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NOTE

From : Secretariat
To : Committee for Civilian Aspects of Crisis Management
Subject : Draft Comprehensive Concept for ESDP Police Strengthening Missions
(Interface with Broader Rule of Law)

In view of CIVCOM meeting on 19 October 2009, delegations will find attached a draft Comprehensive Concept for ESDP Police Strengthening Missions (Interface with Broader Rule of Law) (doc.14630/09).

**COMPREHENSIVE CONCEPT FOR ESDP POLICE
STRENGTHENING MISSIONS
(INTERFACE WITH BROADER RULE OF LAW)**

TABLE OF CONTENTS

NOTE	1
REFERENCES	5
EXECUTIVE SUMMARY	7
1. INTRODUCTION	8
1.1 Background	8
1.2 Context	8
1.3 Aim	9
2. OBJECTIVES	10
2.1 General objective	10
2.2 Specific objectives	11
2.3 Local Ownership	12
3. SECURITY SECTOR REFORM DIMENSION	12
4. BROADER ROL INTERFACE	12
5. MODULAR STRUCTURES OF POLICE STRENGTHENING MISSIONS	13
6. PLANNING GUIDELINES AND METHODOLOGY	15
6.1 Challenges	15
6.2 Initial needs assessment	15
6.3 Exploratory Mission and/or Fact Finding Mission (FFM)	15
6.4 Baseline assessment	16
7. PROGRAMMATIC APPROACH METHODOLOGY	17
8. IMPLEMENTATION PHASES	18
8.1 Planning phase	18
8.2 Activation phase (through deployment of an advance team)	18
8.3 Implementation phase	18
8.4 Consolidation phase	19
8.5 Exit phase	19
9. KEY ASPECTS	19
9.1 Close cooperation with local authorities	19
9.1.1 Ensuring full cooperation	19
9.1.2 Steering Committee	20
9.2 Organised Crime and Corruption (OCC): A specific target	21
9.3 International Police Cooperation	22
9.4 Coherence of EU action and EU instruments	22
9.5 International Coordination	23
9.6 International Civil military coordination	24

9.6.1	<i>EU Civil military coordination</i>	24
9.6.2	<i>Interaction with non EU military bodies:</i>	24
9.7	<i>Lessons learned</i>	24
9.8	<i>Internal to the mission</i>	25
9.8.1	<i>Selection and training of EU personnel</i>	25
9.8.2	<i>Information Strategy</i>	26
10.	ANNEXES	26
	<i>ANNEX A</i>	26
	PLANNING GUIDELINES FOR ADVICE ON POLICE ORGANISATION AND RESTRUCTURING	26
1.	GENERAL OBJECTIVES	26
2.	METHODOLOGY	28
3.	REVIEWING PROGRESS	29
4.	EXAMPLE OF BASIC STRUCTURE	30
	<i>ANNEX B</i>	33
	PLANNING GUIDELINES FOR POLICE SELECTION AND TRAINING	33
1.	INTRODUCTION	33
2.	SHORT TERM EFFORTS - TRAINING PROGRAMMES	33
3.	THE FUTURE DEVELOPMENT	36
4.	COORDINATING ASPECTS	37
5.	EXAMPLE OF STRUCTURE	37
	<i>APPENDIX A TO ANNEX B</i>	40
	<i>ANNEX C</i>	41
	PLANNING GUIDELINES FOR POLICE MONITORING AND MENTORING	41
1.	GENERAL CONSIDERATIONS	41
2.	MONITORING	42
3.	MENTORING	46
4.	MONITORING/MENTORING COMMON ASPECTS	48
	<i>ANNEX D</i>	49
	PROGRAMMATIC APPROACH IMPLEMENTATION	49
1.	DEVELOPMENT OF THE MISSION PROGRAMME PORTFOLIO AND ITS PROJECTS	49
2.	IMPLEMENTATION AND MONITORING OF THE PROJECTS	51
	<i>APPENDIX TO ANNEX D**</i>	53
	<i>ANNEX E</i>	55
	PLANNING GUIDELINES FOR COMBATING ORGANIZED CRIME & CORRUPTION	55
	<i>ANNEX F</i>	57

**COMPREHENSIVE CONCEPT FOR ESDP POLICE STRENGTHENING MISSIONS
(INTERFACE WITH BROADER RULE OF LAW)**

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- W. Administrative Arrangement between Europol and the General Secretariat of the Council on the exchange of information in the context of civilian ESDP Missions (doc. 10817/08) of 17 June 2008.
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EXECUTIVE SUMMARY

ESDP missions are designed to address crisis or conflict situations where security is under threat. The bulk of all ESDP missions are civilian and most of them are police missions. As police substitution missions also require a strengthening component as part of exit strategy, it follows that the core activity of EU police is strengthening missions.

The original Concept of Police Strengthening Missions dates back to 2002. It needs revision in the light of the following:

- lessons learned,
- the need for:
 - a working interface with the Rule of Law (RoL) sector (at minimum the Host Country justice system),
 - tackling organized crime and corruption,
 - programmatic methodology,
 - addressing police intervention when faced with human rights violations.

The revised Concept constitutes a framework for police strengthening activities in whatever format they may take ranging from¹:

1. the relative simplicity of an ESDP police strengthening mission envisaging, for example, training the local police;
2. through to an ESDP RoL mission bringing together a police component (police substitution element together with a police strengthening element) and a justice component, where both sectors need to be addressed together in order to operate effectively;
3. to the complexity of a full-scale Security Sector Reform operation, involving re-organization and reform of military, police, governance structures and civilian administration, involving a multiplicity of actors and agencies (EU, UN, 3rd states etc.) in a comprehensive approach. In this case, the police strengthening activities represent simply one component of a complex, integrated mission.

The broader context of RoL and SSR have to be defined in any given Crisis Management Concept. It is this context which will provide the "umbrella" for the police mission and put its tasking in an overall context.

The Concept also underlines the importance of having properly skilled personnel in ESDP missions, including for the RoL interface².

The revision of the concept for Police Strengthening Missions constitutes a first step in a wider exercise of revision of concepts in the broader RoL Sector.

¹ All relevant services of the General Secretariat of the Council, the Heads of Mission and key mission personnel on the ground, as well as a joint workshop with judicial and police experts of the Member States and experts from the EUMS and European Gendarmerie Force (EGF) Folk Bernadette Academy, have contributed to this Concept.

² Personnel who meet the requirements of the posts advertised and who have participated in relevant training and/or exercises to prepare for deployment in ESDP mission.

1. INTRODUCTION

1.1 Background

At the Nice European Council (7, 8 and 9 December 2000), two generic concepts of ESDP police missions based on previous experiences were defined:

- Strengthening of local police services. In this case, EU police missions would be deployed essentially to educate, train, monitor, mentor and advise the police service in the Host Country (HC), with the aim of bringing the capabilities and conduct of local police up to international and EU standards³, in particular in the field of human rights, and of making them more effective;
- Substituting for local police services, notably where local structures are failing. Here the main task of the EU police mission, which should be deployed as early as possible, is to contribute to restoring public security (keep order, protect people and property). This means tackling violence, reducing tension and defusing disputes of all kinds, by facilitating the reactivation of the criminal justice system.

However, it should be noted that the EU Comprehensive Concept of Police Substitution Missions⁴ stipulates that substitution missions mandated to perform executive functions should not stand alone, i.e. they should have in addition, as an essential element, a police strengthening component to take charge of police instruction, advice, assistance and training in order to establish a functioning Host Country (HC) police service as quickly as possible, and in so doing, also to facilitate the exit strategy of the substitution mission.

It is therefore clear that strengthening the HC police services is effectively the core policing activity of ESDP.

1.2 Context

Most ESDP Missions take place in failed or failing states, in a situation of post-conflict stabilization and reconstruction. Consequently, government structures and other institutional structures are often non-existent or very weak. The RoL sector, inter alia police, judiciary and court system, civil administration, border control and customs can be, either in some of its constituent parts or in its entirety, dysfunctional, and this to a greater or lesser degree. Policing is a key element in underpinning a functioning RoL sector, but lessons learned over years of experience in conducting police missions indicate that it can never be the only element. To be fully effective, typical policing tasks such as interrogation, filing of charges, preparation and presentation of evidence, investigation of crime, and the pursuit and apprehension of criminals, must be followed by prosecution, trial, conviction and incarceration/correction - all within full respect of international law and human rights.

³ European and international standards of policing are understood to mean that the police services are:

1. based on the RoL; 2. acting in accordance with democratic values and human rights standards; 3. structured in accordance with criteria of effectiveness and efficiency; 4. adequately protected from improper political interference; 5. aimed at protecting citizens' rights and properties. The document adopted in 2001 by the Committee of Ministers of the Council of Europe "Recommendations of the European Code of Police Ethics" can be also used as a framework reference.

⁴ Doc. 8655/02

Police missions therefore cannot act in a vacuum but should also interface with other components of the RoL sector if they are to be fully effective. The precise nature of that interface will have to be determined on a case by case basis. It will depend inter alia on the relative strength of those other components, which should ideally be identified by a comprehensive assessment during the planning phase. The required interface should ultimately be reflected in the mandate of each police mission. However, it is clear that a working interface with the justice sector represents a minimum requirement.

This will provide an important framework for the ESDP police mission and put its tasking in an larger context.

In the planning documents, the relation between the EU police mission and the HC political structures should be described to ensure that the police structure and wider RoL structures are correctly embedded, with their appropriate powers, in the Host State structures. Other elements which may need to be addressed include ensuring that adequate resources are allocated to the police services and that there is not undue political interference in the HC strategy and its implementation.

To build up a sustainable police service in the HC, an active and long term engagement from the HC government and key instances is necessary. Census and identification programmes, vetting procedures for recruitment and a framework for overall reform measures may often be required⁵. In many cases the sustained payment of salaries to local police may have to be addressed. These issues will have to be assessed on a case by case basis.

Moreover, the success of the ESDP mission in reaching its objectives will depend in large measure on reaching agreement with the host country about what is to be achieved. In this regard, a shared vision and an agreement about a regular evaluation methodology ensures efficient and effective progress in achievement the mission objectives. Maximum local ownership ultimately guarantees sustainability of peace after withdrawal of the strengthening mission. In the long term, agreement between the HC and the ESDP mission on the key objectives and the means to achieve them need to become the lead principle.

The absence of such agreement at the beginning of an ESDP mission may be construed as an early indicator for failure, and may translate at the end of the mission into the need for its prolongation.

1.3 Aim

The present revised Concept seeks:

- To establish a comprehensive concept for police strengthening activities in the framework of ESDP, taking into account lessons identified and learned and experience acquired by ESDP missions in the field of police.
- To ensure that when a police strengthening mission is being set up, consideration be given to developing at minimum a working interface with the HC justice system.
- To set out the range of activities in which a police strengthening mission may engage to develop a working interface with the RoL sector, in particular the justice system and to underline the need for appropriate resources, human and other, within the mission to achieve this.

⁵ To this end, International standards and policies for such measures have been developed by the UN DPKO inter alia in consultation with the Office of the High Commissioner for Human Rights (OHCHR) and could be utilised whenever applicable.

- To underline the need for local ownership and appropriate commitment to the objectives of the mission in order to achieve EU and HC agreed vision of durable success.
- To stress the need to offer increased support to the HC in addressing the particular threat posed by organized crime and other serious crime, including, particularly, corruption (OCC), and specifically trafficking in human beings, drugs and weapons, usually committed by groups or individuals capitalising on the lack of structures in the HC and therefore working against the objectives of the mission.
- To enable police officers in police strengthening missions to intervene in situations where they witness human rights violations, within the mandate of the mission, to stop such violations⁶.
- To propose general guidelines, methodology tools and recommendations for the planning of the main tasks/activities to be performed by strengthening missions in creating indigenous local capacity to provide security and order, to fight crime and to effectively contribute to the establishment of a democratically based RoL, accountable to citizens, ultimately able to co-operate within regional and international mechanisms of Police and the Justice System⁷.

The operational guidelines in the annexes set out general proposals that need to be adapted to each specific case.

2. OBJECTIVES

2.1 General objective

The objectives of any police strengthening mission (meaning strengthening mission by itself or as part of a broader RoL mission, or a broader SSR mission) will be determined within the framework of a possible UN mandate and/or as part of the agreement between the EU and the HC, based inter alia on the outcomes of assessments.

The general objective of any police strengthening mission is to (re)establish or to strengthen and improve, under local ownership, a sustainable, transparent and accountable police system in the HC, to improve its police/law enforcement capacities and to ensure the HC police/law enforcement services are able to undertake the full range of law enforcement functions with strict respect for human rights, fundamental freedoms and within a broader RoL perspective in accordance with the demands of a democratic society⁸.

This general objective should be achieved through the delineation of clear tasks, priorities, and measurable objectives with realistic timeframes.

⁶ See, "Report of the Panel on UNITED NATIONS Peace Operations", UN A/55/305-S/2000/809 - "the Brahimi Report".

