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LAW ENFORCEMENT SYSTEM IN UKRAINE: STATUS, PROBLEMS, PROSPECTS FOR REFORM

The year 2013 saw the beginning of a unique period in the history of an independent Ukraine. The victory of the Euromaidan, which seemed to be a successful completion of the Revolution of Dignity, in reality was merely the first step on the path of revolutionary transformation of all aspects in the life of Ukrainian society and state.

Security issues are of high priority in the ambitious plans of reforms initiated by the Ukrainian government: “The security vector is our certainty about our tomorrow, being peaceful and happy. It is our certainty of justice and inevitable punishment for each crime. Our certainty that no person is unfairly convicted. The certainty of guaranteed security of investments and property”.¹

Guaranteeing the required level of domestic security, primarily the security of a person and a citizen, largely depends on the capability of the law enforcement agencies to perform the functions entrusted to them by national law, and their ability to serve the society and not the government or their own selfish interests.

In the system of functions delegated by the state to law enforcement agencies, the policing function has a special role, since the police, in addition to being the most numerous structure, is on the “frontier”, where a citizen may receive protection from, or be persecuted by, the state.

For this reason, police reform is receiving considerable attention from the Ukrainian government, society and Ukraine’s international partners. The overwhelming majority of police officers also acknowledge the need for radical change, being dissatisfied with working conditions, level of social security and the negative view of their work on the part of society.

Analysis of the current reform efforts leads to the conclusion that, despite the presence of many extraordinary aspects and significant positive differences, they still have many features typical of the prior unsuccessful reform attempts. The most important reasons impeding the implementation of the generally positive declarations and concept documents include the lack of political will as well as the pursuit of political and private ends that have nothing in common with the national interests or international standards.

Taking into account our own errors is as important for success as studying the diverse international experience. The lack of coordination of reforms from a single centre, despite the formal presence of the respective structure, inefficient use of the tightly limited resources and attempts to substitute minor changes (restructuring, personnel rotations, name changes, etc.) for a true transformation – all of this has been seen on multiple occasions before. The lack of political will is most often mentioned by experts and community activists looking for answers to the questions why the reforms are advancing so slowly or why the results claimed by the politicians remain hardly noticeable for civilians.

Society and the entities being reformed may become more optimistic about the success of the reforms if the Government sincerely demonstrates its interest in developing a European model of the police service, and, most importantly, proves it by real actions. The active participation by community activists, non-governmental organisations, and international partners in the reform processes are important but merely auxiliary factors. The duration and resources of a powerful international support are limited and directly depend on the demonstration of practical results.

The analytical report is intended to make an intellectual contribution to the joint effort of developing the Ukrainian law enforcement agencies, whose performance is evaluated not by statistics or the opinion of the government, but by the satisfaction of society with the quality of the respective services, the citizens’ feeling of safety and justice and their level of trust in and respect for those who protect them.

The analytical report consists of four chapters.

- Chapter One** outlines the general status of the Ukrainian internal affairs agencies.
- Chapter Two** discusses the factors which resulted in the alienation of the police from society and put the police reform issue on the foreground.
- Chapter Three** analyses the experience of prior reform attempts and the interim results of current reforms.
- Chapter Four** contains conclusions and recommendations which should be taken into account in the course of reform planning and implementation.

¹ “Ukraine 2020 Development Strategy”. – Website of the National Council for Reforms, http://reforms.in.ua/Content/download/2020booklet19-11_web.pdf.

1. INTERNAL AFFAIRS AGENCIES OF UKRAINE: GENERAL CHARACTERISTICS

The years of Ukraine's independence were used to create a powerful, well-structured and large-scale system of law enforcement agencies, and to develop a regulatory framework for their activities. At the same time, observance of civil rights and freedoms, protection of public interests, restitution of violated rights and freedoms of natural persons and legal entities shows that this system does not operate efficiently enough and significantly lags behind the best global and European practices. Multiple attempts to reform it have enjoyed limited success. The system remained cumbersome, expensive and inefficient.

As of the present moment, the focus of the law enforcement reform is on the police (internal affairs agencies, IAAs) – the basic element of public safety and security and law enforcement. This section provides the outline of general characteristics of IAAs: their tasks and functions, structure, size, management system, financial, logistical and working environment.¹

1.1. POLICE: DEFINITION, TASKS AND FUNCTIONS, STRUCTURE AND SIZE

The basic Law “On Police” (as amended in April 2015) defines the police as a “state armed agency of the executive branch, which protects the lives, health, rights and freedoms of citizens, property, environment, social and public interests from wrongful violations”. Based on this definition, the law also establishes the main tasks, functions and structure of the police (Box “Main Tasks...”).² It is worth mentioning that the Law provides for certain functions to be performed on commercial (contractual) grounds.³

As a unified system of agencies, the police (Riot Police and Criminal Police) is a part of structure of the

Ministry of Internal Affairs (MIA). The MIA is also in charge of the National Guard (before 12 March 2014, called the “Internal Troops”), the subdivisions of which also perform certain police functions. On the other hand, the National Guard is a part of the Ukrainian military.

The structure of agencies, which are subordinated to the MIA (and internal structure of the police), have often changed, caused by a change of threats (emergence and/or spread of certain crimes), and permanent reformation processes, initiated in 1996 and not yet completed (the structure of the MIA as of 25 May 2015 is illustrated in the Diagram “MIA of Ukraine Structure...”, p.4).⁴

MAIN TASKS, FUNCTIONS AND STRUCTURE OF THE POLICE

Main Tasks:

- ensuring personal safety of citizens, protecting their rights and freedoms, and legitimate interests;
- preventing and terminating law violations;
- protecting and ensuring public order;
- identifying criminal offences;
- participating in solving criminal offences and searching for such offenders according to the procedure, as stipulated in the criminal procedure legislation;
- ensuring traffic safety;
- protecting property from illegal and illegitimate criminal encroachment;
- ensuring collection of administrative levies;
- participating in extending social and legal support to citizens, assisting public agencies, enterprises, institutions and organisations in the performance of their legal functions, within the limits of its competence.

Functions:

- administrative;
- preventive;
- investigative;
- criminal procedural;
- executive;
- protective (based on contractual terms).

Departments:

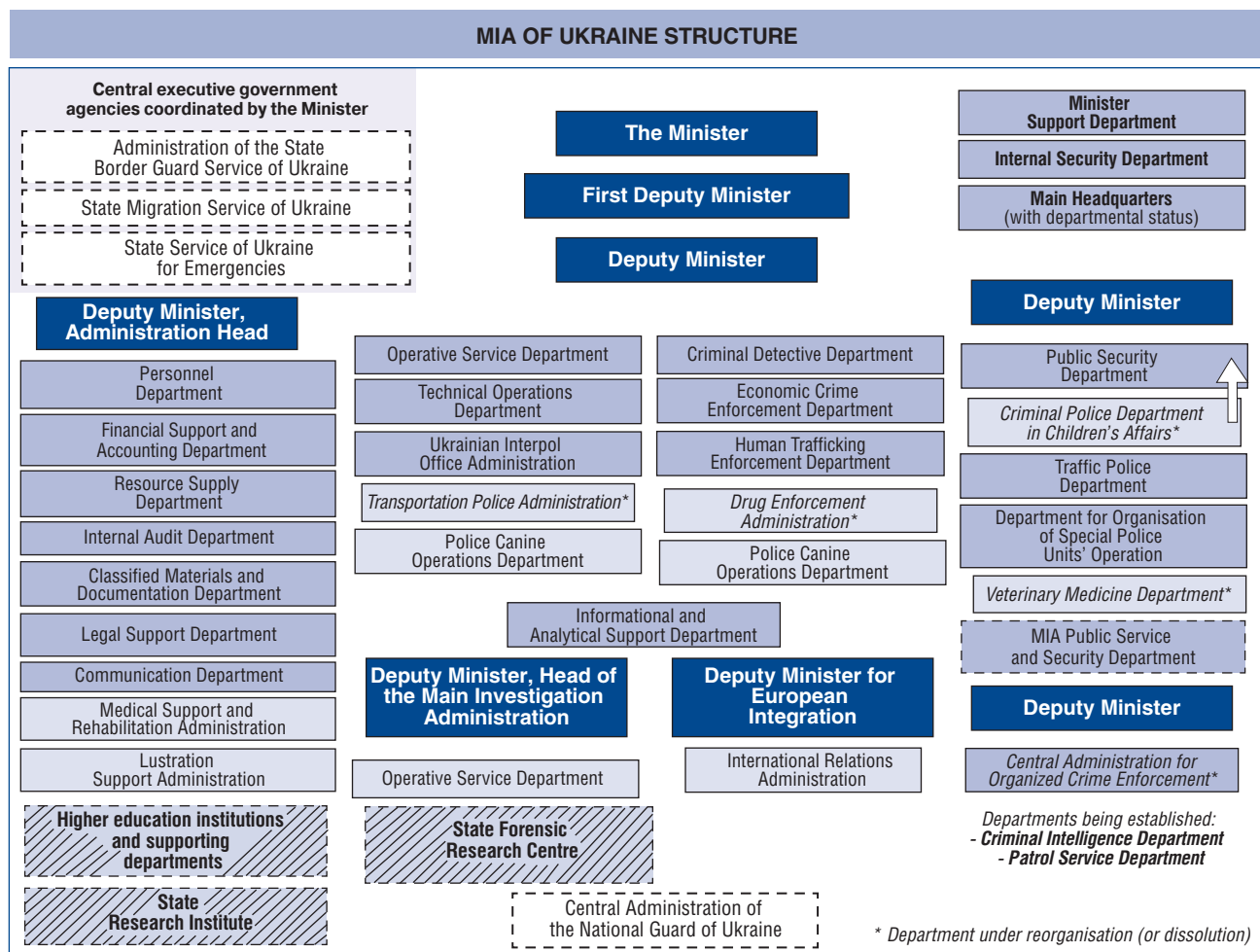
- Criminal Police;
- Riot Police;
- State Traffic Inspection (STI);
- Security Police;
- Court Police;
- Special Police;
- Internal Security;
- Special Forces.

