prompted installing new road signs, conducting a number of lectures for schoolchildren by Traffic police officer and publication of information booklets about traffic safety regulations. It also enabled jointly construct a building for LCPC, with half of expenses covered by local self-governance bodies, and remaining costs covered by international organizations and donors.

According to respondents, financial self-sufficiency of the local self-governance is one of the causes of its activity. Meanwhile 84 % of ayil okmotus are subsidized⁸. Central Apparatusj of Mol name financial economic opportunities as one of the causes of weak participation of the LSG in maintaining public safety⁹.

Critical self-assessment of LSG role by its representatives along with positive progressive experience can be a good basis for strengthening the role of LSG.



8. Only 16% of ayil okmotus are self-sufficient in Kyrgyzstan, IA «K-News», March 13, 2015:

http://www.knews.kg/society/61434_v_kyrgyzstane_tolko_16_ayjil_okmotu_yavlyayutsya_samodostatochnymi/

9. Interview with the representative of CA Mol.

CONCLUSION 3

In Kyrgyzstan financing of police salaries from the local budget is prohibited, which results in lack of officers in a number of areas and weak accountability of police before citizens (according to some LSG representatives);

At the same time, full transition to the republican budget led to timely payment of salaries.

According to the amendments made to the Law "On Police", law enforcement agencies receive centralized funding from the republican budget and other statutory funds (article 24). Previous practice on funding police from local budget was excluded. However, local state administrations are obliged to provide office premises for police (article 25).

The law "On LSG" on the other hand gives Ayil Okmotu the opportunity to recruit NIs on contracted basis in compliance with procedures set forth by the Government (article 46).

Lack of Mol funding have negative impact on the territorial subdivisions. Even after structural effectiveness changes carried out by Minister Melis Turganbaev, which led to increase of staff in the fields, the country still lacks 369 neighborhood police inspectors¹⁰.

According to Mol, in 2013 the most challenging situation was observed in Jalal-Abad, Batken and Osh provinces, where the average population covered by one NI was between 6 to 10 thousand citizens on the patrolled territory, considering that regulations stipulate not more than 4 thousand citizens in cities and not more than 3 thousand citizens in rural areas¹¹.

Previously local budget funds covered additional staff expenses in those regions, where they had significant lack of funding. Mainly, the funds were used to finance NI, traffic police, and rarely juvenile inspectors. According to the interviewed representatives of local self-governance bodies, such officers were appointed on a contract basis with candidates proposed by police. For example, mayor's office of Bishkek in 2014 funded the salaries of 784 staff members, costing in total 150, 8 million KGS¹².

At present, such practice is prohibited in accordance with amendments made to the Law of KR "On Police". This ban on funding police salaries from local budget came into force in the mid of 2014 all over the country, except for Bishkek city, and from 1st January 2015, it became valid for the capital city too. Such decision was justified by the fact that in most of areas dependent on funding from local budget the salaries were paid with delay¹³ or were not paid at all in the last years.

"Frankly speaking I even didn't know our traffic police inspector [to whom Ayil Okmotu paid the salary]. But recently, the police department via court requested to repay him 70 thousand KGS which were not paid. However, during his work he didn't ask money from us" – says head of one of Ayil Okmotus of Jalal-Abad province.

10. Kyrgyzstan lacks 369 Neighborhood Inspectors. IA «24.kg», 6.02.2015: <http://www.24kg.org/parlament/6497/>

11. Sources: Order #169 from 03.03.2010 and article on Reforma.kg, 2013: <http://reforma.kg/articles/view/52>

12. Letter of mayor of Bishkek K.Kulmatov, September 2014.

13. Interview with expert.

According to the interviewed police officers, some traffic police officers in order to keep their positions voluntarily contributed money to Ajil Okmotu, so that they could use it to pay them salaries. There were also cases, when neighborhood inspectors signed the receipt of salaries, although in fact they didn't receive them.

However, delayed payments of salaries and different financial violations were mostly relevant to rural areas.

Thus, the representative of Jalal-Abad mayor's office ascertains that the funding amount of salary provided by city budget was equivalent to republican. *"We always paid in time"* – says the respondent.

The same respondent noted that prohibition of funding from local budget resulted in shortfall of traffic police officers in the city. Respondents in Osh and Talas provinces mentioned also about decrease of police staff.

Talas mayor's office regretted about the transition of all police officers to republican budget. A highly ranked employee mentioned that funding from local budget was a way to motivate police staff to cooperate closely with citizens and LSG. Thus, one more influence from financial participation of LSG was identified, i.e. increase of responsibility of law enforcement representatives before communities.