⁷ The OSCE guidebook on Democratic Policing May 2008 should also serve as a reference to good policing practice and internationally adopted standards

⁸ Norms of policing in a democratic society as defined by David H. Bayley, Professor in the School of Criminal Justice at the State University of New York, Albany:

- Police must give top priority to serving the needs of individual citizens and others who are legally on the territory;
- Police must be accountable to the law rather than to government;
- Police must protect human rights, especially those that are required for the sort of unfettered political activity that is the hallmark of democracy;
- Police should be transparent in its activities

2.2 Specific objectives

To achieve the general objective outlined above, it will be necessary, as appropriate, to tackle the following specific objectives:

- to identify the needs of security and the justice sector development as a whole, with particular focus on police responsibilities and their link to the justice system;
- to identify the gap between the human, infrastructure/material, finance and other resources needed for an operational police force and those currently available for the HC police/LEAs and to devise the means to bridge that gap;
- to assist in reform, restructuring and rebuilding of the HC police structure in order to enable it to respond to the demand for public security while fully respecting and promoting human rights standards and other International/European norms and standards. To that end, an organic and functional structure both at central and territorial levels might be developed;
- to support the HC in improving organisational and managerial capacities and capabilities of the Police;
- to support the HC police in improving police performance including by monitoring mentoring and advising the police service in their daily tasks, and if appropriate, by inspection;
- to assist in organising or restructuring the police education systems. This implies the need to design programs and study plans for the endowment of educational structures with the required equipment and internal performance regulations;
- to contribute to training the HC police and create an open and inclusive selection system based on professional merits and in recognition of gender mainstreaming, and, if required, reflecting ethnic and/ or religious communities of the HC;
- to establish the conditions for recruitment, access and promotion taking account of equal opportunities, including gender issues;
- to promote cross sector training for criminal justice actors;
- to support the HC police in building confidence within the population.

The achievement of these objectives may require, at least initially, the provision of the necessary equipment to the HC police/LEAs in order to ensure operational efficiency and the provision of infrastructure or refurbishment of facilities. The social and economic conditions of local police officers, including those released from service also needs to be addressed.

Against this background, the support in capacity building and development tools from other EU institutional as well as bilateral actors will significantly enhance the successful conclusion of a strengthening mission. Good interaction and synergy between the various EU instruments is therefore key.

2.3 Local Ownership

Many elements can contribute to the success of police missions but one "sine qua non" is the readiness of the HC authorities to be fully engaged from the planning and launch of the mission, and at every stage throughout the conduct of the mission, in the achievement of its objectives.

Local ownership requires that the HC Police authorities and the HC political leadership be involved at an early stage in preparing a baseline assessment and subsequent joint Mission HC plans. To this end, the establishment of a Steering Committee involving senior HC representatives and senior mission leadership is of utmost importance (see paragraph 9.1.2).

Planning will specifically take into account the delicate balance between necessary intrusiveness (in order to foster change) and needed local acceptance (in order to achieve sustainability) of international assistance. Ideally, a constant evaluation of this balanced approach will be built into the planning and execution process.

3. SECURITY SECTOR REFORM DIMENSION

In a situation of post-conflict stabilisation and reconstruction, the security sector (including military, police and other Law Enforcement Agencies (LEAs)) is often dysfunctional, and the security provided under normal RoL conditions can no longer be guaranteed⁹.

Depending on the relative strength of state institutions concerned with the RoL, a police strengthening mission may be deployed as part of a wider, more complex security sector reform operation supported by the international community. This may involve reform, restructuring and rebuilding of military, police, justice sector and governance structures, involving a multiplicity of actors and agencies in a comprehensive integrated approach.

A police strengthening mission within the broader framework of a Security Sector Reform process must be carried out in compliance with the EU Concept on SSR in particular with regard to coherence of action across the different sectors.

4. BROADER RoL INTERFACE¹⁰

A police strengthening mission should be seen as one instrument amongst others in restoring and consolidating RoL.

To be effective, most police strengthening missions need to have an interface within the RoL sector. That interface may be simple or complex, one-dimensional or multi-dimensional, depending on the strength and weakness of the components of the RoL sector in the HC and the mandate of the mission.

The decision, on whether the ESDP mission will be established as a strengthening police mission with one or more interfaces, with other RoL areas or as a component of an integrated complex mission with several full components, has to be based on the assessment of the legal and cultural framework of the HC and an analysis of the ongoing and planned activities of other actors and the mandate of the mission.

⁹ See UN Secretary General report: The RoL and transitional justice in conflict and post-conflict societies 23 August 2004 (S/2004/616).

¹⁰ The comprehensive EU concept for missions in the field of RoL in crisis management focuses the ESDP RoL operations on the "criminal procedure with a view to underpinning a possible international police component of an international mission. However, the possibility of a RoL mission dealing with civil law and administrative law aspects should also be contemplated", Council document 9792/03.

The most commonly required interface will be with the justice sector, the work of which is closely connected to that of the police and necessary in making police work effective.

A typical justice interface would address one or more of the following areas:

- identify, evaluate and address, with respect to human rights, institutional and operational shortfalls hampering effective investigation, prosecution, and adjudication, the administration of justice and penitentiary functions and the traditional justice system;
- strengthen the cooperation between the different branches of the criminal justice system: investigation, prosecution and courts, administration of justice and penitentiary and parallel/traditional justice system;
- advise on police-related legislation;
- cooperation and coordination with other national and international actors working within the justice sector.

Each police strengthening mission should be equipped with the appropriate legal expertise to properly interface with the HC justice system, as a minimum requirement.

5. MODULAR STRUCTURES OF POLICE STRENGTHENING MISSIONS

Three main types of tasks/activities performed by strengthening missions have been identified and are set out in the annexed generic basic guidelines on strengthening of HC Police. These are:

- advising on organisation and restructuring;
- selection and training;
- monitoring and mentoring.

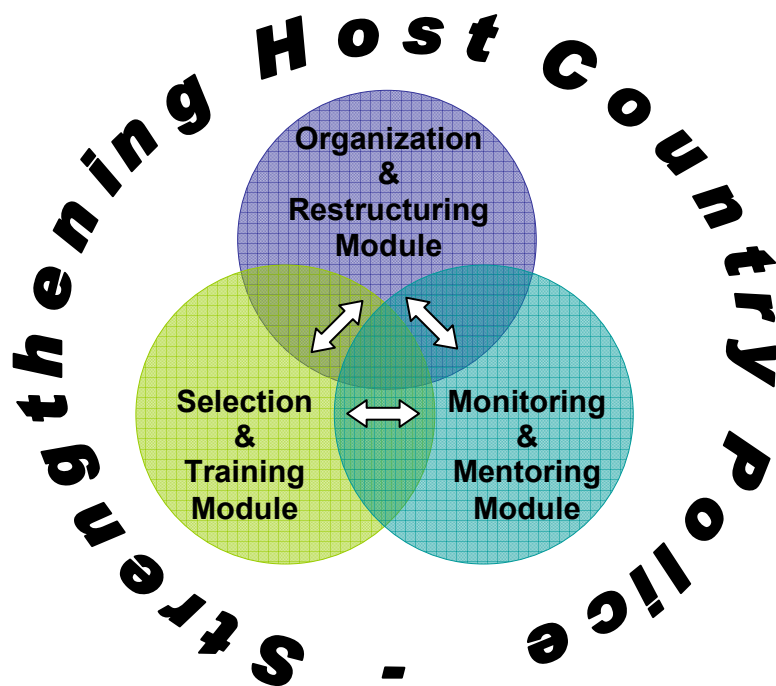
This categorization does not seek to reflect the mission organisational structure as such. A complex police strengthening mission mostly requires a combination, in various degrees, of the above mentioned types of modular activities in the daily performance of each branch/section in fulfilling the mission mandate/objectives.

Any police strengthening mission could therefore be a combination of these three modules:

Advice on organisation and structure - this module will assist the HC Police in developing and implementing the Transformation Plan (TP). In particular it will deal with the study and development of all those elements, including the appropriate legislation, which lead to the definition and establishment of the required police system. Generic Planning Guidelines for Police Organisation and Restructuring have been developed to enable the EU to provide this kind of assistance (see Annex A).

Selection and training - this module will assist the HC Police in developing and implementing the Integrated Training Plan (ITP). In particular it will support the management, administration and operation of the local police with regard to: generic education and police training (basic and specialised courses including management), and the establishment of a follow-up strategy. Generic Planning Guidelines for Police Training and Selection have been developed to enable the EU to provide this kind of assistance (see Annex B). They take into consideration the specific training requirements of (a) newly selected police officers and (b) pre-crisis police officers. Training requirements must be based upon a comprehensive assessment of the capacity of the HC forces.

Monitoring and Mentoring - this module will assist the HC Police in developing and implementing the Action Plan (AP). It will focus on the urgent needs of the HC police organisation and will consolidate strengthening achievements, build trust and ensure sustainable progress of local police towards best international policing standards, especially through a co-location methodology. This principle allows the police strengthening mission to better understand the HC police shortcomings and weaknesses. Guidelines for Monitoring and Mentoring are attached as Annex C.



Every mission has its own specificities and is subject to evolution through time. The predominance of one module may determine the specific character of any given police strengthening mission. This can be reflected in the composition and structure of the mission. Not all elements are necessarily equally manned. The modular structure proposed provides the necessary flexibility for adapting its elements to an evolving situation. This flexibility will allow the mission to have all the capabilities from the beginning or to integrate new capabilities into the structure as the mission evolves.

The necessary co-ordination with other EU and international crisis management efforts in the wider context of Security Sector Reform support including criminal justice reform, will be ensured in each case through the appropriate mechanisms.

When some police strengthening activities are conducted by other international actors, the ESDP Mission will always foster systematic coordination through appropriate mechanisms in view of obtaining complementarity and mutual support, in order to contribute to the achievement of one comprehensive and coherent International Community (IC) assistance project that covers the three strengthening functions mentioned above.

Interaction and synergy between the three modules should be ensured, notably by establishing a robust mission planning and analysis capacity able, inter alia, to:

- monitor the mission activities,
- process feed back /recommendations from the different activities;
- introduce and manage consequent adjustments to the mission activities.

It is the ESDP Head of Mission's (HoM's) responsibility to ensure that the three modules, concurrently implemented as part of the police strengthening mission, are mutually supportive.

6. PLANNING GUIDELINES AND METHODOLOGY

6.1 Challenges

Police strengthening missions will be adapted to the specific circumstances they have to face. The most complex cases are the creation of a new police service or the complete reorganisation of local police structures. In all cases, consideration should be given to the HC existing structures and bodies as well as to the local background in order not to import readymade policing models. Any Police strengthening mission may face the following difficulties, inter alia:

- short timelines imposed for re-establishing local sustainable policing arrangements;
- the need to review and update the HC legal framework to bring it up to international standards;
- the likely implication of HC police officers in the crisis along with the subsequent need to go through a screening and vetting process;
- the lack of appropriate training and know-how at all levels in the HC police and overall low education standards in the country, which can greatly impact on the selection criteria and curriculum for police education;
- inadequate HC resources (human, material, financial);
- the issue of command, control, management and co-ordination of newly set up staff structures;
- low wages, or irregularly paid wages, raising the potential for corruption;
- political interference in the HC police services.

6.2 Initial needs assessment

Against this background, the needs assessment prior to the complete deployment of any strengthening mission should be as comprehensive as possible. The initial exploratory mission or Fact Finding Mission, and the baseline assessment, should provide the required information.

6.3 Exploratory Mission and/or Fact Finding Mission (FFM)

Within the exploratory mission and/or FFM in the field of Police, a complete direct evaluation of the situation (including the other RoL parameters: relevant applicable law, the structure of the judiciary, including the structure of prosecution, the structure of the penitentiary system and the rules on counsel for the defendants) should be carried out.

This will be the starting point for the strategic planning. Experts participating in the fact-finding mission with a view to establishing a police strengthening mission should be carefully selected in order to ensure that they have adequate knowledge of what such a mission may entail, as well as of the full range of EU policing and wider RoL capabilities. In particular, it is important that human rights and gender expertise is ensured from the early stages of planning.

Civilian Response Team (CRT) contributions as well as use of the SSR Pool of deployable experts may support these exploratory missions and/or fact finding missions with additional expertise as needed.

Clear and concrete guidelines can be found in the document entitled "Police aspects of a Fact Finding Mission"¹¹. Furthermore, the Criminal Justice Assessment Toolkit (2006), prepared by UNODC, offers a solid basis to support the assessment process.

Non - Governmental Organisation (NGO) and Civil Society Organisation (CSO) knowledge and experience will be taken into account as appropriate.

The initial planning documents for any police strengthening mission will draw on the experiences and conclusions of the exploratory missions and/or fact finding missions. These documents should set out the possible approaches and options for action:

- Priority of reforms - should a police strengthening mission embrace all policing reform aspects at once or put initially all emphasis on specific policing areas only;
- Priority of targets - should a police strengthening mission prioritize the institutional development and capacity building or the development of individual police officers and the quick delivery of security.