¹ For purposes hereof, the terms “police”, “internal affairs agencies” and “the Ministry of Internal Affairs” (MIA), the latter depending on the context, are used as synonyms.

² Source: Law “On Police”. Website of the Verkhovna Rada of Ukraine, <http://zakon4.rada.gov.ua/laws/show/565-12>.

³ In particular, the police must “guard property and natural persons based on contractual terms” (Cl.18, Art.10), and provide a range of commercial administrative and permission functions, – Ibid.

⁴ Source: MIA Structure. Website of the Ministry of Internal Affairs of Ukraine, <http://www.mvs.gov.ua>.



Structurally, the police continues to employ the military principle of a rigid hierarchy; the overwhelming majority of police officers (the attested staff) have special, military-like ranks; it has such post-Soviet features as state-centrism, authoritarian management and operating style, as well as a lack of transparency in terms of public control.⁵

The MIA and the National Guard have special-purpose units, the number, size, equipment and armaments of which are, as a rule, not officially disclosed.⁶ It is, however, noticeable that over recent years, before the Revolution of Dignity, the special-purpose units of the riot police were increasing in size, in particular this refers to the Berkut Special Purpose Unit meant for ensuring public safety during public events (including public meetings), and holding of special operations involving the use of force.⁷

Size of Internal Affairs Agencies. The size of IAAs and, separately, the size of the National Guard, are established by law.⁸ As of the end of 2014, the overall size of the MIA was 210 thousand employees as determined by law, without specifying the exact number of rank-and-file employees and (attested) management staff, as it had been done before.⁹ At the same time, the law contains a provision that the “size of rank-and-file and management staff may not exceed the size determined at 300 employees per 100,000 of population”.¹⁰

As of 1 January 2015, the size of the MIA's rank-and-file and management staff amounted to 159.8 thousand people (Table “Overall Size of IAA Staff...”).¹¹ According to the State Statistics Service of Ukraine, the population of Ukraine amounted to 42,928.9 thousand as of 1 January 2015.¹² This means that **for every 100 thousand citizens there are 372 attested police officers**, which,

⁵ As an example, the MIA, in contrast to the Ministry of Defence or the Security Service of Ukraine, does not issue the White Book – the materials on its activities and formal characteristics.

⁶ However, mass media outlets communicate respective expert opinions, as well as individual official information, received at the request of journalists or human rights activists. See, for instance: The MIA's Special Units. Ukrainian Military Portal, <http://www.mil.in.ua/encyclopedia/pravoohoronci/mvs/mvs-specpidrozdily>.

⁷ See, for instance: Orlyuk, M. How Much Do Taxpayers Pay for Berkut? – *Insider*, 3 February 2014, <http://www.theinsider.ua/business/52ebdca568bdd>; Without Any Rights: Berkut Special Purpose Unit Is As Good As Illegal. *Ukrayinski Tyzhden'*, 13 December 2013, No. 50, pp.20-22.

⁸ The Law “On Overall Structure and Size of the Ministry of Internal Affairs.” Website of the Verkhovna Rada of Ukraine, <http://zakon4.rada.gov.ua/laws/show/2925-14>.

⁹ The initial text of the Law (10 January 2002) determined the overall size of the MIA at 386,600 people, including 284,400 rank-and-file and management staff; the amendments, introduced in September 2003, determined the overall size at 324,400 people, including 240,200 rank-and-file and management staff. The above-mentioned size was established by amendments, introduced in December 2014.

¹⁰ Law “On Overall Structure...,” Art. 2

¹¹ Source: Letter of the Financial Procurement and Accounting Department No. 15/2-673i as of 14 May 2015 – Razumkov Centre Archive.

¹² Population Size (Estimate) as of 1 January 2015 and Average Population in 2014. State Statistics Service of Ukraine, <http://ukrstat.org>. This data does not account for the temporarily occupied territory of the Autonomous Republic of Crimea.



**Overall Size of IAA Staff (Exclusive of the Internal Troops/National Guard),
thousand people**

Number (as of 1 January)	1995	2000	2005	2010	2011	2012	2013	2014	2015
	535,1	362,1	275,4	263,9	258,1	237,5	228,0	225,4	198,0
Including:									
Low-rank and command personnel	292,2	264,3	211,2	203,1	200,7	183,5	182,6	181,3	159,8
Out of the total number									
Correctional institutions	42,7								
Fire service	64,9	61,2							
GIRFO* units	6,9	5,2	5,5	6,1	6,1	5,7			

* Citizenship, migration and registration of natural persons.

formally speaking, is a violation of law and, according to international standards, characteristic of the “police state”. At the same time, the problem of excessive pressure on IAA staff is permanently observed along with the agency’s failure to perform high-quality functions.

Additional reference information

As of the end of 2012, the staff of the Internal Troops was 33,300 people, including 2,893 employees and 1,350 military students. This being the case, there was a shortage of 3,968 officers, sergeants and soldiers.¹³

Currently, the size of the National Guard is established by Law “On the National Guard of Ukraine” (as of 13 March 2014) with a wording that takes into account the current military situation in the East of the country: “The total size of the National Guard of Ukraine does not exceed 60 thousand military troops. If necessary, the size... may be increased by a respective law”.¹⁴ The command of the National Guard (the commander, his first deputy and four deputies are appointed and relieved as advised by the President of Ukraine).

The size of the national police is, as a rule, considered to be excessive and the above-mentioned continual processes of its reform have always been accompanied by a reduction of staff numbers. On the other hand, it is useful to draw attention to two circumstances.

First are the excessive functions of the police. The basic law provides only a generalised view of these functions, however, when implemented in practice by IAAs, they need to be specified, which, in turn, leads to more partial, specific functions. A functional review of central executive agencies (CEAs) took place in 2008, the results of which were used to make the List of Functions of the MIA – the number was 319. In addition, 90 of them were recognised as excessive or not having legal regulatory grounds, or as repeating the functions of other CEAs, etc.¹⁵ Most of the critical comments, provided in the List, were taken into account at the time of preparing the 2011 Regulation on the MIA, which established more than 80 functions. In this list, however, experts also saw

excessive functions or functions that did not fall in line with the MIA’s tasks, which also created corruption risks.¹⁶ Notably, the 2014 Regulation on the MIA lists 86 functions (powers) of the agency.¹⁷

Secondly, disproportional distribution of tasks leads to excessive pressure, mostly on rank-and-file employees (local police inspectors, patrol officers). For instance, it is a known fact that for each local police inspector there are, on average, 3,000 residents in cities and 2,200 in the country; in addition, increasingly more police officers now tend to work extra hours, they do not use their days-off, vacation leave, etc.¹⁸

Therefore, the problem is not in the size of the MIA per se, but mainly in improper definition of its specific functions and erroneous distribution of the functional burden on internal affairs agencies and employees.

1.2. MANAGEMENT: SYSTEM AND PRACTICE

The Minister of Internal Affairs is in charge of the police. The heads of the main divisions (directorates; district, city district, city directorates; line departments) in territorial administration units are appointed and dismissed by the Minister not only without any competition, but also without agreement with “local executive agencies and their officials”, or with local government agencies.¹⁹ Therefore, local communities, citizens and the public have no influence whatsoever on the appointment/dismissal of heads of the local IAAs. And, as such, it is impossible for the public to control these agencies. The law only establishes that the heads of the local councils must invite mass media representatives to their plenary sessions in order to “inform” them.

According to the procedure for appointment of the Minister of Internal Affairs as of February 2014, after restitution of the Ukrainian Constitution as revised in 2004, the Minister is appointed and dismissed by the Parliament as advised by the Prime Minister.²⁰ That said, the Minister “is in charge of the MIA and manages

¹³ White Book 2012: Internal Troops of Ukraine – Kyiv, 2013, p. 17.

¹⁴ Law “On the National Guard of Ukraine”, Art. 7 – Website of the Verkhovna Rada of Ukraine, <http://zakon4.rada.gov.ua/laws/show/876-18>.

¹⁵ In particular, functions: without precise regulatory grounds – 22; effective if delegated to the lower management level – 35; that repeat the activities (functions) of another agency – 14; that are of a commercial nature – 2; that relate to the agency’s statistical records – 1; that have self-regulated nature – 1; that don’t fall in line with the agency’s authority – 13, that have no subject (object) or the purpose (result) of which is non-transparent – 2. See: Yurchenko, O. Important Issues Regarding Reform of the MIA of Ukraine. <http://pravoznavec.com.ua/period/article/27035/%DE>.

¹⁶ For details, please see: Ibid.

¹⁷ Regulation on the Ministry of Internal Affairs of Ukraine. Approved by Order of the Cabinet of Ministers of Ukraine No. 401 dated 13 August 2014. Website of the Verkhovna Rada of Ukraine, <http://zakon4.rada.gov.ua/laws/show/401-2014-%D0%BF>.

¹⁸ See, for instance: Internal Affairs Agencies Development Strategy. Approved by Order of the Cabinet of Ministers of Ukraine No. 1118-p dated 22 October 2014. Website of the Verkhovna Rada of Ukraine, <http://zakon4.rada.gov.ua/laws/show/1118-2014-%D1%80>.

¹⁹ Except for the Autonomous Republic of Crimea.