Security issues expert from Bishkek agrees that previous practice of funding from local budget might influence the openness of police services. However, according to him, mayor's office of capital city could not propose high standards of NI work, which could justify funding the salaries.

"The mayor's office allocated funds but didn't request from NI greater efficiency

and use of new approaches to render law enforcement services to citizens" underlined the expert.

Funding police salaries from the local budget is assessed positively. But, there is an opinion, for example from Talas, that salaries should be covered from republican budget as this will reinforce the independence of law enforcement bodies.

A common belief was expressed by representative of City Department of Internal Affairs of Jalal-Abad city *"[Prohibition of funding from local budget] negatively impacted our work. I support that [practice] and salaries should be paid from the local budget which is possible"*.

According to majority of LSG representatives, they can overcome such an expense, with the exception of some respondents from several villages from Jalal-Abad and Issyk-Kul provinces.

The respondent from CA Mol positively assessed a transition to the republican budget, as this led to independence of police departments and timely payment of salaries.

CONCLUSION 4

The respondents in the study indicate weak funding of LCPCs as one of the causes for their poor effectiveness and efficiency on crime prevention work.

One-time funding of police from local budget is frequently practiced. Financing goes from unused funds at the end of the year, and in cities, it goes from mayor's reserve funds.

Study showed that LSG bodies looking for opportunities to provide material and technical support to LCPC and police.

In a number of districts, financial support to LCPCs is provided on permanent basis and includes salaries to members of Court of Elders, repair of premises and covering expenses related to work. As an example, one can name Uch Korgon Ayil Okmotu, Masaliev Ayil Okmotu in Batken province, Yrys Ayil Okmotu in Jalal-Abad province, and Talas city.

However, in most communities there is an overall lack of support to prevention centers from local budget. *"Several LCPCs do not function at all or work inefficiently"* – such information is provided in the report of review mission of UNODC (2014). The main reason is *"lack of incentive to work due to low salary"* or its absence. Among other reasons, poorly equipped premises were mentioned.

One-time assistance to police from local budget is a widespread practice. For example, in Talas and Tokmok cities the city administration was able to provide vehicles for police to work in their area: in the first case, the property remained at the balance of mayor's office, while, in the second case, it was completely handed over to police.

In general, this practice of funding is not systematic; funds are often used from unspent funds of the municipality at the end of the fiscal year, or from the reserve funds of mayor. To use Karakol city as an example, it contributes up to 50 thousand KGS.

The deputy of Karakol city council stated that police management always requests funds from LSG, *"but we are not obliged to support them"*.

On the other hand, the representative of NGO of Batken province, in the example of Uch Korgon district, assumes that village administration's support to NI leads to greater responsibility of police.

"Ayil Okmotu purchased computers for NI from its funds, correspondingly there appeared an opportunity to require more efficient work" – concluded the study participant.

Thanks to efforts of non-governmental and international organizations on establishment and promotion of dialogue among citizens, police and local self-governance bodies, allocation of funds for addressing jointly prioritized security problems became possible.

For instance, thanks to efforts of Saferworld and Foundation "For tolerance international", LSG allocated funds for repair of LCPC buildings in several villages of Batken and Jalal-Abad provinces.

CONCLUSION 5

Joint plans of police, LSG and other interested parties are becoming a basis for interaction, but yet not widespread.

LSG, without police, can't independently react to certain cases of violation of law and order. Therefore, collaboration between police and LSG is essential.

"If police doesn't response accordingly, the mayor's office and city council cannot do anything with this" – underlined the deputy of local council of Karakol city.

On the other hand, police officers expressed criticism of representatives of different levels of LSG for the lack of initiative and sense of responsibility for the existing situation in the area.

"Our people are punished for certain excesses, however territorial administrations feel like they have nothing to do with that" – complains the police officer of Jalal-Abad province.

Similar remarks were addressed to community committees during focus-group meetings with police representatives in Osh.

Systematic joint work can be ensured by joint plans developed in accordance to the Law of KR "On crime prevention", where comprehensive plans on crime prevention approved by LSG and local state administration are mentioned (article 14).

The plans, although with different titles, were disseminated. However, approaches to their development, approval and implementation differ. Thus, in Bishkek in 2012 by the decree of mayor's office, a package of immediate measures to strengthen security was approved, which

envisaged appointment of executors like prosecutor's office, city directorate of internal affairs, Directorate of Ministry of Emergency Situations, Directorate of State Committee of National Security, territorial subdivisions of mayor's office and municipal services.

Such plans also exist in Talas and Karakol cities.

There are also seasonal plans on prevention of cattle rustling, cultivation and spread of opium, prevention of law violations by juveniles and etc., and situational plans developed before mass events, protests etc.