6.4 Baseline assessment

Two parallel actions in the planning phase may be envisaged:

a. Assessment by mixed teams

Assessment of the HC police: its Strengths, Weaknesses, Opportunities and Threats (SWOT analysis). This should be conducted both at central level and field level by mixed teams including Planning Team personnel and HC officials, as appropriate.

b. Assessment by self analysis

Stakeholders at HC political/strategic level will be encouraged to conduct a self assessment on the HC police.

Both actions are aimed at supporting the mission Programmatic approach (Heading 7).

Appendix to Annex D ('Programmatic Approach Implementation') includes the outline of a possible workshop to trigger the process. Participants, representing different stakeholders of the HC RoL sector (police, justice etc.) and including, as appropriate, other relevant actors, such as representatives of NGOs and civil society organizations, should identify areas which need to be addressed, in order to achieve an enhanced capacity of the police in the HC. In countries where the police in the criminal process are working under the supervision of an investigative judge, it has to be considered whether the workshop should also involve the office in question, and to what extent.

A cross examination of the results of the assessment by mixed team as well as of the self analysis will allow an initial joint baseline assessment of the HC police to be made. This approach will strengthen the HC ownership, which is key to the success of a police strengthening mission.

¹¹ doc. 9735/02

The workshop should be led by an external facilitator/moderator. Where it is not feasible, it should be led by the ESDP Mission.

7. PROGRAMMATIC APPROACH METHODOLOGY

The planning documents for a given mission from the initial Crisis Management Concept (CMC) through to the CONOPS to the OPLAN, should become increasingly detailed in setting out the objectives of the mission and its specific tasks. The OPLAN should set out the number and nature of the programmes¹² to be undertaken by the mission, and the methodology for their implementation.

This programmatic approach would enable the Mission to establish from the beginning a clearer picture of the strengths and weaknesses of the HC RoL sector and to define the way ahead in implementation of the mission activities.

Each Mission Plan should have a tailored set of projects arranged by programmes, together constituting the overall Mission Programme Portfolio. Using such a programmatic approach will provide a structured framework for the mission's activities, providing a well- conceptualized and defined programme management and benchmarking (measuring the impact) system, ready to be implemented at the inception of the mission, enabling the Mission to track progress and results from the start. To this end, performance indicators should be identified and agreed during the planning phase.

The development of the Mission programme portfolio and programmatic approach is considered to be essential for the success of missions by providing a key management tool that will, among other things, enable the HoM to steer the mission in the right direction.

Using such a structured framework for the mission's activities serves several purposes:

- facilitates immediate start of activities once mission is in place;
- ensures that there is a logical and consequential relationship between mission objectives, project goals and expected results, and implemented activities;
- clarifies division of labour and overall responsibilities;
- provides the reporting format as the basis for monitoring and evaluation, informing the project implementer and senior management about the progress of the project and its achievement of results;
- by identifying risks and based on the reported information, allows for corrective measures at the appropriate level to ensure the continued relevance and efficacy of the project or even the mission¹³;
- presents the results of the mission, both in real time (enabling corrective action) and also for evaluation upon completion (useful also to guide future ESDP and other international missions).

¹² Programmes: consist of a series of projects that share a common overall goal and are managed together. Programme priorities are formulated into projects. Projects are series of linked activities (*consisting of actions taken or work performed through which inputs, such as skills transfer, advice and other types of resources are mobilised to produce specific outputs*) with set objectives, designed to produce a specific outcome within a clearly defined period of time meeting pre-defined success and quality indicators .

¹³For this purpose, the eventual establishment of a mission analytical capability within the ESDP mission, for collecting, processing, analysing and disseminating information will also provide HoM and Mission management-enabling continuous monitoring and analysis of the crisis environment to satisfy decision making requirements in the pursuit of Mission objectives.

8. IMPLEMENTATION PHASES

The implementation of a police strengthening mission may be sequenced as the model presented below:

8.1 Planning phase

Following the EU/HC agreed vision and, where appropriate, jointly identified HC police priorities, the mission will assist the HC authorities in developing a Framework Development Plan based on the HC baseline assessment that will deal with:

- future development (Transformation Plan);
- the way to address urgent needs (Action Plan);
- training strategy and activities (Integrated Training Plan).

Each plan, in coherence with any relevant European Commission (EC) assistance programmes, may have a tailored set of projects arranged by programmes, together constituting the overall Mission Programme Portfolio (see annex D on programmatic approach implementation).

8.2 Activation phase (through deployment of an advance team)

Includes the following tasks:

- establish the mission headquarters;
- work towards the full deployment of the mission;
- establish full cooperation with local police structures;
- establish full co-operation with other civilian authorities, in particular with the local judiciary and penitentiary systems;
- establish full cooperation and coordination with other EU and international actors present in the field of the RoL;
- facilitate the establishment of an International Community (IC) coordinating mechanism;
- activate training centres and/or assist HC training activities;
- continue evaluating the situation at central level and in the field, involving local contributions;
- continue planning activities and assessing the needs of local police;
- assist in developing the Plans mentioned above.

8.3 Implementation phase

Includes the following tasks:

- assist local police in the reform process;
- address additional policing needs including by advising, monitoring and mentoring;
- assist in drafting and implementing law and regulations according to internationally accepted standards, taking into account special features of the HC;
- assist in development of a police reform Action Plan and the estimated budget for its implementation;
- implement or assist in implementing the training programmes within the different fields;

- accompany the progressive deployment of local police in accordance with any new organizational structure;
- ensure the continuous follow-up of the situation;
- facilitate coordination of the IC efforts in the wider RoL area;
- assist in implementing the Plans mentioned above.

8.4 Consolidation phase

This phase is essential to give continuity to the activities undertaken in previous phases, and to the follow up of the newly established or overhauled security system, guiding its evolution. Full local ownership should be established in the course of this phase as an aim in itself and as the exit strategy of the mission

8.5 Exit phase

At the end date of the mission, the established objectives may be partially achieved or fully completed. A flexible approach, based also on the findings of the Mission reviews, should allow the Mission to progressively phase out areas of involvement where appropriate. Consolidation of the achievements of the ESDP mission should be considered, where appropriate, by follow-up activities through EC presence after termination of the mission.

9. KEY ASPECTS

9.1 Close cooperation with local authorities

9.1.1 Ensuring full cooperation

To ensure that the ESDP strengthening mission is in a position to deliver on its mandated tasks, strong support from the top political level of the HC has to be guaranteed (e.g. in a Steering Committee). The mission may encounter resistance in helping foster change from (part of) its local counterpart. The principle of full cooperation should therefore be reflected in legal arrangements between the EU and the HC, as appropriate. To this end, during the planning phase, the signature with the HC of relevant Memorandum of Understandings (MoUs), Technical arrangements (TAs) and/or Protocols in which the responsibilities and obligations are clarified will contribute to consolidate the HC commitment.

This particularly applies to the implementation of monitoring/mentoring activities whereby the monitors and mentors of the police strengthening mission have the responsibility to identify potential failures and shortcomings in the HC police and ways of addressing them. The lack of some level of leverage in support of the monitors/mentors' action would impair their credentials and undermine their effectiveness. In a situation where breaches of agreements or potential violations by HC police personnel are not addressed, the credibility of the ESDP presence would also be compromised.

Against this background, the mission should include a mechanism (e.g. "non compliance procedures") that obliges the HC counterparts to remove obstructions to progress, and to ensure full cooperation. Any serious lack of cooperation should be notified to the appropriate level of the HC government and solutions should be found, notably through the structures created to manage the reforms.

Specifically, EU police officers should be authorized, within the mission mandate, to intervene when witnessing human rights violations perpetrated by HC police.

On the one hand, the mission should be authorised to address issues of non compliance with the HC in order to steer HC police activities back on course. On the other hand, the HC should be able to demand that the mission fulfil its responsibility, in accordance with the mandate. The mission should, however, maintain the distinction between these responsibilities and an executive function.

Any EU assistance should be conditional on the commitment of the HC to implement the agreed Framework Police Development Plan.

9.1.2 Steering Committee

In the absence of relevant pre-existing structures of international coordination before the activation of the mission, the establishment of a Steering Committee should be considered.

The Steering Committee is a coordination structure set up at political strategic level to bring together the HC and other international actors to oversee, review and approve the outcomes and recommendations developed by the experts working group/s at technical level in the different domains of activity (e.g. police, justice, etc.).

The Steering Committee is composed of senior representatives of the HC and the EU HoM and /or his representatives. It may also include high level representatives of international actors involved in the same area of development. This Committee has a key function in engaging HC in the reform/restructuring process and fostering local ownership and HC accountability.

In the case of an ESDP police strengthening mission, in order to link the mission and local police authorities, the creation of a Police Steering Board (PSB)¹⁴ is a first step. It would bring together senior HC representatives, the HoM and senior representatives of organizations and agencies supporting the HC in the field of policing.

This structure would allow the Police HoM, in line with the political guidance given by the EUSR, when one has been appointed, to discuss with relevant local authorities and other relevant IC actors the different aspects of the police mission in order to associate them with the proposed objectives and promote local ownership.

The Police Steering Board (PSB) would review, approve and trigger government approval of the draft law, regulations and changes prepared in a technical structure (a Police Development Board), competent to carry on the development coordination in the field of policing (police organisation and restructuring, selection process and coordination of police training). This mechanism would constitute an important link in supporting the strategic decisions.

In a more complex case, when the support to the HC encompasses a broader RoL sector by the mission (wider interface with the justice sector by the ESDP mission, fully fledged RoL mission) or by the International Community as such, in which the coordination must be steered at the highest level, a RoL Steering Board could be set up for this purpose.

¹⁴ see annex A 2.2 police development structure.

These principles would apply in the situation of a complex international support to HC in covering a Security Sector Reform for several state institutions and other entities.

9.2 Organised Crime and Corruption (OCC): A specific target

Civilian crisis management missions are often deployed in fragile or weak states, where democracy has only recently been, or is being, introduced. In such countries it is often the case that organized criminal networks and corrupt elements create a parallel society influencing all aspects of the life of the population. Structures of organised crime and corruption have to be identified by using all reliable sources and intelligence of the Member States at an early stage in the mission planning.

Organized crime structures are often part of the state, influencing politics, law enforcement and the judicial system by weakening public authority and RoL. In some cases they may well have constituted a substantial cause of the conflict. Regardless of the context, organised crime and corruption can cause major problems for ESDP missions stabilizing such nations.

In such cases, in order to ensure sustainable security and stability of the HC, and to increase and consolidate the capability of the HC in fighting organised crime, the police mission must bring a particular focus to enhancing the HC capability in fighting organized crime and corruption. The main effort in stabilizing the country should therefore not only be directed towards state building policy and security force enhancement but also towards developing policies to cut relationships between organised crime structures and elected political actors or state officials.

This focus on organized crime should be specifically reflected in the mandate of the mission, in particular, when the organised crime originating from or transiting through that HC affects the EU Member States.

Addressing organised crime is also a concern for actors other than the police. It involves the full range of activities of the RoL sector including, but not limited to, customs agencies, VAT agencies and tax authorities as well as border and immigration services. Combating organised crime requires a differentiated approach to address the different aspects of it.

A holistic approach to the justice system in the wider framework of RoL remains a key prerequisite (condition sine qua non) for supporting the fight against organized crime. Any assistance (monitoring, mentoring and advice) in the fight against organized crime has to be conceived and elaborated with the consideration that the justice system starts with the investigation of a crime and ends with having the criminals convicted of their crimes and in prison. The inclusion of and interaction with judicial and prosecutorial elements in this holistic approach is essential for long term sustainability and impact on organised crime.

In this respect a police mission with justice interface should assist and insist on the strengthening of the links between police and prosecution etc. (see annex E), as the proper investigation of serious criminal activity requires the expertise of all actors of the justice system.

9.3 International Police Cooperation

It is in the interest of the HC to set up and enhance cooperation between Law Enforcement Agencies with responsibility for the internal and the external aspects of security, and International Police Cooperation agencies, mainly in preventing and combating serious international organized crime and terrorism.

The police strengthening mission should play a positive role in promoting effective cooperation in this field, in line with the objectives defined in the European Union Security Strategy.

In particular, cooperation should be sought with:

1. ICPO-Interpol: the police strengthening mission should, where International Police cooperation with Interpol support already exists, assist, in accordance with the mandate, the HC Law Enforcement bodies to consolidate and improve the working relationship.

Where no relationship has been set up with Interpol, the police strengthening mission should promote the establishment of a permanent cooperation with Interpol and provide, as appropriate, support to the HC in the process of the preparation of an agreement or technical arrangements.

2. Europol: cooperation between civilian ESDP missions and EUROPOL continues following the signing on 18 July 2008 of an arrangement between the Secretary-General/High Representative for the CFSP and the Director of EUROPOL on the exchange of strategic information, leading to the implementation of the exchange of strategic (non-personal) data between Europol and ESDP Missions through GSC since March 2009. The process of the exchange of operational data (personal data) with EUROPOL will be done in accordance with the mission mandate and developed within the framework of existing arrangements.

The ESDP mission will proceed internally to the implementation of the agreements and mechanisms adopted. As regards the HC activities in this field, the police strengthening mission should promote the establishment of a permanent cooperation with EUROPOL, facilitating the process, in offering active support for preparing the set up and the sustainability of exchange of information.