²⁰ Regulation on the Ministry of Internal Affairs of Ukraine..., Cl.10



its activities”,²¹ which in practice means that he/she has power to control the activities of all internal affairs agencies, including the agencies that must have procedural independence. So, for example, at the Parliamentary Hearings “On Reforming the System of Agencies of the Ministry of Internal Affairs and Implementation of European Standards” in October 2012, V. Schvets, the then Head of the Parliamentary Committee on Legislative Support of Law Enforcement, emphasized that in Ukraine “the Minister is both legally and effectively in charge of the preliminary investigation agency; at the same time, he is in charge of all investigative internal affairs agencies, which, according to the law, have to provide instruction to the preliminary investigation agency regarding individual procedural or operational activities. There is not any other country in the world, where an investigation officer would directly depend not only on the police head but on all heads all the way up to the minister in material, disciplinary and other issues”.²² However, the status and powers of the Minister of Internal Affairs have not changed since then and he is still the “chief police officer” of the country.

As may be seen from the Table “Ministers of Internal Affairs of Ukraine”, the agency changed 12 heads in the years of independence (including the second appointment of Y. Lutsenko and the 2-month office of M. Kluyev). Only two of these held the Minister’s office for three-five years, so they really had the time to form and implement a certain policy and to accomplish some reforms, etc. These two were A. Vasylyshyn, who held the office for three years and was the first Minister of Internal Affairs in the modern history of Ukraine, and Y. Kravchenko, who held the office for five years. The latter declared the start of fundamental police reform in accordance with European principles, but effectively created a model of a militarised, politicised, non-transparent organisation, where the management was appointed from those who owed personal allegiance to the Minister; as a rule, these were people who either came from the home town of the agency’s head or from his closest entourage.

Ministers of Internal Affairs of Ukraine			
	Name	Dates of appointment/dismissal	Term of office
1.	Andriy Vasylyshyn	August 1991/ July 1994	2 years 11 months
2.	Volodymyr Radchenko	July 1994/ July 1995	1 year
3.	Yuriy Kravchenko	July 1995/ March 2001	5 years 8 months
4.	Yuriy Smirnov	March 2001/ August 2003	2 years 5 months
5.	Mykola Bilokon	August 2003/ February 2005	1.5 years
6.	Yuriy Lutsenko	February 2005/ December 2006	1 year 10 months
7.	Vasyl Tsushko	December 2006/ December 2007	1 year
8.	Yuriy Lutsenko	December 2007/ January 2010	2 years 1 month
9.	Mykhailo Klyuev (acting minister)	January 2010/ March 2010	2 months
10.	Anatoliy Mohilyov	March 2010/ November 2011	1 year 8 months
11.	Vitaliy Zakharchenko	November 2011/ February 2014	2 years 3 months
12.	Arsen Avakov	February 2014- present	

It has become a tradition that the change of the agency’s head led to a change not only of the MIA’s management team, but also the heads of regional and district levels (different slogans were used for that purpose: corruption prevention, decriminalisation, etc.). For example, more than 300 heads of the regional level were dismissed during the independence years, with as many as 17 heads of the Main Department of the MIA changed in Lviv region.²³

As an example, Y. Lutsenko, the then Minister of Internal Affairs, during his report about the first 100 days of his office in 2005, said the following: “While decriminalising IAAs, we had to replace completely the central management of the MIA and the regional one too. As of the present moment, there are more than 150 vacancies at the district level”. Then Y. Lutsenko also promised that “since 15 May, any appointment to the police will be competition-based”.²⁴ However, the competition-based appointment mechanism has never been implemented, and Y. Lutsenko, speaking about his subordinates from the MIA ahead of the 2010 presidential election, said the following: “The position of the whole central office and heads of regional directorates has remained the same. All of us came in 2005, then we all resigned in 2007, and we all came back in 2008. I have every right to call us a team...”²⁵

Therefore, the question is about the change of “teams” which come and go together with the first person. By saying that, Y. Lutsenko only confirmed the presence of the traditional employment policy problem, when each change of the agency’s political management is accompanied by dramatic changes of senior staff. *Firstly*, the newly appointed staff cannot be considered politically neutral, at least in terms of their “loyalty to the Minister” criterion. *Secondly*, their understanding of the fact that they hold their offices temporarily, negatively influences the efficiency and priority of their activities, which is explained by the subjective factor. *Thirdly*, any intentions of radical changes are necessarily faced with a quiet “sabotage” of the subordinates, who, at the least, fail to demonstrate any activity that may be used against them and cost them their jobs when a new “team” comes.

After the 2010 presidential elections and the appointment of A. Mohilyov as Minister of Internal Affairs, all deputies, almost all heads of regional directorates and heads of criminal detection departments were removed from office.²⁶

This practice led to certain police offices being sold and such a trend gained momentum. In one of his

²¹ Ibid, Cl.11.

²² Parliamentary Hearings “On Reforming the System of the Ministry of Internal Affairs Agencies...” 5 October 2011, Website of the Verkhovna Rada of Ukraine, http://static.rada.gov.ua/zakon/skl6/11session/par_sl/sl0510111.htm

²³ Internal Affairs Agencies Development Strategy...

In particular, delivering his speech at the above-mentioned Parliamentary Hearings, the Mayor of Lviv said the following, “I have held my office...for five and a half years now. During this period, five heads of the Internal Affairs Directorate of the region have changed, the same number of city police chiefs, if we speak about the heads of six city district offices – dozens of people have come and gone”. See: Parliamentary hearings “On Reforming the System of the MIA’s Agencies...”.

²⁴ See: Klymkovska, N. One Hundred Days of Yuri Lutsenko. Kreschatic, 13 May 2005, <http://www.kreschatic.kiev.ua/ua/2667/art/25482.html>.

²⁵ See: Rakhmanin, S. Yuri Lutsenko: Peaceful Elections Will Be My Victory, Regardless of Who Comes Out The Winner. Dzerkalo Tyzhnia, 4 February 2010, <http://gazeta.dt.ua>.

Y. Lutsenko is wrong: he was first removed from the Minister’s office not in 2007 but on 1 December 2006. He resumed office not in 2008, but on 18 December 2007.

²⁶ Vysotsky, S., Bubliy, N. Relocation in Agencies. Whom Do Yanukovych’s Securocrats Serve? – Focus, 27 May 2010, <http://focus.ua/country/121018>.



interviews, Anatoly Mohilyov, when Minister of Internal Affairs, acknowledged that publicly, “I know well enough that many police offices were sold. And it was a huge problem. Firstly, if persons buy an office, they become untouchable; they cannot be removed. Secondly, they start working with a purpose to compensate for what they spent...”. Answering a question regarding the cost of the office of a regional police chief, the Minister replied, “After I took the office, people came and offered sums with six zeros”.²⁷

In another statement, A. Mohilyov publicly acknowledged violation of IAAs’ de-politicisation principle: “The police performs a very important and complicated function in the country. It keeps the peace, protects private and public interests and the **interests of the political power that rules the country**...”.²⁸

1.3. FINANCING

According to the Law, financing and logistical support of the police are performed using state budget funds (general fund), funds received under agreements with legal entities and citizens and from “other sources that do not violate existing legislation”; it is also established that “based on staff agreement, companies, enterprises and organisations may provide additional funds to the police, as well as transportation vehicles and other equipment, required for protection of public order and crime prevention” (Art. 24). In addition, the Law establishes that local government authorities may initiate “bonus payments to police officers” (Art. 19).²⁹ These above-mentioned funds may be used to form a “special fund” for the MIA, which is also used to accumulate so-called “charitable donations”, not provided for by the Law, but specified in internal regulations.

Therefore, provisions have been made for multi-channel financing of IAA’s operations, which does not mean that it is sufficient, but creates conditions for abuse. Particularly, because of the legal uncertainty of “other sources, not prohibited by law”, monopoly of the police in the market of separate administrative and approval services and maximum non-transparency of the MIA’s financial activities for public control purposes.

Generalisation of information on volumes, sources and use of the MIA’s funds allows us to outline three key issues that relate to police financing: shortage of budget financing; ambiguous nature of “other sources” of additional resources for the police; low efficiency of both budgetary and supplementary funds.

General Characteristics, Volumes and Trends.

Despite the annual increase of the MIA’s financing, every year it fails to exceed 40-42% of what is required. At the same time, budgetary requests of the Ministry of Internal Affairs are not made public, so there is no definitive information in what way and to what degree of objectivity this “required amount” is calculated.

The following official data may be used to provide a glimpse of the required amount and a percentage rate demonstrating how well it is met. In 2009, responding to the Accounting Chamber’s request, the Ministry of Internal Affairs informed that the funds required to finance the MIA was UAH 22 billion as of 2009, while the budget provided for a mere 8 billion,³⁰ or 36% of the requirement. The following year, the 2010 Financial Report on the Use of Budget Funds, prepared by the Ministry of Internal Affairs, mentioned that the State Budget Law made provisions for financing the MIA from the general fund in the amount of UAH 9,758,373.7 or 39.4% of the amount required.³¹ It is, therefore, evident that the required amount was about UAH 24.8 billion.³² The MIA’s financial reports of subsequent years did not include similar information.

Additionally, as seen from the table “*MIA Budget Execution...*” (p.8), using the example of 2011-2014, the agency’s planned annual budgets have not been fully executed. Only small expenses for research and information analysis support of measures on combating organised crime and corruption were financed in full (UAH 3-4 million a year, as well as participation of IAAs in international peacekeeping operations (except for 2014, for understandable reasons).

Consumption expenses, directed primarily at remuneration (salary) and paying of utility and energy bills, constitute the lion’s share of expenses (from both the general and the special fund). From the data, provided in the Table “*Distribution of State Budget Expenses for the MIA*” (pp.10-11),³³ it becomes clear that it was planned to allocate an average of about 70% of the general fund in 2011-2014, while development expenses constituted, as a rule, no more than 1%. The part of development expenses, allocated from the special fund, is also small: in 2013-2014, it decreased to 3-4%.