On the subject of crime prevention, other studies show that such work is conducted without clear analysis of the causes of crimes and preparation of relevant action plans without involvement of state agencies and civil society¹⁴.

According to a civil society leader from Jalal-Abad province, one of the reasons of weak participation of LSG bodies in addressing the security issues is lack of skills to identify the problem, conduct needs assessments, and a situation analysis. In fact, analysis of existing plans showed that they are not oriented towards a final result. Furthermore, efficiency analysis of undertaken measures is also not conducted.

As a result, as an NGO representative from Osh mentioned, *"existing plans do not differ from those which were developed ten years ago"*.

Interviewed representatives of LSG in Batken and Jalal-Abad provinces noted that plans are approved by mayor's offices. According to them, indicated activities are mentioned only for performance.

Another problem is non-transparency of

14. Report of review mission of UNODC, June 2014.

plan development and implementation; this process doesn't involve representatives of civil society. Deputies of local councils are not aware about existing practice, though they play important roles in municipal budget allocations.

CA Mol is interested in approbation of new approaches to crime prevention planning, such as carried out in 2014 in Aksai Ayil Okmotu of Batken province with support from the UN Office on Drugs and Crime¹⁵.

The plan includes not only the list of activities with timeframes and responsible persons, but also expected results and required funds. The local council took the responsibility to cover some of those expenses.

Mentioning of joint crime prevention plans in the Decree of KR Government "On Comprehensive assessment of police" creates opportunities to spread new methods of joint work to local level.

CONCLUSION 6

Cooperation between police and LSG mostly depends on personal position of heads of LSG and police authorities, their ability to interact with each other.

This conclusion comes from the answers of respondents in the majority of areas that the study covered. Readiness for

cooperation between police and local self-governance allows quick resolution of emerging problems, and on the contrary – mistrust may undermine the cooperation. Study participants in Karakol and Osh cities noted that previously police even ignored city meetings. According to some NI from Jalal-Abad, Osh and Batken provinces political party affiliation of LSG heads can also be a reason for some frictions between them and police management¹⁶.

CONCLUSION 7

Interaction between LSG and police, as a rule, is well maintained, and in urban areas, it is more advanced.

Urban police sends daily situation reports to the management of mayor's offices.

Deputies of local councils noted that they could invite the head of police and request to report or answer the questions related to law and order situation. However, the deputies do not often use this mechanism.

During weekly meetings in mayor's office, for instance, police head takes part and informs participants about the security situation in the area.

In rural areas, there is no unified approach, and it depends on the position of heads of Ayil Okmotu and their ability to establish cooperation. For example, in one of village administrations in Jalal-Abad province, the NI participates in the meeting on weekly basis, but in the neighboring district, this happens on an occasional basis depending on the availability of the police officer.

15. Interview with staff of CA Mol.

16. Focus-group meeting with NI.

According to respondents in villages, big incidents and emergencies lead to strengthening of cooperation between LSG and police (e.g., joint patrolling of police officers and public voluntary squads, "re-activating" work of LCPC).

"Of course after such events, police and citizens begin to understand that without each other's assistance it is impossible [to ensure public security]" – says one local activist. Interviewed representatives of LSG noted that greater openness is expressed by NIs and juvenile inspectors, as well as by staff of 10th department of the Mol.

Intra-departmental orders (for example Mol order #169 from 03.03.2010) prioritize NI's work on crime prevention interaction with citizens¹⁷. In reality, this category of

officers, due to workload and realization of other tasks, (often not directly related to their responsibilities) do not always manage to execute their main duties¹⁸.

NI from Batken, Jalal-Abad provinces and Osh city spoke about contradictions between their official duties and instructions provided by their management. The latter request as a matter of priority to solve crimes, as this indicator is key for evaluation of territorial police units' work, while crime prevention and social partnership do not have a significant impact during evaluation.

"We had cases when the head of police department even cancelled meetings of NI with communities, which we helped to organize" – says representative of NGO.

CONCLUSION 8

Appointment process of police officers in rural areas is carried out without consideration of LSG opinion. City mayors have only formal participation in this process.

In practice abovementioned norms of LSG participation (first of all, mayor's office) in the process of appointment of heads of territorial police is carried out only formally. Interviewed representatives of self-governance bodies could not recall the cases when, as per suggestion of LSG, a police officer had to be punished for improper performance of duties.

There are diverse answers to the question "if LSG bodies can express their opinions during appointment or dismissal of heads of territorial police departments?"