3. Neighbouring states: the HC should be encouraged, where arrangements do not already exist, to develop cooperation arrangements with neighbouring states in particular to assist in the fight against organised crime that transcends national boundaries.

9.4 Coherence of EU action and EU instruments

In any ESDP mission, coordination with and coherence among all EU instruments deployed in the area of responsibility must be a priority¹⁵.

¹⁵ See doc (8926/06) Framework paper of possible solutions for the management of EU Crisis Management Operations.

In particular full coherence will have to be ensured between ESDP police strengthening missions and European Community police activities and assistance programmes. Co-ordination should also be ensured with member states bilateral actions. Co-ordination will be necessary from the early stages of planning, both in Brussels and at the level of EC Delegations, within their respective areas of responsibility.

The ESDP Mission might also be entrusted with the task of coordinating or facilitating EU MS bilateral assistance efforts in the field of policing, as appropriate.

9.5 International Coordination

In multilateral and bilateral crisis response co-ordination is a key and challenging issue. ESDP missions should play a constructive role in contributing to harmonizing the various activities of the international community within their mandate. Resources should be delivered efficiently and effectively, and the contributions of the many donors involved should be complementary and allocated in line with the established priorities and policies. Duplication of efforts should be avoided as much as possible.

To this end, the setting up of mechanisms enabling all local and international partners involved in police reform to properly interact, is one of the most effective means of providing efficient coordination (e.g. Steering Committee).

In the absence of other coordination structures, the EU will facilitate the establishment of IC coordination mechanisms in the field of policing both at Political and Strategic level and at operational level.

The ESDP Mission should be complementary, and bring added value, to international efforts in the crisis area, in support of the HC police strengthening process. To this end, ESDP liaison officers may be deployed, as appropriate, to the relevant International Community (IC) and HC institutions. Close co-operation with relevant non-governmental organizations as well as with HC civil society, as appropriate, should also be ensured.

The EU may carry out police strengthening missions in co-operation with international organizations involved in crisis management, such as the UN and the OSCE. This can be under the EU lead or as the EU contributing to a mission led by another international organization. In both cases, the different functions of a crisis management operation/mission (including in the field of police) could be assigned separately to the co-operating organizations.

In cases where and when several international organisations are mandated to work in the same area, coordination is of the utmost importance to avoid duplication and to maximise the benefits of the presence of each organisation.

9.6 International Civil military coordination

9.6.1 EU Civil military coordination

The implementation of the principles of Civil Military Coordination (CMC)¹⁶ is important in ensuring coherence in ESDP operations. Where military operations are deployed in the same area of responsibility as police missions, early planning will identify where tasks and objectives are complementary and where operational efficiencies may be achieved.

A culture of civil military coordination should be based on sharing of information, and a shared approach to their respective activities in order to accomplish the EU political/strategic objectives.

Mutual support is required to maximize complementarity. Consequently the police strengthening mission will establish an effective means of coordination, in the context of ESDP, with the EU military force to get a synergetic effect in the implementation of EU's response. At theatre level, in line with the notion of a comprehensive approach, a permanent liaison approach will be established.

The following fields of collaboration should be explored and the appropriate synergy mechanisms be set up:

- Command and Control (eg. issues such as sharing of assets, co-location, joint situation centre)
- Intelligence (information sharing)
- Logistics (i.e. transportation, CIS, medevac)
- Security (Force Protection,)
- Training

If an EU military presence is mandated to support the HC law enforcement bodies the guidelines principles (at Annex F) could be considered as a model for cooperation.

9.6.2 Interaction with non EU military bodies:

The ESDP police strengthening missions will establish coordination modalities, as appropriate, with non-EU multinational military actors (or forces) if present in theatre, in line with the principles stated in paragraph 9.4.

Moreover, possible areas of effective collaboration may be explored, inter alia, in information sharing, in the area of providing security etc. Where required, the ESDP police strengthening mission should provide professional advice on the HC policing activities.

9.7 Lessons learned

The Guidelines for identification and implementation of lessons and best practices in civilian ESDP missions¹⁷ will be taken into consideration in supporting the process of identifying lessons and implementation of lessons learned in the ESDP context.

¹⁶ Reference doc Civil Military Coordination 14457/03.

¹⁷ doc. 15987/08

To this end, missions will nominate best practices officers. These may form a network on the model of those set up by the UN-DPKO between the Headquarters and the field.

On the basis of a common methodology, the HoMs will be responsible for ensuring that suitable systems are in place to (i) identify observations based on input from mission staff; (ii) communicate them to the Headquarters; (iii) disseminate lessons and best practices and the use of the institutional knowledge within missions; (iv) ensure that training reflects existing rules and best practices; and (v) provide input for lessons identified reports.

In general terms, to ensure the success of future EU police missions, it is essential to benefit from the experience of EU Member States, the UN, and other international organizations.

9.8 Internal to the mission

9.8.1 Selection and training of EU personnel

Selection of personnel has to be based upon job descriptions that specify required competencies.

The responsibility for pre-mission training of EU police officers to be deployed into policing missions primarily lies with the member states¹⁸. Member states should ensure that the personnel they put forward for ESDP missions have the correct professional qualifications, language skills and, where necessary, the region-specific knowledge, as well as knowledge of all major guiding principles and commitments under ESDP (including international humanitarian law, codes of conduct, UNSCR 1325/1820, etc.) to carry out the mission tasks.

Consideration should be given to the need for retraining or ultimately to the need for the repatriation of personnel who don't meet the required level of skills, bearing in mind that ESDP mission staff in monitoring, mentoring and advising the HC personnel effectively act as role models for the developing police force. In this situation the high standards of professionalism expected of EU Police must be maintained.

Specific induction training, including exercises for police officers¹⁹ that will participate in police strengthening missions, is of great importance, in particular in the training of trainers and mentors. An important objective of this training will be to contribute to the achievement of interoperability.

An in-mission induction package should be devised already during the planning phase. This ensures uniformity of training also when there is rotation of personnel and between different training providers.

An induction training package addressing all relevant policies (including Human Rights and Gender issues)²⁰ and fields of interest for the nominated HoMs and key mission personnel should be conducted in Brussels prior to any deployment.

¹⁸ Further details on the most recently agreed elements of the pre-deployment training to be provided by the sending MSs can be found in 16849/06 'CivCom advice on the Report from the training workshop "Future training needs for personnel in civilian crisis management operations" held in Brussels on 19-20 October 2006 (doc. 14798/06)'

¹⁹ Doc. 6107/03 Training Curricula for Police Officers for deployment to international civilian crisis management missions.

²⁰ The Gender & Security Sector Reform Toolkit (2008) elaborated by DCAF, OSCE/ODIHR, UN-INSTRAW could provide an appropriate support.

Police experts should be sufficiently trained on the legal system of the host state prior to deployment. If not feasible, this could be done in-mission and the mission may draw on qualified local staff or on staff in the local administration where mission members are co-located for this purpose.

9.8.2 Information Strategy

Developing an effective communications strategy is a key requirement for the success of the mission. Clear communication of the mission's objectives, raising awareness of commitments of the HC to reform and highlighting progress and benchmarking assessments are important to help sustain political and public support throughout the mission implementation and to contribute to confidence building. Failure to communicate the objectives and activities of the mission can seriously undermine the achievements of those objectives.

A local information campaign should be planned early on (if possible before the mission is fully operational) in order to inform the public about the mission's mandate and objectives, and to gain trust from the HC citizens.

10. ANNEXES

Annex A: Planning Guidelines for Advice on Police Organisation and Restructuring

Annex B: Planning Guidelines for Police Selection and Training

Annex C: Planning Guidelines for Police Monitoring and Mentoring

Annex D: Programmatic approach Implementation

Annex E: Planning Guidelines for Combating Organized Crime & Corruption

Annex F: EU Civil military coordination guidelines

ANNEX A

PLANNING GUIDELINES FOR ADVICE ON POLICE ORGANISATION AND RESTRUCTURING

1. GENERAL OBJECTIVES

This module of a police strengthening mission focuses on the institutional development of the HC police whereas the other two strengthening modules are more dedicated to the improvement of the police staff. It typically calls for a long term endeavour as policing reform and restructuring efforts take time to materialise. This module will usually be supported by development assistance instruments as it requires capacity building. It will advantageously be conducted through a programmatic approach (see Annex D).

This module can be implemented at various stages of a police strengthening mission and encompass a comprehensive overhaul of an indigenous police system, usually as part of a Security Sector Reform process, or help reform/restructure specific segments only of a HC police organisation.

This module usually calls for the need to review and amend the existing legal framework in order to bring the activities of the HC law enforcement agencies up to international standards, wherever needed.

It requires the deployment of senior police officers, supported by a wide range of varied expertise in specific fields (political, legal, financial, human rights, gender...), acting in an advising capacity. In this context, advising means identifying problems and proposing possible solutions in order to provide professional counselling to the HC central authorities to assist in the development of those elements which lead to the definition and establishment of the required police system, including on the appropriate legislation, as well as on the improvement of police performance. The ultimate goal is to enhance capacity so that the HC police can deal with all policing issues.

This Module has to be devised in accordance with a Transformation Plan. The initial joint assessment of the HC police will allow the mission to assist the HC authorities in designing a Transformation Plan. This plan will consist of longer term goals that the police organisation must achieve in order to foster institutional and organisational development. It will contain objectives of principal importance including:

- A clear role for the HC Police embedded in appropriate enabling legislation;
- Organisational structure which provides for effective command and control and accountability;
- HC police leadership and management which is capable of effectively utilising all available resources in order to achieve the HC police mission;

- Fair and impartial human resources policies for recruitment, training, specialisation, promotion and discipline;
- Well-defined and established norms and core values within the HC police which provide for consistency in organisational approach;
- Effective HC police systems of internal and external oversight;
- Effective administrative systems for financial management and logistics structure, and resources to support HC police;
- Secure communication and information systems that support effective command and control and availability of information;
- Police with good general interface with the wider justice system and included in the broader Security Sector Reform process; emphasis on the criminal justice sector where/when needed;
- Institutional respect for and adherence to human rights principles and gender issues;
- Operational capacity to provide safety and security to people by implementing systems and models that reflect best practices, norms and values of modern, democratic²¹ policing, relying in particular on community based policing model;
- Operational capacity to effectively prevent and investigate crime including organised crime and corruption, as well as combating terrorist activities, as appropriate²².

²¹ See footnote 7.

²² See Annex F.

2. METHODOLOGY

2.1 Deployment

Following the co-location principle²³ with HC police counterparts, ESDP mission personnel advising at strategic level will be assigned to the central branches of the relevant government services (eg. Ministry of Interior).

If the ESDP police mission is to support and promote police institutional development then it requires additional expertise in such processes. Thus it may include, inter alia:

- legal expertise in the form of a limited team of prosecutors, judges, lawyers etc.;
- expertise in public management, logistics, procurement and finance;
- human rights and/or gender advisers;

In order to ensure a broader RoL and Security Sector approach, mission personnel may be placed in the other relevant Ministries (e.g. Ministry of Justice -MoJ, Ministry of Defence- MoD) or Offices (e.g. General Prosecutor).

2.2 Police Development Structure

The ESDP Mission should facilitate the establishment of a Police Development Structure (PDS), which could include:

A steering committee: Police steering board (or equivalent name):

The Steering Committee is a coordination structure set up at political strategic level to bring together the HC and other international actors to oversee, to review and approve the outcomes and recommendations developed by the expert working group/s at technical sector level (e.g. Police Development Board).

The SC is composed of senior representatives of the HC and the EU HoM and /or his representatives. It may also include senior representatives of International actors involved in the same area of development.

The Steering Committee may be a complex structure including representatives from a wide number of sectors. It may also be a more simple structure coordinating activities in a single sector e.g. police, when its title may become "Police steering board" or in a wider framework a R.o.L. steering board (or equivalent name). But in all cases it has a key function in engaging the HC in the reform restructuring process and fostering local ownership and HC accountability.

It will report to and provide advice to the political level of the state.

Police Development Board (PDB) (or equivalent name):

The Police Development Board (PDB) is a technical advisory group at sector level. It will propose to the steering committee elements for the overall strategic objectives for the restructuring of the police.

²³ Co-location is considered as a physical sharing of working environment which is, by all means, the best way to monitor, mentor and advise a counterpart.

It will set up the strategic programmes required to address key issues, time frames within which to implement the programmes, institutions responsible for the implementation of actions, and key indicators to assess progress against each of the programmes.

PDB will develop practical and achievable goals and programmes for issues, such as:

- developing the transformation plan by further studying and promoting changes to the police organisation;
- drafting laws, regulations in coherence with the above plan;
- harmonising new proposals with the architecture already existing.

All these types of mechanisms should be set up within the mission area of responsibility in tailored approach and in accordance with the HC specificities and requirements of the mission.

Working groups

They will be based on the Ministerial central branches in order to prepare draft laws, regulations and structural plans. The ESDP Mission will be represented in each WG by Strategic Advisers operating within the Office of the relevant Minister, office of the Head of the police and the central branches.