If we add up the amounts of the general and special funds, it becomes clear that it was planned to use almost 65% of aggregate budgetary expenses for salaries and payment of utility bills in 2011 (63% in 2014); development expenses decreased from 3.3% in 2011 to 1% in 2014.

At the same time, we should say that it is planned to increase development expenses significantly in 2015, up to 11.8% of aggregate budgetary expenses. In addition, the balance of general and special fund expenses has been changed crucially: if during recent years, the greater part of these expenses was supposed to be financed from the special fund, it is planned that in 2015 almost 96% will be financed from the general fund (Diagram “*Balance of General and Special Fund Shares in Development Expenses*”, p.11).

The data, included in the Internal Troops’ White Book, provides clear information on financing needs and the level of their fulfilment by the State Budget. As may be seen from the Diagram “*Comparison of the Standard Requirement and Budgetary Provisions...*” (p.9),³⁴ financing of the Internal Troops in 2006-2008 did not meet even half of the demand, and it dramatically shrank

²⁷ People-Friendly Police. Interview with MIA Chief Anatoly Mohilyov. Focus, 2 September 2010, <http://focus.ua/country/141119>.

²⁸ Mohilyov Was Very Straightforward: the Police Serves the Interests of the “Party of Regions.” – Ukrayinska Pravda, 18 December 2012, www.pravda.com.ua/news/2012/12/18/6980034.

²⁹ Law “On Police”, Art. 19.

³⁰ See: Approval System Has Been, Is and Will Be a Honey Pot for Police Officers? – Website of the Accounting Chamber, <http://www.ac-rada.gov.ua/control/main/uk/publish/article/1430832>.

³¹ Financial Report of the Ministry of Internal Affairs... Website of the MIA, <http://www.mvs.gov.ua/mvs/control/main/uk/publish/category/505523>.

³² The Minister of Internal Affairs articulated a similar amount in 2011 – 23 billion annually. See: Vysotsky, S. Mohilyov: I Am a Part of the System But With a Safety Margin. Liga-Novosti, 21 October 2011, <http://news.liga.net>.

³³ Sources: Law “On State Budget of Ukraine” for the respective year. Website of the Verkhovna Rada of Ukraine, <http://zakon4.rada.gov.ua>.

³⁴ Internal Troops’ White Book 2012..., p.99.

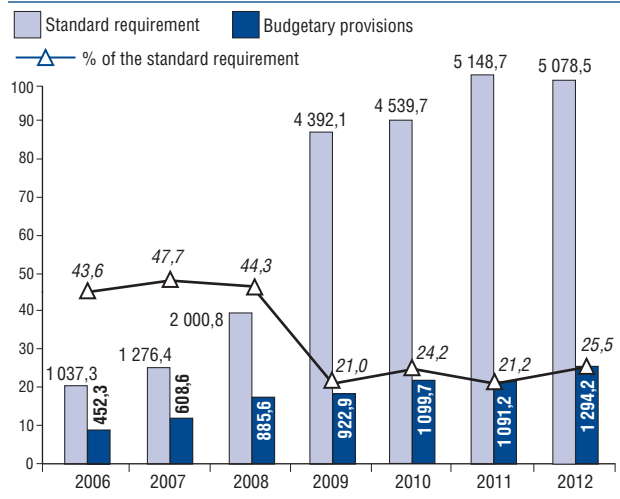


MIA BUDGET EXECUTION IN 2011-2014, <i>mln hryvnias</i>									
Items of state budget funds, including for budget programmes	2011		2012		2013		2014		2015
	Target	Fact <i>Not utilised</i>	Target	Fact <i>Not utilised</i>	Target	Fact <i>Not utilised</i>	Target	Fact <i>Not utilised</i>	Target <i>Versus 2014</i>
Total for MIA	14 282	14 062 -220	15 456	15 089 -367	16 426	15 837 -590	24 665	24 107 -559	32 753 +8 646
		98.5%		97.6%		96.4%		97.7%	
MIA Structure									
Governance and management of IAA	274	273 -1	306	302 -4	311	309 -2	303	301 -1	361 +60
		99.6%		98.7%		99.4%		99.3%	
Protecting the rights and freedoms of citizens, society and the country against unlawful encroachments, maintaining public order and countering illegal migration	11 363	11 199 -164	12 108	11 851 -257	12 302	12 158 -144	10 924	10 688 -236	14 231 +3 543
		98.6%		97.9%		98.8%		97.8%	
Participation in international peacekeeping operations	9	9 0	11	11 0	10	10 0	11 0	9 -2	11 +2
		100%		100%		100%		81.8%	
Staff training at higher educational institutions for the 3 rd and 4 th accreditation levels	707	682 -25	696	661 -35	737	699 -37	663	637 -25	728 +91
		96.5%		95%		94.8%		96%	
Medical support for employees, rank-and-file personnel and top officers	473	463 -10	547	534 -13	586	564 -22	508	496 -12	548 +52
		97.9%		97.6%		96.2%		97.6%	
Research and information support of measures on combating organised crime and corruption	3	3 0	3	3 0	4	4 0	4	4 0	4 0
		100%		100%		100%		100%	



to almost half of the original size in 2009. In particular, it made up only 25.5% of the standard requirement in 2012. Sadly, we now know of the dramatic consequences of such a situation, which became evident during military actions in Eastern Ukraine.

Comparison of the Standard Requirement and Budgetary Provisions for Support of the Internal Troops, UAH millions



In view of insufficient financing of capital expenditures, the MIA's management permanently emphasizes the need for additional funds and resources through provision of commercial services and charitable donations. For example, Y. Lutsenko, the then Minister of Internal Affairs, said frankly in December 2009, "We must earn through commercial services and charitable funds. If we stop doing that from 1 January, the police will be as inefficient as other law enforcement agencies".³⁵ His successor A. Mohilyov was quoted as saying the following in 2010, "The MIA is financed at 42% of demand. So the police gets a lot of aid. We almost have no money for petrol, radios and other equipment..."³⁶

Commercial Services. According to the Government Order "On Approval of the List of Commercial Services, Provided by Agencies of the MIA and the State Migration Service and the Amount of Payment for Them", internal affairs agencies provide 37 services to legal entities and natural persons (SAI alone provides 11 registration and approval services). As far as expert examination and evaluation services provided by the MIA's expert service are concerned, there are 27 types of these, and almost every one of them has three levels of complexity and the respective cost to go with it.³⁷

At the same time, *firstly*, the MIA is a monopolist in certain service market segments, which leads to economically unsubstantiated tariffs and prices for such services. *Secondly*, the procedures for providing services, accounting and transfer of received funds to the budget and use of such funds are not transparent and are performed, among other things, in violation of effective legislation. In particular, this is evident from the results of a respective audit, held by the Accounting Chamber in 2007 (Box "MIA's Crazy Millions"³⁸).

MIA'S CRAZY MILLIONS

The Accounting Chamber held an audit of the efficiency of payment for services, provided by agencies and departments of the MIA of Ukraine according to their functional authority and of the transfer of these funds to the state budget's special fund. ...Conclusion: "...The MIA's system of transferring funds, received from administrative services in 2007, and the use of these funds was non-transparent, it did not meet all the requirements of effective legislation, and the price of services did not correspond to economically justifiable expenditures..."

...The system of administrative services that existed in the MIA was focused not on satisfying the demands of the public, but on making a profit under conditions that were favourable to the service providers. Instead of improving the system quality of commercial services and bringing it closer to civil consumers, the MIA started involving its public companies in the provision of these services.

As a result, the right to provide commercial administrative services, which had been within the authority of the State Automobile Inspection, passport, forensic science and information services, and the approval system, was delegated to state enterprises that provided services faster but charged more. As a result, the net cost of services for consumers increased by 1.5-2.6 times.

Consequently, the agency received plus UAH 545 million for commercial services in 2007, UAH 254 million of which were taken directly from service providers for further redistribution at the management's sole discretion, including more than UAH 13 million in violation of the result-oriented budgetary process principles.

As there were no standards in the MIA of Ukraine for provision and economic substantiation of the cost of performing administrative services, the cost of such services increased by including the compensation of attested employees, as the latter were paid from the state budget's general fund. In 2007 alone, this figure was more than UAH 500 million.

Therefore, the MIA of Ukraine has introduced a system, where the citizens of Ukraine who pay taxes and whose funds are used to finance law enforcement officers, are forced to appeal to internal affairs agencies for services that the state provides to same taxpayers on commercial grounds. In other words, a situation has been created, where a taxpayer not only finances the official's job but also pays for the services of this official, with such services being part of the official's duties, imposed on him/her by the state".

The Accounting Chamber performed an audit of commercial services, provided by law enforcement agencies; in particular, these related to provision of approval documents in 2009 and, among other things, established the following: in 2007-2008, "every third such document was provided by the MIA in violation of effective legislation... Out of 107 commercial services, provided, in particular, by the MIA, each fifth one required payment to the officials for performance of their own public duties... Law enforcement agencies made their own decisions if the issued document was related to approval, or if it was a commercial service, if applicable laws applied to a given area of activities or did not". In view of the above, the following conclusion was made, "the system of approval functions provision by internal affairs agencies stopped fulfilling its main purpose, that of meeting the respective needs of society and the state,

³⁵ See: Pysarchuk, M. Anti-Corruption Corruption, or Who Cannot Sleep Because of Budgetary Funds. UNIAN, 9 July 2010, <http://www.unian.ua>.

³⁶ Vysotsky, S. People-Friendly Police. Interview with MIA Chief Anatoly Mohilyov. Focus, 2 September 2010, <http://focus.ua/country/141119>.