Pursuant to the Law of KR "On LSG" city mayors have the right to raise the question about dismissal of heads of territorial state bodies of executive power, except for judges, prosecutors, heads of national security bodies and statistics bodies. Thus, this right is related to appointment of police heads. These powers are outlined in details in part 1, article 21 of Law of KR "On status of Osh city", in clause 1, part 1, article 21 of Law of KR "On status of capital city", where mayors of Bishkek and Osh cities have authority to consent on appointment of heads of territorial state bodies, participation of candidates in competitive selection for positions of heads of territorial state bodies.

17. See detailed documents from series of "Analytics of Co-Security":

"Police assessment criteria: New approaches" <http://reforma.kg/articles/view/142>;

"Trust through public accountability" <http://reforma.kg/articles/view/114>

18. "Police assessment criteria: New approaches", "Analytics of Co-Security", 2014. <http://reforma.kg/articles/view/142>

There is a widespread opinion that Mol alone and without consulting with LSG, appoint senior management of local police (this was response of representatives of LSG in Batken, Jalal-Abad, Talas and Osh provinces).

"Minister of internal affairs can appoint anyone anytime" – says deputy of city council of Karakol city.

A senior member of one of the territorial police stations admitted that although according to the law, mayor's opinion should be considered during appointment, in practice this doesn't happen.

Less often respondents answered that the mayor did propose candidates for appointment of head of city police department (representative of mayor's office of Karakol city).

LSG bodies do not take part in the appointment of NI. At the same time, majority of interviewed answered that in case of poor performance and as per results of reporting meetings, and in case of complaints from heads of LSG both in rural and urban areas, Neighborhood Inspectors can be punished, including dismissal.

According to staffing regulations, appointment and dismissal of NI is under control of province police department, subsequently, they take final decision.

The officer of CA Mol during the interview noted that with appointment of new minister more emphasis is given to establishment of social partnership and work of police external services, first of all NI.

"We listen to opinions of citizens and LSG about work of Neighborhood Inspectors" – assures officer of CA Mol.

Another issue, potentially reducing accountability of police towards LSG, is exclusion of LSG from police assessment process. Until recently assessing the quality of police's work was exclusively intra-departmental prerogative.

"The citizens as main consumers of law enforcement services were completely excluded from the assessment of police work" – agrees the Government¹⁹.

Change of this situation is possible via adoption of comprehensive police assessment framework, which includes internal and external approaches, and underlines the role of LSG in provision of information for the evaluation.

Design of clear external assessment criteria is an important condition for greater accountability of police towards citizens. At the same time, LSG represents interests and opinions of citizens possessing relevant mandate from the population.

19. Prime-minister J. Otorbaev: "Efficiency of police work will from now on be assessed by community", press-release of KR Government, 24 February 2015: <http://www.gov.kg/?p=50800>

SUMMARY

The study showed that demand for active participation of LSG in maintenance and provision of law and order is more and more increasing. This request comes both from individual representatives of LSG and non-governmental sector, as well as partially from police. Security sector reform with full-fledged involvement of LSG could have complied with the course declared by the Government on strengthening self-governance and mentioned by the Prime Minister Otorbaev on 13 March 2015. National strategy of sustainable development also foresees the necessity for legislative details of authorities and obligations of LSG in protection of public order. Until now, the state didn't make significant advances in implementation of this strategy component.

A number of factors were revealed that impeded fully-fledged assistance to ensuring of public security by LSG bodies as required by the legislation. The most essential are: insufficient funds, vaguely identified powers and mechanisms of participation in provision of public security, lack of advanced knowledge and skills among majority LSG representatives. The main institute of law and order maintenance, police, in most cases remains an isolated structure with vertical subordination to the center which also impedes establishment of working relations among police and LSG. Agreement on appointment of heads of police territorial subdivisions with city mayors in practice is carried out formally. At the same time, LSG has possibility to convey their opinion about NI work to police management. The respondents' assessment of types of

LSG involvement in maintenance of law and order (LCPCs, PVS and others) ranges from positive to skeptical. The majority believe that LCPCs in reality are Courts of Elders, whose tasks are reviewing cases related to administrative violations, while crime prevention and support of interaction with police remain on the sideline.

Due to lack of unified practice in the country, the key role is played by the human factor. If LSG heads recognize their role in protection of law and order and able to establish productive relations with police management on the territory, then in this area new work approaches are introduced, and law enforcement agencies remain in close contact with community.

There are good examples of police and LSG collaboration across Kyrgyzstan. One of such practices implies collective identification of security issues at the community (district) level, and then joint search for solutions of the selected problems.

The report also hails the practice of designing joint plans with participation of police, LSG and community representatives, which is not introduced yet.