2.3 Interaction with the other modules

Under the control of the ESDP HoM, there will be a permanent info exchange between this module and the other two modules that will:

- develop and implement their programmes in consultation with this module;
- formulate proposals coming from their experiences / activities;
- these proposals will be taken into account to update the Transformation Plan;
- monitor/implements the approved police reform steps/outputs.
-

3. REVIEWING PROGRESS

Progress on the implementation of the Transformation plan may be tracked and benchmarked against, inter alia, the following indicators and objectives (See also Annex on programmatic approach implementation):

- A legal framework for the police service in accordance with constitutional and democratic principles and standards;
- Rights, obligations, conditions of service, working practices etc. are described in laws, regulations and codes of practice, and implemented;
- Personnel policy is based on transparent, non-discriminating and objective criteria;
- Effective, transparent and fair accountability mechanisms, both internal and external, are in place;
- Re) allocation of human resources according to needs;
- Police officers are voluntarily recruited on the basis of their individual aptitudes and professional potential;
- Recruitment practices take into consideration the Population/Ethnic/Gender representation;
- Promotion based on objective criteria and not on nepotism or political favouritism;
- Improved leadership in the police service;

- Police officers better skilled;
- Increased application of proactive (intelligence led) investigation techniques;
- Operational plans and policies directed by clear objectives that are properly measured and lawfully achieved;
- Local councils established to assist in community policing;
- Number of close contacts with communities;
- Quantity and quality of intelligence coming from the public information campaigns;
- Co-operation between the Police Service and other agencies/institutions;
- Increased co-operation with other states and international organisations in the field of policing and other components of RoL;
- Budgeting as a strategic tool for mid and long-term planning;
- Investment policies and strategies defined;
- Principles of effectiveness, efficiency and accountability are observed;
- All Units become operational;
- Standardised and interoperable equipment is guaranteed;
- Acquisition of Data, Data Analysis and Data Dissemination are done in an automatic and integrated way.

4. EXAMPLE OF BASIC STRUCTURE

The assistance to the local police services and the strengthening of the law enforcement capability is often an essential function for conflict prevention, crisis management and post-conflict rehabilitation. In this context, the right architecture of a police organisation, working towards efficiency and effectiveness, is often critical to meet this requirement. The HC police structure should be so designed that it may promptly respond to the demand for law enforcement.

The support to the police organisation restructuring, with due flexibility, needs to take into consideration the national context, (including cultural, political, economic and social realities) its security system and its constitutional framework (e.g. centralized versus federal system). Imported models may not be best suited for the local situation and may need to be adapted to local realities.

The structure described below is an example, which practitioners may draw on as appropriate. The mission should have a tailored approach in proposing a structure. However, in order to guarantee police accountability and oversight, the organisation should be provided with an independent Police Inspection and Audit Department.

4.1 Central structure

4.1.1 Direction of Police

Ideally, the Central Directorate of the police service should include the following capacities:

- Management and co-ordination of services at central and local level;
- Management, organisation and distribution of material and budgetary resources assigned to Police;
- Conduct of personnel and educational policy as well as the implementation of the appropriate disciplinary procedures;

- Representation and direct contact with other authorities;
- Management of international police co-operation;
- Conduct and co-ordination of work relating to the legal framework and police regulations.

The Director may be assisted and supported by a Cabinet to perform these duties.

4.1.2 Operations Directorate

In accordance with the guidelines from the General Directorate, the Operations Directorate will be in charge of conducting, and co-ordinating the service of the operational units together with the follow-up and control of the outcome of the operational programmes.

Divisions included in the Operations Directorate will deal, inter alia, with :

- **Criminal Police**

With the aim of organising, conducting and monitoring investigation and pursuit of criminal offences, the criminal police will include a criminal investigation department (including crime intelligence, organised crime and anticorruption) and a forensic police department.

- **Information & Analysis**

For the purpose of organising, conducting and monitoring the collection, handling and dissemination of information which is of interest to public order and security.

- **General Policing**

Aiming at organising, conducting and monitoring matters concerning security, it will include the departments of crime prevention, maintenance of law and order, and traffic.

A separate Directorate for national Mobile Crowd Control capabilities (Specific Public Order Units, when existing) may be built up.

- **Border and Police - related customs affairs**

- **Documentation**

With the aim of organising, conducting and monitoring issues relating to documentation e.g. national licenses and regulations.

4.1.3 Management Directorate

In accordance with the guidelines from the General Directorate, it will be responsible for management, co-ordination and administration of human, budgetary and material resources as well as the follow-up and control of the outcome of management programmes.

Divisions included in the Management Direction will deal, inter alia, with :

- **Human resources**

It will deal with tasks of administration, management and development of personnel policy, recruitment, remuneration, internal promotion, discipline, welfare and health care, etc.

- **Budgetary and Material Resources**

It will be responsible for administration and co-ordination of financial resources with respect to procurement and expenditure as well as management, monitoring and maintenance of material resources

(equipment, armament, infrastructure, etc.). It will be in charge of analysis, follow-up, and monitoring of the implementation of the budget.

- Training

It will be accountable for personnel training. It embraces initial or basic training and development (advance management, specialisation and refresher courses).

4.2 Territorial structure

4.2.1 Intermediate/regional police headquarters

These police headquarters are normally set up at an intermediate level between central bodies and basic territorial units.

Intermediate/regional police headquarters are command and control, management, co-ordination bodies of different services depending on Police Central Level, in its territorial field. These headquarters will be so structured that they will make an interface with the central organisation.

The arrangement of regional police headquarters will be made in accordance with the country's administrative division.

4.2.2 Local police headquarters

Regional police headquarters might include some lower level police headquarters within a local AoR where the local Head of Police will take command of the different police services within that area.

There should be police stations in each local AoR in order to address the demands of the community for security and protection in an effective and efficient way, according to population and territory criteria.

ANNEX B

PLANNING GUIDELINES FOR POLICE SELECTION AND TRAINING

1. INTRODUCTION

These guidelines are to be considered as practical tools.

The baseline assessment should set out the needs of the HC in training.

The ESDP missions will assist the HC in preparing an Integrated Training Plan designed to allow a structured progression towards the creation and/or the strengthening of police educational system which conforms to best European and international practice, paying special attention to Human Rights, gender based issues and protection of minorities.

The Plan will include:

a. as short term efforts

Direct mission training activities or support to building training capacity to reach a critical mass of the local police, with particular emphasis on leaders, trainers and specialists, such that future training of the police to internationally accepted standards may be left to the local trainers.

The Training programs, the planning of documents and handouts, will be constructed in the closest possible co-operation with HC personnel and later on approved by the relevant Ministry (governmental authority). They will be written according to the HC legislation and bearing in mind that legislation may be in evolution and under reform.

b as Medium/Long term efforts

Study, development and implementation of structural plans for the reorganisation of the HC training and selection system.

2. SHORT TERM EFFORTS - TRAINING PROGRAMMES

2.1 General

The Training and Selection Module will face the task of devising and implementing initial comprehensive programmes, in full consultation with the other two mission modules, in particular taking into consideration the Transformation Plan, the pace of deployment of newly recruited police officers as well as the urgent training needs as flagged by the monitoring and mentoring module.

These comprehensive programmes, taking into account the Human Rights and Gender aspects relevant for the mission will be aimed at meeting the following targets:

1. To train new police officers so that they can take on their executive functions as soon as possible.
2. To provide transitional training for police officers belonging to the existing police services
3. To train police trainers notably from the first graduating classes, who will progressively take over from EU police trainers.
4. To prepare Field Training Officers.
5. To provide management training.

The programmes will insist on concepts like Community Based Policing and Crime Prevention in order to increase society's trust in police services.

Standard Training Procedures (STP) will be drafted and defined, taking into account some special factors e.g.:

- Time framework;
- Multiethnic training;
- International trainers;
- Interpreters;
- Use of audio-visual material showing simulated police scenarios.

2.2 Basic training for police officers

It will consist of two phases.

2.2.1 Class training

This training will be organised in the following areas²⁴:

- General policing Area: The curriculum will include: Police Laws and Powers, Human Rights and Gender, Ethical Principles and Code of Conduct, Police procedures, Administrative Police Law, basic crime investigations, assistance to crime victims, human contacts;
- Police Fire-arms Area;
- Physical training Area;
- Operational Skills Area (OPS). The units will include police self-defence, body-search, handcuffing, police search, operational procedures with violent criminals, group work, police patrols, self-protection procedures, etc.

2.2.2 Field Training

Field training will be based on a model that relies on the assignment of each recruit graduate to an experienced national police officer in the operational field environment. These experienced officers will need to be provided with special training to prepare them for the role of Field Training Officers (FTOs). The fundamental methodology used by FTOs is to discuss a police activity with the trainee, demonstrate how it is properly executed, allow the trainee to perform the activity, evaluate the trainee's performance, and develop with the trainee a plan for improving this activity in the future.

In order to further support the field training period, ESDP Field Training Co-ordinators will be assigned throughout the HC territorial organisation. The role of these Co-ordinators will be to maintain quality control during this training phase, and also to provide a higher level of training expertise to both the Field Training Officer and the trainee.

²⁴ A year might be organised into several modules such as the one explained below:

- 200 trainees;
- 25 student per sections;
- 1 co-ordinator and 16 trainers in the Judicial Area;
- 1 co-ordinator and 2 trainers, together with 2 or 3 local instructors in the Fire-arms Area;
- 1 co-ordinator, 1 trainer, together with 8 local instructors in the Physical Area;
- 1 co-ordinator and 16 trainers in the OPS Area.

2.3 Train the trainers courses

These courses will cover the whole spectrum of training activities in order to prepare local trainers who will teach together with ESDP trainers in the training centres and in the field. The officers selected for the train the trainers courses have to be the most qualified in the field of training in question but necessarily also motivated for the task. In addition they also must be in possession of some pedagogical skills.

The ESDP mission will plan and implement a gradual hand-over of ESDP training functions to the HC managers and trainers on a step-by-step basis.

2.4 Specialisation courses

To establish the curriculum of these courses, it should be borne in mind which police duties the police officer is going to take on. Services such as those listed below are considered to be essential:

- Criminal investigation;
- Forensic police;
- Border police;
- Public Order Management;
- Traffic;
- Community Policing;
- Close personal protection;
- Media and openness;
- Combating Sexual and Gender-Based Violence.

2.5 Training for managers

To facilitate conditions for successful integration, acceptance, and understanding of the Mission training programmes, managers will need to be among the first trained.

The structure of the training course for managers will be the same as that for the Police Officers but will take into consideration command and management techniques.

Topics including the teaching philosophy, confidence building measures, community oriented policing, and other programmes related to institutionalising democratic police practices will all help to strengthen the view of police as both protector and supplier of a service for the community. Topics dealing with conflict resolution, working with the media, cultural awareness, and accountability in human rights issues, are all examples of specific training to consider in this area.

2.6 Transitional training for existing local police service

In view of the existing local police service it will be of high importance to conduct a number of transitional training courses in order to enhance the comprehension of and compliance with international standards by local police officers.

The contents of such short-term training must be focused on the specific needs identified in the HC assessment in line with the training issues mentioned before.

The attendance at the transitional training must be mandatory for all existing local police officers.

Additional in-service -training packages will be provided according to the needs of territorial units as flagged by the ESDP mission personnel in their monitoring, mentoring and advising role.

3 THE FUTURE DEVELOPMENT

3.1 General Principles

The ITP will take into consideration the following principles on selection, shaping and qualification of the Police staff:

- creation and operation of an educational system provided with all the necessary structures;
- recruitment of citizens into police ranks upon clear criteria and test bases;
- training of police staff into special services according to their role, attributes and respective duties;
- qualification and continuous training in line with function and services;
- qualification set as a condition for promotion;
- preparation of a police service with high moral values capable of implementing all the legal procedures and modern techniques in the police service;
- division of the teaching programs according to roles and services to be carried out by police staff and the creation of practical working habits from the basic police role up to senior police leaders in the field of strategic management.

3.2 Objectives

The mid-long term objectives will therefore include:

3.2.1. Reorganisation of the institutions for the training and qualification of the police staff including as minimum requirements :

- A police academy for managers;
- A police institute for basic police ranks;
- Training centres for qualifying junior managers and basic police ranks;
- In service training coordination and network.

3.2.2 Drafting the statute and regulations of the training institutions;

3.2.3 Drafting and implementing plans and teaching programs on training and qualification of the police staff;

3.3.4 Selecting and qualifying the teaching staff;

3.3.5 Reorganising/organising the library and legal texts, publications and didactical means;

3.3.6 Improving living, working and teaching conditions in order to enhance the teaching process;

3.3.7 Strengthening cooperation with educational institutions inside the country and with those abroad in order to exchange experience.

4. COORDINATING ASPECTS

4.1 Interaction with the other modules

4.1.1 Module: Organization and Restructuring

Representatives of the Training Module will sit in the Police Development Board (see above) to:

- deal with the training aspects of the Transformation Plan (notably draft laws, regulations, handbooks);
- contribute to the definition of a comprehensive policy in the field of Human Resources;
- ensure that training programs are being developed in coherence with the reform process.