³⁷ Order of the Cabinet of Ministers of Ukraine No. 795 as of 4 June 2007 (in effect; as revised on 19 April 2012). Website of the Verkhovna Rada of Ukraine, <http://zakon4.rada.gov.ua/laws/show/795-2007-%D0%BF>.

³⁸ Source: MIA's Crazy Millions. Press Service of the Accounting Chamber of Ukraine, 11 June 2008, http://www.ac-rada.gov.ua/control/main/uk/publish/article/1273956?cat_id=412. Highlight – Ed.



Distribution of State Budget
(Exclusive of Expenses for the National Guard and

General fund					Special fund				
Total	Consumption expenses	Of which		Development expenses	Total	Consumption expenses	Of which		Development expenses
		Salaries	Utility and energy payments				Salaries	Utility and energy payments	
2011									
11 116 570,6	10 907 119,0	7 600 592,8	299 752,5	209 451,0	2 741 823,1	2 490 309,1	667 680,4	120 737,9	251 514,0
	98,1%	70,0%	2,7%	1,9%		90,8%	26,8%	4,8%	9,2%
2012									
12 762 289,8	12 716 114,3	8 163 267,0	560 802,0	46 175,5	1 806 893,3	1 580 556,6	507 359,7	46 828,4	226 336,7
	99,6%	64,2%	4,4%	0,4%		87,5%	32,1%	3,0%	12,5%
2013									
13 407 301,7	13 378 318,2	8 607 469,9	614 749,2	28 983,5	2 652 411,8	2 572 694,4	355 456,2	39 337,1	79 717,4
	99,8%	64,3%	4,6%	0,2%		97,0%	13,8%	1,5%	3,0%
2014									
15 396 048,1	15 321 099,6	10 149 724,4	714 325,5	74 948,5	2 510 243,1	2 406 719,6	333 288,6	51 756,0	103 523,5
	99,5%	66,2%	4,7%	0,5%		95,9%	13,8%	2,2%	4,1%
2015									
30 278 084,5	26 492 949,0	17 063 116,0	929 862,0	3 785 135,5	2 474 726,0	2 299 032,0	564 513,0	79 881,0	175 694,0
	87,5%	64,4%	3,5%	12,5%		92,9%	24,6%	3,5%	7,1%

and instead it became the agency's main task, mostly aimed at turning a profit".³⁹

Charitable Donations. Charitable foundations, aimed at helping the police, have been created since the early 1990s, when the country entered into a deep and long-lasting transformation crisis.⁴⁰ However, even after the onset of the stabilisation and economic growth of the early 2000s, this practice did not vanish, but became even more popular and nowadays it is a feature of not only the police, but of other law enforcement agencies as well, which collectively receive rather sizeable funds from this source.⁴¹ There are four important issues related to this practice.

First – legitimacy of charitable donations to the MIA. In November 2010, the Order of the MIA approved the "Procedure for Internal Affairs Agencies and Departments Receiving Charitable Donations, Grants and Presents from Natural Persons and Legal Entities".⁴² To implement the Procedure, the agency appealed to the law on charity and Government Order No. 1222 of 4 August 2000.⁴³ However, the above-mentioned regulations do not contain any indication that the MIA may use charity to fund its needs. As mentioned above, the Law "On Police"

likewise does not contain any provision on "charitable donations, grants and presents".⁴⁴ Moreover, the Law "On Sources for Financing Public Agencies" establishes that the said agencies perform their activities only using budgetary financing.⁴⁵ And, finally, the Law "On Fighting and Preventing Corruption" prohibits public agencies from receiving free services and property, "except as otherwise contemplated in laws or effective international agreements of Ukraine".⁴⁶ Therefore, we may admit that the MIA may receive foreign aid and grants under international agreements, however the legitimacy of the same from Ukrainian residents is rather doubtful as far as national legislation is concerned.

Second – extortion of "charitable" donations. A practice has become popular, when citizens who received a service, including a commercial service, from an IAA, were made to pay additional money to certain charitable foundations. This practice has become most popular with state traffic inspectors, who force "natural persons and legal entities to make contributions to charitable foundations' accounts for alleged "assistance to the State Automobile Inspection" and other types of "beneficent aid to the SAI".⁴⁷

³⁹ Approval System Has Been, Is and Will Be a Honey Pot for Police Officers?...

⁴⁰ One of the first is the creation of Pravozaht Ukrainian Law Enforcement Foundation at the initiative of A. Vasylyshyn, the then Minister of Internal Affairs.

⁴¹ In 2007, according to the Accounting Chamber of Ukraine, law enforcement and judicial agencies received more than UAH 400 million in the form of charitable donations, presents, and transfers from local budgets. See: Khavronyuk, M., Pechonchyk, T. Why Have Such a State? – Ukrayinska Pravda, 16 May 2012, <http://www.pravda.com.ua>.

⁴² Order No. 543 of the MIA as of 5 November 2010 – DocumentUA, <http://document.ua/pro-zatverdzhennja-porjadku-otrimannja-organami-ta-pidrozdil-doc56484.html>.

⁴³ Order of the Cabinet of Ministers of Ukraine "On Establishing the Procedure for State-Funded Organisations and Education, Health Care, Social Security, Culture, Science, Sport and Physical Training Institutions Receiving (Voluntary) Contributions and Donations from Legal Entities and Natural Persons for Their Financing Needs".

⁴⁴ The effective Law "On Charity and Charitable Organisations" (2013) contains very general wording on the purposes and segments of charity, as well as of its recipients, defined as "any legal entities that receive aid to achieve goals, established in the Law." See: Website of the Verkhovna Rada of Ukraine, <http://zakon2.rada.gov.ua/laws/show/5073-17>.





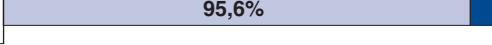
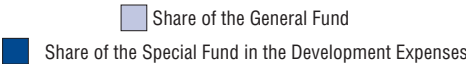
⁴⁵ Law, as revised in 2012, Art. 2. Website of the Verkhovna Rada of Ukraine, <http://zakon2.rada.gov.ua/laws/show/783-14>.

⁴⁶ Law, as revised on 26 April 2015, Cl.1, Art.17. Website of the Verkhovna Rada of Ukraine, <http://zakon4.rada.gov.ua/laws/show/3206-17>.

⁴⁷ See: Ukraine's IAAs' Activities Regarding Observance of the Right of Ownership: Status and Current Issues. Kharkiv, Veritas Odesa Human Rights Group, 2011, pp.115-116, <http://umdpl.info/files/docs/1330624392.pdf>.



Expenses for the MIA, the State Migration Service, thousand hryvnias)

Altogether				
Total	Consumption expenses	Of which		Development expenses
		Salaries	Utility and energy payments	
2011				
13 858 393,7	13 397 428,1	8 268 273,2	420 490,4	460 965,0
	96,7%	61,7%	3,1%	3,3%
2012				
14 569 183,1	14 296 670,9	8 670 626,7	607 630,4	272 512,2
	98,1%	60,4%	4,3%	1,9%
2013				
16 059 713,5	15 951 012,6	8 962 926,1	654 086,3	108 700,9
	99,3%	56,2%	4,1%	0,7%
2014				
17 906 291,2	17 727 819,2	10 483 013,0	766 081,5	178 472,0
	99,0%	59,1%	4,3%	1,0%
2015				
32 752 810,5	28 791 981,0	17 627 629,0	1 009 743,0	3 960 830,0
	88,0%	61,2%	3,5%	11,8%
Balance of General and Special Fund Shares in the Development Expenses				
2011				
2012				
2013				
2014				
2015				
				

The money is just as often extorted during the issuance of foreign-travel passports. In 2006, representatives of Ukraine Helsinki Human Rights Union (UHHRU) investigated the increase of the cost of a foreign-travel passport in different regions of Ukraine (in particular, in Vinnytsia, Drohobychi, Sumy and Kalush) and everywhere they revealed violations, manifested in money extortion in

addition to the payment of the official fee.⁴⁸ This practice is still in existence. In particular, it was informed in 2013 that “Pravoporyadok y Bezpeka Gromadyan” (Public Order and Safety) Volynska region charitable foundation received money for the issuance of a police clearance certificate (notably, not stipulated in respective regulations). Moreover, people had to file a request to receive the “charitable donation” and were supposed to pay “whatever they could afford”. In this way, the Foundation collected UAH 3.5 million in 2012 and UAH 1.3 million in the seven months of 2013.⁴⁹ Information appeared in May 2015 regarding the same practice in Chernihiv region, where people had to pay charitable foundations “the amounts that they were told – from 250 to 700 hryvnias in order to obtain a police clearance certificate”.⁵⁰

Third – charitable donations are similar in their cost to a concealed bribe. By accepting the presents, the police becomes inevitably dependent on the giver, whose name is usually left unsaid. For example, A. Mohilyov, the then Minister of Internal Affairs, informed in August 2010 that IAAs annually receive 500-600 cars as charity (with an annual requirement of 5,000 - 6,000 cars).⁵¹ In a year, he recognised that such aid was not without seeking to gain a profit: “If we are financed at 45%, the rest also has to come from somewhere. This one helps, another one helps. We become dependent by doing that...”.⁵²

However, the practice of giving/accepting expensive presents did not stop. For instance, it was informed in April 2012 that Odesa police was presented with 53 *Renault Duster* crossovers worth UAH 130 thousand each. The police did not disclose the names of the givers.⁵³

Fourth – use of charitable donations not for the needs of the police, or not for its top-priority needs. For instance, official information appeared in 2005 on the use of charitable foundations, affiliated with IAAs, in order to extort money for the benefit of the Party of Regions: Y. Lutsenko, the then Minister of Internal Affairs, said that “Zahyst” (Protection) Charitable Foundation Providing Aid to Law Enforcement Agencies transferred charitable donations of UAH 20-30 thousand to its current account throughout 2004.⁵⁴

In 2010, news that the MIA management had a new executive *Cadillac Escalade* car received a lot of public attention. At first, the officials said that, “this car appeared in the balance sheet of the region’s State Automobile Inspection as the donation of an individual who wished to remain anonymous”, the car’s cost was UAH 518 thousand and its purpose was to transport foreign delegations. However, in time it became clear that the car was purchased using the MIA’s special fund, and its price was about UAH 1 million.⁵⁵

In general, according to research conducted by human rights organisations, operational procedures of

⁴⁸ Brut, A. Foreign-Travel Passport: Charity or “State” Corruption? 22 June 2008, <http://h.ua/story/108444>.