The study also demonstrated that new police assessment criteria, adopted by the Government, can have significant impact on openness of police towards public and LSG. Mentioning in the document of joint plans on crime prevention and public security can be a significant step towards building trustful relations and expanding joint work among law enforcement agencies, local self-governance bodies and society.



RECOMMENDATIONS

RECOMMENDATIONS TO THE GOVERNMENT OF THE KYRGYZ REPUBLIC:

- The Parliament is suggested to draft legislative framework "On joint provision of public safety and prevention of law violations", where the role of key parties (police, LSG, LCPCs and others) in maintenance of law and order, crime prevention and key approaches to interaction with police, LSG and civil society will be identified; as an option, a legal act of the Government can be developed (based on the draft decree "On interaction of police and civil society" which at present is being developed by the Mol);
- Reflect in the above mentioned legal acts best practices of interaction between police, community, LSG, including joint plans of public security provision; outcomes and efficiency of implementation of joint plans can be considered during assessment of police and LSG work;
- Government's Apparatus and Mol are suggested to ensure openness towards civil society and LSG in the process of development of instructions on police assessment criteria, which are mentioned in the Government's decree #81 from 24.02.2015;
- Ensure clear link between police external assessment results and management decisions of police;
- Conduct public discussion and independent expertise of LCPC draft constitutive Charter;
- Develop unified approaches of monitoring and assessment of LSG bodies regarding their contribution to public security including assessment of their implementation of joint crime prevention plans and provision of public security;
- Develop methodological recommendations for urban and village councils on the implementation of article 31 of KR Law "On LSG" with regard to establishment of order, addressing the issues of local importance.

TO THE PARLIAMENT OF THE KYRGYZ REPUBLIC:

- Introduce amendments in normative and legal acts which regulate the work of police in regards to interaction with the public and local self-governance, obliging them to the same extent to participate in development of joint plans on public security and law and order maintenance;
- Introduce amendments in the Law "On LSG" by identifying responsibilities of LSG in maintenance of public safety and law and order;
- Legally identify mechanisms of accountability of territorial police towards LSG bodies;
- Make the practice of agreement on appointment of heads of territorial police and NI obligatory through inclusion of relevant norms in the Law "On Police"; (as an alternative) introduction of competitive selection practice to the positions of heads of territorial police, ensuring involvement of LSG in the selection committees;
- Introduce amendments in normative and legal acts regulating inter-budgetary fiscal relations allowing non-subsidized LSG to cover expenses and needs of local police, including salary allowances for external police services, first of all, NI and juvenile inspectors.

TO THE PARLIAMENT AND GOVERNMENT

- During hearing of the report of Mol, pay attention to qualitative indicators and achievement of increased trust of the public, rather than quantitative, such as crime prevalence, in comparison with similar indicators from previous period.

TO THE MINISTRY OF INTERNAL AFFAIRS OF THE KYRGYZ REPUBLIC:

- Evaluate implementation of order #169 from 03.03.2010 and directive #579p from 12.12.2014 of Minister of Internal Affairs of KR in relation to releasing NI from non-relevant duties, and completely prohibit use of percentage of crimes solved as an indicator of NI work evaluation..

TO THE PUBLIC COUNCIL OF MOI KR:

- Jointly with Mol, interested representatives of civil society and LSG develop methodology of external police assessment criteria

TO CIVIL SOCIETY, NON-GOVERNMENTAL AND INTERNATIONAL ORGANIZATIONS:

- Actively participate in systematic monitoring of police reform and comprehensive assessment of police work, efficiency of undertaken measures and consideration of public opinion;
- Jointly with Mol, SALSGIR and other agencies conduct information campaign about functions and tasks of LSG in maintenance of law and order; and norms of the KR Government Decree #81 from 24.02.2015 "On comprehensive police assessment";
- Provide support to the development of new cooperation approaches among police, LSG bodies and civil society through analysis of positive practices in different areas, and relevant foreign experience.

TO LOCAL SELF-GOVERNANCE BODIES:

- Take active part in the implementation of the Government Decree #81 "On comprehensive police assessment" with regard to preparation of methodology (criteria) of external assessment of police, and conduct assessment of police work;
- Consider the possibility to hire additional staff or delegate to one of the staff members of Ajil Okmotu the task to support maintenance of law and order, LCPCs, and regular interaction with police and other agencies engaged in maintenance of public safety and crime prevention etc.
- Take active part in development of new standards of work of NI, juvenile inspectors and other external services of police, related to interaction with citizens.



Civic Union «For Reforms and Results» is a voluntary, open and nationwide network of organisations and citizens of Kyrgyzstan, which aims at promoting positive changes in the country.

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