4.1.2 Monitoring and Mentoring Module

Monitoring and Mentoring Module should identify training needs of units and individuals and will suggest:

- adjustments to the training programmes;
- specific urgent in service training packages.

Monitoring and Mentoring Module will also conduct evaluation on the impact of the training initiative on the HC police organisation.

4.2. IC coordination

The Police Development Structure should ensure coherence and promote synergy among the different IC initiatives.

4.3. RoL cross-cutting issues

The training shall aim to improve the capacity, co-ordination and collaboration of the different components of the HC Justice System.

5. EXAMPLE OF STRUCTURE

The structure set out below relates to the most complex scenario with the ESDP mission covering the whole spectrum of training needs.

From day one the mission will work on preparing local counterparts to work together with ESDP personnel.

There will be an incremental role for local personnel with the aim to have the entire system run by locals.

STRUCTURE FOR SELECTION AND TRAINING

The selection Department will manage the whole selection process and will assist the board of examiners (selection body) nominated to carry out the public tests.

The selection criteria will be standardised according to some administrative requirements (age, nationality, criminal record, qualifications, etc). The proceedings will always observe principles like merit, equal opportunity and capacity, and always according to the guidelines provided by the Head of the police mission and with the advice of the Local Council. Furthermore, candidates will be required to pass an academic/general knowledge, medical and psychological exam.

Good practices and lessons learned processes are required in the area of vetting²⁵ existing police and potential recruits. Greater use could be made information from civil society groups with local knowledge in the vetting process.

The Training Director (Principal or Head of the Police Academy) should be responsible for the Police Academy, the selection process, and police training. The Training Director will establish liaison as appropriate with other police training programmes present in the same mission area.

Planning /Development Office

It will consist of:

1. Planning Section This office will organise the curriculum according to the guidelines of the Training Director and will be in charge of planning the academic syllabus and also of co-ordinating requests from the international administration and the receiver State. Key items are as follows:

- Number of students;
- The ratio of different ethnic or social groups;
- Gender balance;
- Number of classes per year;
- Ratio of senior police officers;
- Need for specialised courses.

2. Future Development This section will develop and implement the mid-long term aspects of the Integrated Training Plan. Furthermore the section will:

- introduce adjustments to and receive input/recommendations from the ongoing training activities;
- ensure information exchange and coordination with the other modules.

3. The Academic Council

This is the decision making Body for teaching purposes and internal discipline. The Head of the Police Academy will chair it. Its format, responsibilities and functions will form part of the rules on internal discipline.

²⁵ See Appendix A to this Annex.

Studies Department, responsible for

- police officers training (basic);
- specialised training;
- train the trainers courses
- police managers training;
- practical training courses.

The Student's Support Office will be in charge of giving training support, tutorials and supervision of teaching resources. It is important to highlight the usefulness of audiovisual resources with practical exercises, for operational training, as well as other technical and educational support resources (computer based training, slides, etc.).

Practical training courses This office will Co-ordinate Field Training, will be responsible for student evaluation and the implementation of the in service training programmes designed by the Studies Department.

Management Resources Department, which will be in charge of all aspects related to financial management, infrastructure and installations, personnel, contracting local people and proposals for new acquisitions.

Regarding the creation and transformation of facilities in order for the Police Academy to work effectively, these should be in line with the ITP, taking into account the number of students, the pace of deployment and the boarding regime.

Internal Administration, responsible for the normal functioning of the Academy, that is, discipline, internal functioning and security. This office should inform trainees about their duties on a daily basis and give updates concerning internal discipline and uniformity.

The Head of this office is also responsible for any meritorious or punishable acts, and will institute proceedings of professional incapacity before the Academic Council.

Rules of Internal Discipline. These Rules will be very much concerned with the way the Police Academy is organised:

- Functions and extent of control of the different Bodies;
- Residential students' behaviour;
- Statutes, responsibilities and functions of trainers and support personnel;
- Internal discipline rules.

APPENDIX A TO ANNEX B

CENSUS, IDENTIFICATION AND VETTING

A critical part of the police strengthening effort is to ensure that the police force consist of upright and law-abiding people. Police officers with criminal behaviour, involved in corruption with a history of human right violations and war time atrocities, have no place in a well - functioning police organisation. During an armed conflict it is not unusual that criminals, with no previous law enforcement experience, informally join the police as auxiliary members with the aim to take part in the hostilities. As a result, the arbitrary exercise of state powers, outside the control of the State, often continues in the post conflict period.

If criminals, or people of dubious character, are selected to be police officers, the risk is obvious that they will undermine any capacity building by the police strengthening mission, and prevent any real confidence in the police. Furthermore, this category of people should never be trained by the ESDP police strengthening mission since that could be perceived as the EU legitimisation of people who should have no part in the police force.

For this reason it is important to develop concepts on how to conduct census and identification of Law Enforcement Officials (LEOs) as well as support for vetting of police and other law enforcement personnel.

CENSUS AND IDENTIFICATION

A census and identification program clarifies the number and status of LEOs and stops individuals from informally joining and departing from law enforcement agencies and limits the arbitrary use of police power. Since the program includes and concludes the issuance of ID-cards, it also permits the public to identify who is authorized to exercise police powers, such as searches, arrests etc. Knowing the number and status of the LEOs is also a requirement for other reform measures such as recruitment, restructuring etc. Identification programmes are sensitive and individuals who risk losing their power might resist their implementation. The effectiveness of a census and identification programme significantly depends on political commitment and adequate provision of resources.

VETTING

Vetting is the screening and exclusion or prohibition from service within the Police Force of individuals who don't meet the qualifications of service in respect of integrity including, but not limited to, those implicated in gross human rights violations or serious crimes under international law. The objective is to exclude employed individuals who do not fulfil the criteria determined by the vetting programme from continued service, and prohibit candidates/recruits who do not fulfil the criteria from being deployed by the Police.

For political ownership and sustainability reasons it is critical that the HC is in the lead of the vetting process. It is to be noted however that the importance and sensitivity of the processes require substantial engagement by the police strengthening mission to ensure positive results²⁶.

²⁶ UN DPKO has developed useful policies which describe the processes in detail, DPKO/PD/2006/00020 and DPKO/PD/2008/00013.

ANNEX C.

PLANNING GUIDELINES FOR POLICE MONITORING AND MENTORING

1. GENERAL CONSIDERATIONS

While police strengthening missions are in the main mandated to help foster longer-term organizational and institutional developments in support of flawed HC police services, they have also to help those HC police forces meet an increased demand for law enforcement in the immediate post conflict. One of the primary responsibilities of the strengthening mission is, therefore, to identify the urgent operational needs of the HC Police.

In this respect, the initial HC police assessment will allow the design of an Action Plan that will address the urgent operation needs of the HC Police.

The Action Plan will consist of short term actions that will address the most urgent needs of the HC police in cooperation with other multilateral and bilateral programs, so that the HC police, in coherence with the police reform project will make progress towards:

- police conducted according to internationally accepted standards throughout the police organisation, in particular with regard to the respect for human rights and the principle of non-discrimination between different ethnic communities;
- acting in a professional and disciplined manner and in accordance with relevant legislation and regulations; regaining respect and confidence of all citizens, local and national communities through improved responsiveness to their needs;
- at Ministry and senior police officers level a fair, transparent and accountable internal management system including the exercise of internal controls and disciplinary procedures of the highest standard;
- information sharing for operational planning and investigations, with a view to promoting a host country-wide crime statistics system;
- co-operation with all the components of the internal security system in the HC;
- capability of investigating and countering the full range of criminal activities, including organised crime and terrorism, and co-operating closely with the prosecution and the criminal justice system;
- capability to undertake criminal investigations of corruption cases;
- capacity to respond to public disorder in accordance with modern police standards and without political or ethnic bias;
- constructive co-operation with Interpol, EUROPOL as appropriate, police services of neighbouring States, and EU Member States;
- support to civil society and the facilitation of contacts between community and police;

- primacy of the HC police in dealing with internal security issues;
- police capability of managing and improving border policing services at internationally accepted standards.

The Action Plan will be implemented through the Monitoring and Mentoring (MM) Module. Monitoring and mentoring activities, as part of a police strengthening mission, are regarded as efficient courses of action intended to improve the HC police operational capabilities. Monitoring/mentoring practices should consolidate training/organisation as well as restructuring achievements, build trust and ensure sustainable progress of local police towards best international and EU practices²⁷.

The police strengthening mission must be entrusted with the capacity to monitor and mentor their local counterparts. Based on this assumption, the good will and commitment of local authorities is essential for the efficiency of these activities. The mandate establishing the mission will have to take this into consideration and provide, as appropriate, the necessary instruments and appropriate leverages to act if such good will is not forthcoming.

2. MONITORING

For the purpose of this concept monitoring is defined as: to observe, assess and report on the performance of relevant HC Police services and their personnel (including skills acquired through mentoring) in order to ensure compliance with the principles of democratic policing and identify possible improvements.

There is an undeniable evolution in the function of monitoring. In addition to the original aim, which was essentially to monitor the respect of human rights and /or of peace agreements, the need to monitor the professional behaviour and skills of individuals as well as the effectiveness of police institutions and organizations has been progressively gaining momentum.

In an enlarged understanding, the monitoring function may also be conducted in a more or less pro-active way which thus links it up to the possible inspection function as part of a monitoring/mentoring mandate. Pro-active monitoring will clearly entail an inspection role for the strengthening mission. Against the backdrop of a flawed HC policing system, there would typically be the need for support and encouragement in designing and implementing sustainable control, inspection and accountability procedures and mechanisms at the various levels of the HC police system.

In this regard, the police strengthening mission should have full and unimpeded access to facilities, personnel and information, including files of the HC law-enforcement agencies in accordance with the mandate. The personnel of the strengthening mission should have access to the HC police chain of command at all levels, with the understanding that in case of non-compliance, violations of human rights, reluctance to investigate crime cases, serious disagreements, or in cases where the strengthening mission's personnel are being prevented from carrying out their tasks, the Police HoM would be able to consult immediately with the highest level of the appropriate police organisation and that, if the response is not sufficient, the EU position is conveyed to the HC government at the highest level through the EUSR, if the position is established, for consideration and the initiation of appropriate measures.

²⁷ See foot note 1 page 5.

Monitoring is, therefore, not only a way of noting violations and recording "non compliance procedures" but also a course of action which allows the strengthening mission to adequately gauge the HC police capacity. A correct observation of the police professional practices and organizations will lead to identifying weaknesses, shortfalls and areas for improvement. It calls for transparency, common understanding and a clear mandate in order to be acknowledged by the HC police.

When monitoring (so evaluating) professional efficiency of institutions and individuals, the need and the opportunity of interconnection with the police restructuring/organization as well as with the selection and training components becomes evident.

In this evolving context, the police experts acting as monitors should aim at :

- adjusting the HC police response to security needs;
- feeding the training programs and curricula;
- triggering ESDP or IC assistance interventions to improve local situations;
- giving the feedback to each level of the police organization on how the agreed programmes and projects are being implemented (to be linked to control and inspection functions).

These broader monitoring practices will enhance the synergy of the different components of the police mission and the single impact of each of them on the indigenous police organisation. This requires qualified personnel, tools and evaluation methodologies.

This implies also the need to develop organisational ESDP solutions to manage and to lead this complex approach, notably as regards:

- the planning and analysis at central level;
- the coordination of all activities throughout the mission.

2.1 Methodology

2.1.1 Implementation at the Field Level

Monitoring activities by nature are first and foremost meant to take place at the field level where security is delivered to communities.

In each local police AOR, a Police Monitor Team (PMT) will be established. The PMT will include a number of monitors co-located with respective counterparts at an appropriate level commensurate with the scope of the police strengthening mission's mandate.

A Head of Police Monitors Team in charge of all monitors will be, responsible for:

- Co-ordinating all monitors;
- The resource management;
- The relationship with the Head of the relevant police AOR;
- The reports sent to the Headquarters of the Mission;
- The relationship with other international structures involved in crisis management;
- The relationship with Local Authorities;
- The relationship with minorities.

Functions

Monitors will have a relevant place in all issues related to police activities including patrolling, police investigation, service quality, standards. It will be compulsory for them to report on any arrest made or of any crime that occurred in a police situation, when actors directly involved are from social or ethnic minorities. Monitors will be present in all instances of limitations upon suspects' rights such as: phone interception, police searches, police interrogation, etc.

The following activities are considered to be essential at this level:

Compulsory assistance: parallel to local police activity, monitors will aim to ensure the enforcement of legal procedures and respect for Human Rights in accordance with best International Police Standards.

Incident Reports: the Monitor will issue a report supervised by the PMT. This report will be submitted to the Central Mission Headquarters. This report will include notification to local police of a non standard police action. This action will be reflected in the notes of the Daily shift log. Reports on incorrect ways of monitoring should also be included.

Patrols in company of the Local Police, (joint patrols): to increase citizens' trust and to establish correct community based policing.