⁴⁹ Golub, M., Gorbach, Y. Volyn Police Collects Millions from Citizens and Firms to Spend Money on Itself. *Chetverta Vlada*, 16 October 2013, <http://4vlada.com>.

⁵⁰ People Were Forced To Pay More for Foreign-Travel Passports in Chernihiv Region. *Ukrayinska Pravda*, 12 May 2015, <http://www.pravda.com.ua>.

⁵¹ The MIA Minister Will Not Sell the Chic Cadillac. *Focus*, 20 August 2010, <http://focus.ua>.

⁵² See: Vysotsky, S. Mohilyov: I Am a Part of the System But With a Margin of Strength. *Liga-Novosti*, 21 October 2011, <http://news.liga.net>.

⁵³ Butchenko, M. Once Upon a Time in the Police. *Correspondent*, 13 July 2012, p.35.

⁵⁴ See: Klymkovska, N. One Hundred Days of Yuri Lutsenko. *Kreschatic*, 13 May 2005, <http://www.kreschatic.kiev.ua>.

⁵⁵ MIA: Mohilyov Will Not Be the One to Drive a One-Million-Hryvnia Cadillac. *Focus*, 30 July 2010, <http://focus.ua>; Secret Benefactor Presents Mohilyov with *Cadillac Escalade*. *Ukrayinski Novini*, 30 July 2010, <https://ukrainews.com>.

the MIA's special fund are non-transparent and are related to systematic violations of the citizens' right of ownership (extortion of "charitable donations", exorbitant rates, pricing monopoly and the absence of service standards). This allows the special fund to accumulate annually up to UAH 2.5 billion, which the MIA uses to partially cover the shortage of budget financing.⁵⁶ According to numerous experts, this practice may be characterised as institutionalised corruption, approved not only at the agency's management level, but at the level of the state's higher officials as well.⁵⁷

This opinion is shared by the Accounting Chamber, which performed an audit of the use of beneficent aid by law enforcement agencies (including the MIA) in 2010 (Box "Mercedes, Cadillac Cars... Through Charity").⁵⁸

Efficiency of the Use of Budget Funds. The Accounting Chamber of Ukraine performed audits of the use of budget funds by the Ministry of Internal Affairs almost every year (in various areas of financing). The reports of the Chamber appear astonishingly similar, as each of them says that the MIA used some funds inefficiently or in violation of legislation, adding that the purposes of budgetary expenses were not fulfilled or were only partially fulfilled. For instance:

- **2010-2011: audit of use of UAH 2.2 billion, intended for reform and financing of Internal Troops.**⁵⁹ Conclusion: The funds have been used **inefficiently**. "In fact, the MIA's Internal Troops system **remains unreformed, cumbersome and burdensome for the state budget**, while a shortage of technology and poor equipment present a big challenge in completing the tasks that they are entrusted with... A sufficiently mobile military organisation with optimal size **has yet not been formed**."
- **2010-2011 – audit of the use of budget funds, allocated for the expert service.**⁶⁰ Conclusion: The use of funds "...did not create the proper environment for cementing the logistics of the expert service, introduction of state-of-the-art methods of expert investigation, did not ensure complete execution of its authority... Priority areas of the development of expert activities..., certification... were financed with whatever funds remained, and as of the time of the audit, they were not introduced in most regions of the country."

⁵⁶ Ukraine's IAA Activities Regarding Observance of the Right of Ownership: Status and Current Issues..., "Veritas" Odesa Human Rights Group, 2011.

⁵⁷ See, for instance: Corruption Today or Why We Won't Stop It. Hromadyanske Suspilstvo (literally: Civil Society), 2011, No. 1. Website of the Legislative Initiatives Laboratory, <http://www.ucipr.kiev.ua>.

⁵⁸ Mercedes, Cadillac Cars... Through Charity. Press Service of the Accounting Chamber, 28 September 2010, <http://www.ac-rada.gov.ua/control/main/uk/publish/article/16730851>. Highlight, except for the last paragraph, – Ed.

⁵⁹ Hereinafter: 2012 Report of the Accounting Chamber of Ukraine – Website of the Accounting Chamber, http://www.ac-rada.gov.ua/doccatalog/document/16742074/Zvit_2012.pdf.

⁶⁰ The State Research and Forensic Expertise Centre of the MIA and research and forensic expertise centres attached to the Main Directorate of the Ministry Internal Affairs in Kyiv, Kyiv Region and the Directorate of the Ministry Internal Affairs at South-Western Railways.

MERCEDES AND CADILLAC CARS... THROUGH CHARITY

According to the audit results, from 2008 until the first half of 2010, law enforcement agencies (the Ministry of Internal Affairs, the State Department for the Execution of Judgments, the Prosecutor General's Office and the State Security Service of Ukraine) **received charitable aid totalling about UAH 660 mln**. It is stated that the "methods used to receive charitable assistance were unlawful". The law enforcement bodies in most cases "imposed" on charity providers their needs for assistance in the form of written requests to pay their bills for the purchase of goods and services. In this way, **enforcement officers understood charity as a systemic abuse of office and covert corruption**. Charitable funds of law enforcement agencies, state enterprises of the MIA, correctional facilities and juvenile colonies of the State Department for the Execution of Judgments and, in some cases, the staff of the internal affairs, public prosecution and state security services were actively engaged in providing such charitable aid. In particular, public enterprises in the jurisdiction of the Interior Ministry, providing fee-based services to individuals and businesses, regularly paid the bills of the Ministry and transferred funds to it as charitable donations, in this way illegally channeling to the MIA a share of their profits. The proceeds generated by these companies from providing paid public services of the permit system, passport service and official stationary production were not used to support the law enforcement activities, but to improve the comfort of the law enforcement officers.

After implementing the schemes of covert funding of regional offices through charity aid obtained from state-owned enterprises, the **MIA was interested in increasing revenues from paid services, so prices for those services increased**. Additionally, the Interior Ministry turned a blind eye to the fact that those enterprises avoided tender procedures, which led to the **loss of control over prices for material and technical supplies, equipment and services**.

As a result, the use of uncontrolled sources of funds by law enforcement agencies created a risk of mutual dependence of the Ministry of Internal Affairs and the donors of charitable aid and provided the basis for corruption.

This was the reason why the Ministry of Internal Affairs avoided implementing the recommendations of the Audit Chamber, retaining management of the uncontrolled revenues obtained from providing paid services to individuals and businesses.

Charitable funds of the law enforcement agencies involved in providing charitable assistance also covered the costs of public utilities, computer equipment, office equipment, expensive cars, and even weapons for the MIA and the respective ammunition. Since the beginning of the year, the MIA headquarters received as charity a Cadillac Escalade worth more than UAH 500,000, and the Prosecutor's Office of Donetsk Region received Mercedes-Benz S 550 Long and Toyota Camry 3.5 Premium cars with a total value of more than UAH 1.5 mln.

Summarizing the results of the audit, the Head of the Audit Chamber Valentyn Symonenko said: "The system of charitable assistance to law enforcement bodies is a violation of the law. By providing inadequate funding to law enforcement agencies, the state in fact initiates and provokes the situation. The MIA "consumes" as much public money as all social sectors put together: education, culture, healthcare and science. The practice of charity in favour of law enforcement officers needs to be eradicated".



Excessive centralisation of the special fund's resources, namely annual withdrawal of almost half of in-house proceeds from the expert service by the MIA, along with an average of only 20% centralised provision of logistics, reduced the possibility of purchasing modern forensic tools, required for normal operation of the expert service's units. Weak internal financial control over the use of UAH 141.1 million and over money transfers to the state budget's special fund resulted in more than UAH 4.2 million being used **inefficiently and in violation of effective legislation**".

- **2011 – audit of the use of budget funds, provided to the MIA for centralised logistical support of agencies and internal affairs departments.** Conclusion: "The system of centralised logistical support of internal affairs agencies and departments, inherited from times of the planned economy, did not promote rational and efficient use of budget funds and remains unreformed and burdensome for the state's budget... Internal affairs agencies were supplied with modern weapons and supplies, and logistical needs were financed in a chaotic fashion..."

Imperfect logistical management and unreasonable management decisions... resulted in inefficient spending of UAH 6.9 million by the MIA in 2011, **UAH 187.5 million or every 8th hryvnia, allocated for the stated purposes, was spent in violation of effective legislation.**

The Ministry used the capacity of the central resource base and its branches inefficiently and irrationally, utilising them mainly for services provided to commercial structures and not for IAA operations... At the same time, the state budget allocated UAH 13.9 million for their upkeep in 2011 alone, where **every second hryvnia was spent on provision of services to commercial structures.**

- **2011-2012: audit of use of UAH 750 million, intended for provision of medical services to the agency's employees.**⁶¹ The existing MIA system for provision of medical services to the sector's employees and internal troops' soldiers is **expensive and obsolete.**

...The amount of UAH 750 million, allocated from the state budget for provision of high-quality medical services and rehabilitation of internal affairs agency employees and members of their families within the last 16 months, was **in effect aimed at the current upkeep and maintenance of 60 medical facilities of the MIA that are burdensome for the budget.**

The infrastructure of the agency's medical facilities is dated, and the supplies of medical products and transport vehicles, medical equipment, most of which has depleted resources, are insufficient. Along with that, the medical facilities have not been used to the extent permissible by their capacity, which has

led to inefficiency of funds spent on maintenance and upkeep of these facilities.

Moreover, activities of the MIA's medical facilities were mostly aimed at not satisfying the demands of internal affairs agency employees and their families, but at providing commercial medical services to other people.

The Accounting Chamber's Board indicated the following: **if the IAAs' medical system remains unreformed, the budget funds, spent to upkeep and maintain it, will be spent inefficiently...**".

It is known that the results of audits and recommendations of the Accounting Chamber are relayed to the Verkhovna Rada of Ukraine, the Cabinet of Ministers and immediate management of the agency, where the audit was held. However, the practice of improper use of budget funds by the MIA remains the same.

In general, budgetary financing of the MIA was enough mostly to pay regular salaries and utility bills. There were no funds to purchase equipment, technology, pay for training or essential research. According to estimates of specialists with vast experience of work in IAAs, recording of evidence, performance of expert examinations, purchase of expendables, fuel and routine maintenance were to a great extent financed from non-budget funds and at the expense of so called "charitable donations".⁶² Even in the relatively "stable" 2010-2011, the demand for materials and supplies, according to A. Mohilyov, the then Minister of Internal Affairs, were financed at 40%, whereas the purchase of weapons and individual protection gear was financed at the level of 5-10% of the required amount.⁶³

1.4. LOGISTICAL SUPPORT

A permanent shortage of financing, as well as inefficient and non-transparent spending thereof, exert a negative impact on the logistical support of internal affairs agencies. This problem was discussed, in particular, at parliamentary hearings of 2011.⁶⁴ The report of A. Mohilyov, the then Internal Affairs Minister, mentioned that the level of logistical support for operations of the internal affairs agencies had decreased significantly in preceding years; the greater part of the car fleet is composed of old models, with every third car needing to be written off (in addition, with a minimum car requirement of 10 litres of fuel per day, less than 3 litres are given per day).

In 2008-2010, no more than 5% of the funds required for arms, ammunition, personal safety and active defence gear were provided (as a result, slightly more than half of all staff (53%) were equipped with personal safety gear). Only 22% of employees of internal affairs agencies had a complete set of outfit and gear.

Around 80% of special police facilities needed planned, routine or overhaul repairs or reconstruction. Only 28% of detainee rooms in city and district internal affairs agencies met the established requirements.

⁶¹ The MIA's Sector Medicine Requires Reform. Press Service of the Accounting Chamber, 12 September 2012, <http://www.ac-rada.gov.ua/control/main/uk/publish/article/16740384>.

⁶² Analytical Note "On Reform of the MIA System" – Razumkov Centre Archive.

⁶³ What Police Do We Hate [Record of Shuster Life TV Show, 7 October 2011]. Argument, 11 October 2011, <http://argumentua.com/stati/kakuyu-militsiyu-mynavidim>.

⁶⁴ Parliamentary hearings "On Reforming the System of the Ministry of Internal Affairs Agencies..." 5 October 2011...



The Minister explained such a situation by a shortage of funding. However, the results of the audits performed by the Accounting Chamber show that this is not the only reason, the other being inefficient use of budget funds by the Ministry of Internal Affairs. Notably, similarly to the audit of the use of funds from commercial services and charitable contributions, the Board of the Accounting Chamber noted the same defects in organisation of logistical support of internal affairs agencies every year. As may be seen from the Box “Reviewed by the Accounting Chamber Board”,⁶⁵ these are as follows: improper procurement system, its excessive centralisation, combined with poor strategic management, in particular – cost planning. The defects, outlined by the Accounting Chamber, have never been removed.

One can get a rough idea of the present situation with logistical support of the police based on results of the audit of financial and logistical support of the Main Department of the Ministry of Internal Affairs in Lviv region (March 2015),⁶⁶ as well as sociological surveys of police officers, employed in Lviv region (October 2014)⁶⁷ and in Kyiv, Odesa and Kharkiv regions (February 2015).⁶⁸

The audit held in Lviv region revealed, in particular, the level of availability of combustible and lubricant materials in police departments and district offices. In particular, the supply of these to various departments ranges from 100% (Financial Procurement and Accounting Department) and 98% (management of the Main Department of the Ministry of Internal Affairs in Lviv region) to 21% (Counter Narcotics Trafficking Department, Criminal Investigations Department); the supply level to district departments ranges from a mere 16% to 38%. With 620 vehicles required, only 615 are available; documents have been prepared for writing off 23 of them, and documents for writing off 80 more vehicles are being prepared. Therefore, the real availability of vehicles is only 83% of the required level.

Divisions of the Main Department of the Ministry of Internal Affairs have 76% of the required level of computer equipment, while the city/district divisions of the Main Department of the MIA have only 72%. The office of the Main Department of the Ministry of Internal Affairs has 90% of the required furniture, 90% of stationery, 70% of envelopes required for

REVIEWED BY THE ACCOUNTING CHAMBER BOARD	
14 March 2012	16 December 2014
<p>The law enforcement personnel welfare is poor because of inefficient MIA management</p> <p>The Accounting Chamber Board analysed the results of the audit of the efficiency of utilising the budget funds allocated in 2011 to MIA of Ukraine for centralised material and technical support of the internal affairs authorities and units. Conclusion: The system of such support practised by the Ministry does not contribute to rational and efficient utilisation of the budget funds allocated for state procurement of fuel and oil materials, uniforms and other goods... Inherited at the times of planned economy, this system is still not reformed and is therefore burdensome for the state budget.</p> <p>During the period in question, MIA leaders did not define any prospects or priorities in developing new forms of centralised material and technical support of the internal affairs agencies. Management decisions regarding the procurement of goods, work and services were imperfect and unjustified. The needs of police units for material and technical resources were financed in a chaotic and unsystematic manner, and the efficiency of measures taken proved low.</p> <p>...The implemented procedure for centralised procurement of goods, work and services in the MIA system, without regard for the market environment and real needs of state-financed institutions, led to inefficient budget expenditures for the Ministry's procurement of material resources. As a result, the amount of UAH 1.5 billion allocated to the ministry for public procurement last year has not substantially improved the material and technical support of the country's law enforcement agencies. Over UAH 190 million of budget funds, or every eighth hryvnia allocated for public procurement, are expended inefficiently or in violation of existing laws.</p> <p>According to the conclusions of the Accounting Chamber Board, there is an urgent need for a fundamental reconstruction of the existing system of material and technical support for IAA...</p>	<p>The police material and technical support system, as well as the whole MIA system, must be reformed</p> <p>The Accounting Chamber Board reviewed the results of the audit of the efficiency of utilising the budget funds allocated to the Ministry of Internal Affairs of Ukraine for the material and technical support of the internal affairs authorities and stated that the ministry's current system of such support did not contribute to efficient and rational use of budget funds provided for state procurement of weapons, equipment and other property.</p> <p>During the period in question, MIA leaders did not define the options or priorities in developing new forms of material and technical support with regard to the the Ministry's existing logistics infrastructure and did not implement a single technical policy for equipping the police units with modern facilities and technical aids.</p> <p>The existing system was limited to centralised procurement of goods, work and services, and distribution of the purchased material and technical resources among state-financed institutions without properly analysing the price and logistics parameters, or verifying the real need for such resources. As a result, the police needs for material and technical resources were financed in a chaotic and unsystematic manner, and the efficiency of measures taken proved low.</p> <p>The auditors stated that the existing procedure for centralised procurement of fuel and oil materials for police units should be revised and decentralised, thus preventing unjustified spending of budget funds.</p>

⁶⁵ Source: Press Service of the Accounting Chamber – Website of the Accounting Chamber, www.ac-rada.gov.ua

⁶⁶ Audit of the Main Directorate of the Ministry of Internal Affairs in Lviv Region, performed on 6-9 March 2015, as part of the experiment on reforming the police of Lviv Region and in execution of Order No. 236 of the Ministry of Internal Affairs of Ukraine as of 5 March 2015. For results of the audit, please see: Information Note Based on Results of the Audit of Finances, Logistics and Staff of the Main Directorate of the Ministry of Internal Affairs in Lviv Region. – Website of the Ministry of Internal Affairs of Ukraine, <http://www.mvd.gov.ua/mvs/control/ma@in/uk/publish/article/1446223>. Hereinafter, unless specified otherwise, the information is based on this Information Note.

⁶⁷ The survey was held in September-October 2014 by Kharkiv Institute of Social Research as part of the experiment on reforming the police of Lviv region. Five hundred employees of internal affairs agencies of Lviv and Lviv Region were surveyed. For details, please see: Lviv Police as Seen by the Public and Employees of Internal Affairs Agencies: Results of the Sociological Survey. – Lviv-Kyiv-Kharkiv, 2014, <http://khisr.kharkov.ua/index.php?id=1419177912>. Hereinafter, unless specified otherwise, the information is based on the specified source.

⁶⁸ The survey was held by Kharkiv Institute of Social Research in February 2015 at the request of the Razumkov Centre as part of the project “Law Enforcement System in Ukraine: Status, Problems, Prospects for Reform”. Hereinafter, unless specified otherwise, the information is based on this survey. For details, please see: “Reform of Ukrainian IAA: Assessments and Ideas by Police Staff”, contained herein.



mailing of service documentation using courier services. The office of the Main Department of the MIA alone has a 100% supply of regular envelopes and copying paper.