To monitor the leadership function at the different levels of deployment of the local police. Every morning the police monitor requests a briefing of the most important incidents occurring the day before from the Local Duty Officer. The monitor will check this information with that of the daily shift log made by the last monitor. At the same time the monitor is informed of the activities planned by the Police Station for that day. If a problem related to refugees or crimes against humanity occurs, the monitor should get in touch with those International Agencies that are currently working in that geographical area.

Follow-up of any police investigations not resolved by local police: the monitor will urge Local Police to especially solve any investigations which particularly concern minorities and to apply the necessary punishment as a result of the warnings proposed by the PMT. Whenever there is an ongoing police investigation concerning Human Rights, the monitor will periodically request information from the police officers in charge of the investigation.

Follow up of the disciplinary sanctions imposed by the Local Police: the Monitor will be informed of the reasons for the sanction and its seriousness.

Ensure HC police baseline assessment and follow up: the initial information coming from the FFM should be developed by monitoring teams able to visit the police branches and units and to draw an initial overview of their status. Follow-up visits will allow monitoring/evaluation of the evolution of the local police organisation and at the same time to exert constant pressure at the top and at the bottom of the police organisation.

Inspect HC police branches and units²⁸ in order to verify whether the agreed programmes, projects and activities are well implemented. As far as the Inspection task of monitors is concerned, the Inspection capability of the police strengthening mission could gradually be handed over to the HC police in order to promote the indigenous accountability and internal control process.

This might be achieved incrementally by :

- employing in the monitoring teams selected local police managers;
- increasing gradually the number of local police officers in the monitoring teams ;
- conditional to the achievement of a satisfactory degree of reliability, supervising the activity of inspecting teams composed by local police officers;
- assisting the local senior management in establishing a permanent structure of internal inspections according to the best international and EU practices.

The local government should support this process and put in place the necessary legal framework and long term arrangements, open to the evaluation of the International community, in order to ensure that the system may remain effective once the mission has terminated its mandate.

2.1.2. Linkage with the Central level

There must be a clear linkage between the monitoring process, which is usually conducted at the field level, and the designing of policies and strategic direction, which are shaped at the central level. The central level will, therefore, get the feedback from, and receive the reports issued by the field monitor teams and will, in turn, keep the field level informed of all aspects involved in planning and directing of HC Police Command Bodies. Monitors will keep fully abreast of the progress of the HC Police and will assist in the implementation of the policies designed.

2.1.3. Coordination with other actors

There is the need for coordination with the other IC monitors operating in the area of civilian crisis management both at central and field level. The monitors operating in the area of civil administration are normally perceived by the civil society as a more "neutral" component, and can provide the police mission with useful information on the security situation and on the behaviour of police services from different points of view.

Furthermore, some experiences of joint operations centres or radio network have offered positive results.

²⁸ **Inspect**: to have full and unimpeded access to facilities, personnel and information, including files of law-enforcement agencies falling under the mission mandate. Mission personnel should have access to the HC police chain of command at all levels, with the understanding that in case of non-compliance, violations of human rights, reluctance to investigate organised crime cases, serious disagreements, or in cases where mission personnel are being prevented from carrying out their tasks, the HoM should be able to consult immediately with the highest level of the appropriate police organisation and that, if the response is not sufficient, the EU position is conveyed at HC political level for consideration and the initiation of appropriate measures. The mission should take a proactive role in carrying out these tasks to encourage the HC police to assume its responsibilities.

3. MENTORING

3.1 General

For the purpose of this concept mentoring is defined as: to assist in the development of new skills and knowledge by coaching or showing how a task could be carried out; to encourage counterparts to take action and discuss the consequences of decisions and actions; to convey one's own experience and skills in law enforcement /police responsibilities to his/her counterpart.

The main aim of mentoring is to enhance capabilities, change attitudes and increase professionalism.

While monitoring, as indicated above, is more suited for executive functions at the field level mentoring is a practice which is well fitted for strategic and conceptual functions at the HQ and central positions level²⁹.

Mentoring activities are advantageously conducted through the co-location principle whereby the police experts of the strengthening mission are co-located with their respective local counterparts. The co-location principle facilitates a direct interaction and bolsters trust and confidence thereby allowing the mentors to best convey their skills and knowledge. If mentors of the police strengthening mission are collocated in support of mid- to senior management level, they, however, shall remain outside the chain of command of the indigenous police in order to avoid any command responsibility for the actions of the HC police leadership.

Mentoring practices are usually conducted on a one to one basis with the HC police counterparts, or in small teams. One to one mentoring provides personal support which maximises individual's potential and enhances their performance. The mentor supports the mentee to understand the impact of his/her current behaviour and make concrete plans for improving vocational skills and professionalism. While the agenda is primarily led by the mentee, the mentor will notice patterns, shortcomings and challenges or enquire about these. An effective mentoring relationship supplements other forms of HC policing development and training.

In mentoring, individuals enter a confidential relationship, which is dedicated entirely to effectiveness and development.

Thus, mentoring offers individuals the opportunity to:

- increase personal and professional effectiveness;
- manage stress and pressure more effectively;
- develop clarity about career aspirations and work effectively towards these;
- be more skilful in inter-personal relationships;
- develop improved learning skills, particularly the ability to learn from experience;
- better perform with increased levels of complexity and uncertainty;
- be influential in an organisation's political environment;
- operate with increased self confidence.

²⁹ Mentoring is also well suited in the training remit in support of police cadets or trainers.

3.2 Methodology

Qualified and experienced mission personnel will mentor the local police, especially the mid to upper level management, in order to improve the strategic and operational response of the HC police.

This should be done, inter alia, through:

- access to the HC police chain of command (see para 2 above as a reference which applies as much for monitoring as for mentoring);
- co - location of international police officers and civilian experts alongside senior-level local police officials with strategic and operational responsibilities in the relevant Ministry, especially in the areas in need of urgent assistance;
- co location of international police officers and civilian experts in the relevant HQs;
- and/or deployment of mobile mentoring teams, as appropriate.

3.3 Reviewing Progress

Progress on the development of the Action Plan, implemented through the monitoring and mentoring courses of action, will be tracked using indicators – developed in the portfolio design – for objectives along the results chain (See Annex on programmatic approach). They may include:

- at central level and in the field, development and implementation of standardized operational instructions and guidelines based on professional standards according to international and EU best practices;
- development and implementation of procedures to ensure effective information flow inside the ministry at the highest level and within the police organization;
- development and implementation of plans to ensure gender and ethnic representation;
- identification of specific training needs;
- development and implementation of plans to prevent and control organized crime, including corruption;
- development and implementation of plans to improve co-operation with the EU Member States, EUROPOL, INTERPOL, UN agencies in the HC, and law enforcement agencies of neighbouring countries;
- development and implementation of effective systems to deal with police misconduct;
- improvement in working relations with the public prosecutors, judiciary and the Ombudsman;
- improvement in monitoring of the border crossing;
- development of police-community consultation mechanisms.

4. MONITORING/MENTORING COMMON ASPECTS

4.1 Interaction with the other modules

A permanent intertwined relationship between the three Modules, if concurrently implemented in a police strengthening mission, is critical if the mission is to be successful.

The Monitoring and Mentoring Module will primarily aim at addressing the urgent needs of the HC police whilst ESDP experts of the Reform and Restructuring Module will deal with future development and long-term capacity building. A joint permanent assessment will be ensured by the two modules under the auspices of the Planning and Analysis tool of the Pol HoM. Likewise, the Monitoring and Mentoring Module, based on its findings, will recommend adjustments to the Selection and Training Module, which will support monitors and mentors by providing, upon request, training packages aimed at addressing needs of specific branches/units at central and local level.

4.2 Appropriate mechanisms to thwart potential violations by the HC Police

The police strengthening mission should establish appropriate mechanisms, with the agreement of the HC authorities and respect for the ownership principle, aimed at curbing possible violations and any wrongdoing by members of the HC Police. In case of violations of HR, or obstruction by the HC police, the reaction on the part of monitors/mentors should be immediate, addressing the appropriate level of the local police organization, and if not sufficient, through the appropriate channels' of the HC government.

Non compliance procedures should, therefore, be applied and an adequate decision made by the relevant level of the HC police. Written rules would foresee that in case of violation of human rights or illegal conduct or refusal to provide the necessary cooperation, the monitors/mentors will request the immediate intervention of officers at the appropriate command level.

4.3 Media Operations

Local public opinion must be well informed about the mission mandate and its limits in order to prevent false expectations. In this respect, the message has to be conveyed that the EU police monitors/mentors have no executive powers. Media should also support the progress made by the local police organisations.

4.4 Professional reliability and qualifications

Monitors/mentors should be employed according to their specialization and should possess a level of seniority adequate to that of the HC officials they have to monitor/mentor.

4.5 Exit Strategy

The Mission will adopt the principle of maximum local ownership from its inception. The periodic assessments will serve to highlight areas where ESDP involvement can be reduced further as local competencies increase. A flexible, intelligent/learning approach will allow the Mission to progressively phase out areas of involvement where appropriate.

ANNEX D

PROGRAMMATIC APPROACH IMPLEMENTATION

1. DEVELOPMENT OF THE MISSION PROGRAMME PORTFOLIO AND ITS PROJECTS

Specific lessons learned in previous ESDP Missions

- Seek a balance in strengthening both service delivery and governance;
- Take a problem-solving approach that addresses pressing local needs in an integrated manner;
- Focus on sustainability, adapting programming to local resources, values and capacities;
- Set cascading objectives and plan in a manner that facilitates monitoring, review and evaluation;
- Co-ordinate with other international actors and maximise coherence.

Four key principles should underpin the specific portfolio design for each mission:

1. Improve the delivery of professional security and policing to local communities
2. Strengthen the governance and oversight of police to ensure that service providers are accountable, human rights are respected, and the RoL is upheld.
3. Enhance local ownership of the processes through increasing local leadership and widespread civil society participation
4. Increase the sustainability of justice and security services delivery through developing human capacity.

Within each programme, these broad principles will be crystallised into specific objectives, as defined in the OPLAN, to address local problems through support to the HC authorities.

Specific projects will be developed in all relevant areas, based on an analysis of the needs as evident during the planning phase. This assessment will be done alongside the relevant HC stakeholders, and should therefore reflect a shared view of the problems and opportunities in the area of RoL. This assessment, and the given parameters of the mandate of Mission, are to form the foundation upon which the implementation details are framed.

The projects will be presented in a Programme/Project Implementation Document. The context of the project will be introduced at the beginning, sketching out the key issues, stakeholders and problems faced in the area. Based on this, the objectives and expected results of the project will be formulated, and following this, the activities that will be implemented in order to achieve results.

To further support the implementation of activities, details including milestones, timelines and organizational set-up for each of the projects should be planned. To be able to monitor whether the activities are having the desired impact on the problems identified, performance indicators will be outlined along with their reporting format.

Experts on gender, human rights and non-majority issues should be closely involved in the project planning, and will ensure that the mission's activities are unbiased and following best practices with regards to the equal distribution of benefits.

The mission's activities will of course be tailored to the needs and problems facing the HC, and the region's relevant institutions will participate and be engaged in the planning and implementation of the projects. This will ensure the engagement of the local authorities in the process, as well as increasing transparency of Mission activities.

1.1 Local Ownership

Designing and implementing programmes to enhance local ownership and measuring their impact are often challenging. Too often this issue is given insufficient attention because of the difficulty and the time and patience it requires. Pressure of tight programme time frames often mean that local ownership may be seen as a luxury that cannot be afforded. This is a very short-sighted approach. Ownership is an important pre-condition for sustainability. The objective should be to foster a critical mass of local constituents supporting the process, who have the capacity to drive it forward and hold each other accountable for their actions.

Suggestions as how to increase local ownership include the following :

Make increasing local ownership a specific objective, in terms of output and outcome of the Mission Programme portfolio: what gets measured gets done. It is therefore crucial to establish specific methods and objectives to measure local ownership.

Build on what exists and support ongoing local initiatives. Any progress assessment should be made as far as possible on existing benchmarks already accepted by the HC.

Be patient: international personnel often become frustrated by the pace of developments, and consequently attempt to design and implement projects themselves. The benefits of this approach are limited. Investing time in involving local actors and building ownership will pay dividends in the end.

Seek out and accept different views: local owners may have competing views that are difficult to accommodate. The ESDP Mission is an instrument of an overall EU policy and consensus may not always be politically possible or desirable. Debate and disagreement is a healthy and normal part of democracy and does not necessarily signal a lack of commitment to development. Nevertheless, it is important to attempt to reconcile stakeholder views to obtain a win-win situation as often as possible.

1.2 Sustainability

Experience suggests that programmes achieve results if they address local needs and are sustainable. In addition to local ownership, long-term sustainability has two key components:

- **cultural appropriateness**

to be sustainable, justice and security development must be culturally appropriate for the context in which it takes place. While it is important for international actors to understand local cultures, it is important to look for opportunities to engage with cultural values to promote issues such as human rights and gender equality. Cultural values are not set in stone and can evolve dynamically;

- **institutional structures, systems and capacities**

the design of police programming needs to focus on the organisational structures and management processes within the local systems. Otherwise Mission projects will be ineffective and unsustainable;

Managerial systems and planning capacities need to be developed and supported at the various levels of relevant institutions – national, regional, and local – and need to correspond closely to local capabilities.

2. IMPLEMENTATION AND MONITORING OF THE PROJECTS

One of the key objectives of the programmatic approach is to give management an accurate and up-to-date picture of the progress in mission activities and results. Hence, appropriate reporting is therefore envisioned on both the mission's input (milestones), and its results (performance indicators). Reporting on both will allow implementers as well as management to perform corrective measures if and when needed.

The measurement of progress according to these various indicators will take place concurrently at different levels depending on their nature. Project implementers will at specified intervals report back on the accomplishment of expected input through a web-based reporting system. This information will be compiled in a Mission Information System, and further analysed by projects officers from each of the programmes, before being channelled through to the Mission main HQ. Here the information from all programmes and projects will be further compiled, analysed, and monitored against quality standards as well as compliance and overall timeline of the Mission, and disseminated to Senior Management. Based on this information, they are then able to make informed decisions and take corrective actions or provide strategic direction to the components.

Concurrently, there will be a collection of information related to the achievements of results and progress towards achieving project goals and mission objectives. Some of this information will have to be collected at a decentralized level, again involving local and regionally based EU implementers; other more macro-level results will need to be collected in other ways, such as aggregate ministerial level information, opinion polls, focus groups and the like.

Local ownership will also be ensured throughout the implementation of the Mission's projects.

2.1 Reviewing progress and evaluating impact

As already stressed, progress can be monitored using indicators – developed in the portfolio design – for objectives along the results chain.

Reviews should take place periodically in order to assess performance.

When reviewing and evaluating programmes and projects it is useful to consider the following questions:

- **relevance:** to what extent the objectives of the projects remain valid? Are the activities and outputs of the projects consistent with the overall goal and attainment of objectives? Are the activities and outputs of the projects consistent with the expected impacts and effects?
- **effectiveness:** to what extent were/are the objectives achieved/likely to be achieved? What were/are the major factors influencing the achievement or non-achievement of the objectives?

- **efficiency:** this is a crucial criterion in order to measure the outputs – qualitative and quantitative – in relation to the inputs. It is usually used in economic terms to identify to which extent the least costly resources were used in order to achieve the desired results. When reviewing and evaluating the efficiency of a project it is useful to consider questions such as: were objectives achieved on time? Was/is the project implemented in the most efficient way, given the alternatives?
- **impact:** this means the main effects resulting from the activity/ies. When evaluating the impact of a project it is useful to consider the following questions: what has happened or is happening as a result of the project? What real difference has the activity made to the beneficiaries? How many people have been affected?
- **sustainability:** this is a measure of whether the benefits of an activity are likely to continue or not after an eventual withdrawal.

2.2 Building local ownership through participatory reviews and evaluations

An important way to overcome the possible scepticism of some stakeholders about reviews and evaluations is to ensure that these are designed to encourage learning and are not confrontational. The objective is to improve the results of the Mission Programme Portfolio, not to point fingers.

Incorporating benchmarks and preparing for monitoring and evaluation can also promote the learning dynamic and improve accountability.

Traditionally, evaluation has tended to be managed from an outsider perspective that often does not recognise local expectations or the potential for local contributions.

With participatory approaches, key local stakeholders become truly involved in:

- setting up frameworks for measuring and reporting on results;
- reflecting on results achieved, proposing solutions and responding to challenges;
- promoting the implementation of recommendations.

Experience has shown that if stakeholders have participated in the review or evaluation process, they are more likely to contribute to the implementation of their findings. Reviews and evaluations should therefore be seen as a process, rather than reports.

Two of the biggest challenges often facing review and evaluations are high levels of staff turn-over and poor record-keeping. To tackle this issue a Mission Integrated Information System should be operational at the inception of the mission.

2.3 Mission Integrated Information System

An integrated web-based Mission Information System might be developed and implemented as a tool to streamline internal reporting, facilitate access to relevant data and enhance the flow of information.

APPENDIX TO ANNEX D**

FACILITATING A SELF ANALYSIS

1. Background

A workshop for identification of main elements to be included in a Police reform agenda, responding to both short term operational needs and long term needs of organisational change might be organised.

The workshop participants should represent different stakeholders of the HC Justice sector and other parts of the society who together identified areas which need to be addressed in order to achieve an enhanced capacity to fulfil the role and mission of the Police in the HC society.

The agreed agenda might provide a framework into which donors can contribute in a coordinated and coherent way as a fragmented approach will be both wasteful of resources and unhelpful to the PCP in the long term.

The workshop should be led by an external facilitator/moderator. Where this is not possible, it should be led by the ESDP mission.

2. Discussing the mission of the Civil Police

The first day will be allocated to presentations and discussion about the role and mission of the HC Police. The purpose of the presentations is to establish a frame of reference which could be used as a point of departure in the following discussions about the mission and role of the Civil Police.

The following references might be introduced by the EU Advisers.

Norms of policing in a democratic society³⁰:

- Police must give top Priority to serving the needs of individual citizens and others who are legally on the territory;
- Police must be accountable to the law rather than to government;
- Police must protect human rights, especially those that are required for the sort of unfettered political activity that is the hallmark of democracy;
- Police should be transparent in its activities.

The Code of conduct for law enforcement Officials adopted by the UN General Assembly resolution 34/169 of 17 December 1979.

The document “Recommendations of the European Code of Police Ethics” adopted in 2001 by the Committee of Ministers of the Council of Europe.

This will constitute the point of departure for the next step of the workshop which is to identify the reasons why the HC police service is not achieving these norms/codes/standards.

³⁰ As defined by David H. Bayley, Professor in the School of Criminal Justice at the State University of New York, Albany.

3. Identifying problems hindering the Police in achieving its mission

On the second day the participants will be asked to reflect on the problems and obstacles hindering the HC police to achieve the mission. They should work individually by writing down problems on cards. The cards will be put on the wall where they can be seen by the whole group.

The problems should be discussed one by one. Some cards might be reformulated by the group to clarify the meaning. In cases where there are duplicates, these will be removed.

When the meaning of the problems will become clear, the cards will be organised in a tree that showed the cause - and - effect relationships between the problems.

The group identifies and analyses problems hindering the Police to fully achieve its mission. The results of their analysis will be pasted on the walls of the workshop room.

These products will be documented graphically and appended.

4. Formulation of objectives

On the third day the problem - tree should be reformulated into an objective-tree. The participants reformulate the present negative situations (problems) into future positive situations (objectives).

5. Designing a program matrix

On the fourth day the formulation of objectives will be followed by construction of a matrix providing the basic elements of a plan for capacity building of the police. This plan should answer:

- Why enhanced capacity of the HC Police is important to the HC.
- What capacity should be achieved after the completion of a capacity building programme.
- What improvements are required in HC Police.
- What actions need to be taken to achieve the improvements.
- Required resources.
- Conditions external to HC Police which need to be addressed.

6. Presentation of the workshop results

On the fifth day, the ESDP Mission Planning Team and the HC Police representatives will present the workshop results to the HC Government and to the main IC stakeholders.

ANNEX E

PLANNING GUIDELINES FOR COMBATING ORGANIZED CRIME & CORRUPTION

The mandate of an ESDP Police strengthening mission will in most cases include as a priority activity the assistance to a HC in fighting Organised Crime, in particular when the organised crime originating from or transiting through that HC affects any EU Member States.

Addressing organised crime involves the full range of law enforcement agencies including but not limited to custom agencies, VAT agencies and tax authorities as well as border and immigration services. Combating organised crime requires a cross cutting approach to address the different aspects of it.

The following guidelines should support the mission in implementing this essential task.

1 Strengthen the operational capacity and joint capability of LEAs engaged in the fight against organised crime and corruption.

Contribute to strengthen the operational capacity of State level LEAs:

- assist the Ministry of Interior (LEA in charge of Policing activities) in building up its institutional capacities as well as in strengthening the operational capacity of the State level LEAs, in particular with regard to the implementation of a National Action Plan for the Fight against Organised Crime and Corruption;

- contribute to specialised policing capacities in order to assist State level LEAs to enhance their operational and strategic capacity;

- assist LEAs in developing border-related anti-organised crime measures under the overall coordination of the Ministry of Interior as well as in strengthening their relations on illegal migration matters;

- assist developing police-customs investigations in cooperation with the Indirect Taxation Agency (ITA);

- provide expertise and guidance to implement the police reform laws as well as harmonisation and coordination efforts among different police bodies.

Promote coordination and cooperation mechanisms vertically as well as horizontally between relevant LEAs, with a particular focus on State level agencies. Promote international cooperation, as also stated in paragraph 7.6:

- support the implementation of the International Police Cooperation agencies and facilitate their assistance in capacity building,

- facilitate enhanced contacts, operational coordination and cooperation with International Cooperation agencies fighting OCC as appropriate;

- facilitate regional cooperation and HC contacts with regional cooperation initiatives as appropriate.

2 Assist and support in the planning and conduct of investigations in the fight against organised crime and corruption in a systematic approach.

assist the relevant LEAs in developing an Organised Crime Threat Assessment and implementing a progressive Organised Crime Strategy that takes into account current capabilities and measurable rates of progress;

assist the appropriate LEAs in planning and conducting counter organised crime activities and assess how such activities are currently conducted by the LEAs;

assist the relevant LEAs in investigating the economic aspects of organised crime activities as well as assist and mentor the prosecutors in financial investigations;

mentor, monitor and advise LEAs and relevant authorities within the criminal justice sector so that they are able to investigate organised crime and corruption without undue interference or pressure from political authorities;

advise and support on all aspects of organised crime investigations, from the initial enquiry to the prosecution cases, as deemed required on a case by case basis, identifying gaps and obstacles and reacting accordingly.

3 Assist and promote development of intelligence capacities.

contribute to developing further a 'National Intelligence Model' in order to bring together an intelligence community in support of the fight against organised crime and corruption;

support the development of appropriate data protection procedures and culture;

assist the relevant LEAs to ensure that good quality data is regularly inserted in the established IT and communication databases and that the appropriate instructions, which regulate the procedures for their use, are adopted and followed by the authorities concerned;

contribute to a fully established HC-wide Information Management System (IMS) and promote links between local level and State level LEAs;

promote an interface through which international LEAs can exchange information/ intelligence;

support the establishment of a crime analysis capacity in order, inter alia, to allow State level LEAs to develop mid to long term crime-fighting strategies;

ensure the development of exchange mechanisms of strategic information, relevant reports, crime analysis and organised crime assessment compatible with International standards.

4 Enhance police-prosecution cooperation.

assist in enhancing relations between police and prosecutors in order to ensure maximum effectiveness of criminal investigations related to organised crime and corruption;

monitor key cases related to organised crime and corruption through the criminal justice system identifying systemic difficulties as well as instances of obstruction or corruption;

advise on draft laws or regulations in order to improve joint police-prosecution investigation management;

advise and support the Highest Judicial and Prosecutorial Council's activities on police-prosecutors cooperation;

advise in enhancing the role of the judiciary as regards the investigation in the pre-trial phase;

work in close coordination with the EUSR (where existing), the EC and other relevant actors in order to develop a holistic anti-organised crime approach with the criminal-justice system and assist the EUSR and the EC in their efforts to analyse and contribute to the functioning of the criminal justice sector in a broader RoL context;

contribute to further enhanced regional cooperation in the judicial area.

ANNEX F

EU CIVIL MILITARY COORDINATION GUIDELINES

If an EU military presence is mandated to support the HC law enforcement bodies the following principles could be considered for the purpose of civil military cooperation:

- Policing aspects of the ESDP

The ESDP police strengthening mission should take the lead in the coordination of policing aspects of the ESDP, and as a matter of priority in supporting efforts in tackling organised crime. The ESDP police strengthening mission and the EU military force should create practical mechanisms to ensure that they work closely together.

- Initiative

The ESDP police strengthening mission should encourage the HC police (or L.E.A. in charge of specific policing activities) to support the military force in investigations/operations which the local police is not able to undertake.

In this case the ESDP police strengthening mission will advise the EU military force on police needs and should deliver assessments on the capacity of the local police to build their own capabilities.

- Cooperation

The EU military force will seek the advice of the civilian mission on its military operations in accordance with their respective mandates, when supporting the campaign against organised crime.

- Synergy aspects

During HC police operations conducted with the EU military force's support, the ESDP police strengthening mission will, if the mandate allows, inspect and monitor the work conducted by the HC police.

The ESDP police strengthening mission will ensure that complaints made by the EU military force concerning allegations of misconduct by local police officers are followed up by the relevant local authorities. The EU military force should forward to the ESDP police strengthening mission such complaints.

- Complementarity

The ESDP police strengthening mission and the EU military force should jointly strengthen their relations for operational reasons and also their relations with the local police and local prosecutors to maximize the supporting role.

- Integrated media strategy

The police strengthening mission and the EU military force should implement an integrated media strategy in support of EU agreed objectives, as a matter of priority in tackling organised crime. This media strategy will involve the local authorities as much as possible.