The following are the figures for availability of uniforms for staff: common police uniform – from 43% to 62%, depending on the item of clothing; uniform for special patrol divisions – 21%-42%; for special-purpose civil protection divisions and “Gryphon” Division (court police division) – 42%-50%.

The extremely poor supply of personal safety gear for staff attracts particular attention. As seen from the Table “*Personal Protection Gear: What is Required and What is Available?*”, the staff has only a third or two thirds of the required supply, depending on the specific item.

For reference

The results of the audit show that the staff, sent to the Anti-Terrorist Operation zone, have a 100% supply of personal items; however, they have only an 88% supply of food products (UAH 30 per person daily).

**Personal Protection Gear:
What is Required and What is Available?**

Item	Required	Available	% of the Requirement
Special class bullet-proof vests	1 510	442	29
1 st class bullet- proof vests	806	181	22
2 nd class bullet- proof vests	2 247	1 130	50
Bullet-proof vests of classes 3-6	1 716	581	34
Anti-shock shields	1 953	1 007	52
Anti-shock helmets	1 960	1 261	64
Bullet-proof helmets	1 347	760	56
Arm and leg protection kit	1 696	1 036	61

For control purposes of observing citizens’ rights and freedoms by police officers (especially with regard to detainees), the availability of video monitoring systems in police department facilities is essential. Results of the audit showed that there are not enough of such systems as of the present moment. Most of them are available for external surveillance – entrances to internal affairs agencies (71% of the requirement), administrative building and adjacent territory (51% of the requirement) while for internal premises, such as rooms for meetings with civilians, for investigative activities with detainees, there is only 6%-19% of the required quantity (Table “*Availability of Video Monitoring Systems...*”).

Results of sociological surveys of police officers, provided in the Table “*How Good is the Logistics System...*?” (p.16) show that out of all necessary gear and tools, the police only has a good supply of service weapons (65% of Lviv region police officers and 71% of Kyiv, Odesa and Kharkiv region police officers selected “good” as their answer).

The level of premises availability may be considered satisfactory (“good” and “satisfactory” answers scored 69% and 67%, respectively), the same level applies to means of communication (68% and 60%) and access to necessary databases (62% and 64% respectively).

The situation with access to tools for collection and analysis of criminal evidence is unsatisfactory (according

**Availability of Video-Monitoring Systems
(Video Cameras) in Divisions of
the Main Department of MIA for the Lviv Region**

Premises	Required	Available	% of the Requirement
Administrative buildings			
Front office	43	5	11,6
Entrance to IAA	34	24	70,6
Visibility of the administrative building and the adjacent territory	101	51	50,5
Rooms for investigation activity	36	2	5,6
Room for meeting with civilians	26	5	19,2
Room for investigative activity with detainees	33	5	15,2
Room for storing, loading, and cleaning weapons	49	4	8,2
Corridors of the administrative building	210	83	39,5
Temporary detention facilities, rooms for detained and delivered persons			
Cell blocks, temporary detention facilities, corridors, exercise yards and other utility rooms	134	55	41,0

to the relative majority of Lviv region’s police officers (41%) and the police officers of other regions (44%).

Lviv region’s police officers also noted that the situation with the ability to order the necessary expert examination is unsatisfactory – 48% of respondents described it as unsatisfactory (as noted by 35% of respondents in other regions). The police officers of Kyiv, Odesa and Kharkiv regions described the ability to order a service vehicle as unsatisfactory (59% as compared to 35% of Lviv region’s police officers).

Most police officers in Lviv region and the overwhelming majority of police officers of the Kyiv, Odesa and Kharkiv regions described the level of supply of office appliances and stationery as unsatisfactory (56% and 68% respectively), as they did for combustible and lubrication materials – 53% and 72%, respectively.

The supply of special protection and active defence gear to police officers, i.e. the gear that saves their health and life, attracts particular attention. The police officers of Kyiv, Odesa and Kharkiv regions mostly described this situation as “unsatisfactory”, with few people assessing it as “good”: regarding active defence gear – 28% and 38%, respectively; protection gear – 25% and 39%, respectively.

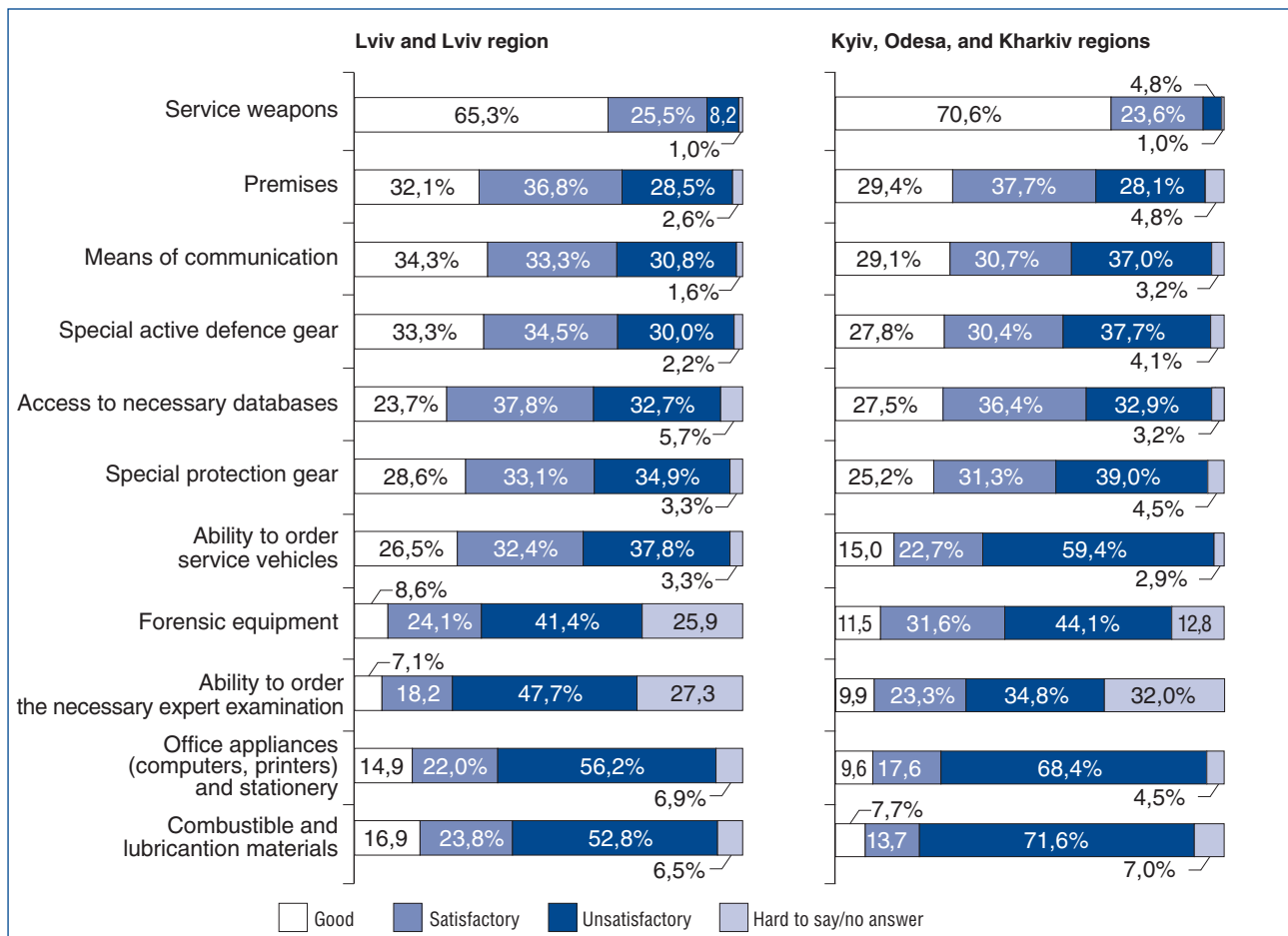
The assessment of police officers of Lviv region was slightly better: 33% said that the level of active defence gear supply was “good”, 30% – that it was “unsatisfactory”; as for protection gear – 27% and 35%, respectively.⁶⁹

One way or another, the **supply of protection gear to police officers is far from sufficient and is an indirect way of illustrating the attitude of the management of**

⁶⁹ The professional training level of police officers also falls under means of health and life protection. Surveys held in Kyiv, Odesa and Kharkiv regions showed that only 35% of police officers consider themselves sufficiently prepared and trained to preserve their lives while performing their duties, each seventh police officer (13%) has received insufficient or “mostly insufficient” training.



How Good is the Logistics System in Your Department? % of police staff polled



both the service and the state to a human life value – the police officer is better equipped with firearms than he is with protective gear. A similar situation is experienced by the Internal Troops, where the supply of small arms, ammunition and armed vehicles is 100%, with only an 80% supply of individual protection and defence gear.⁷⁰

1.5. CONDITIONS AND LABOUR REMUNERATION, SOCIAL SECURITY

The above-mentioned level of logistical support for police operations describes the labour conditions as improper. However, the descriptions will be insufficient without information on duration of the working day, salary, social (particularly accommodation-related) security of staff and their social well-being.

Working Day Duration. Results of the survey of police officers are sensational: only every fifth employee in Lviv region (21%) and every eighth in Kyiv, Odesa and Kharkiv regions has an opportunity to work less than 56 hours a week (this equals an 8-hour working day, seven days a week or more than 11 hours, five days a week). Others work more, including almost every tenth police officer of Lviv region (9.6%) and every twentieth police officer of Kyiv, Odesa and Kharkiv regions (4.8%).

⁷⁰ White Book 2012, Internal Troops..., p.81.

⁷¹ See: Internal Affairs Agencies Development Strategy.

Satisfaction with Employment Environment.

According to results of the sociological surveys, only 30% of police officers in Kyiv, Odesa and Kharkiv regions and 38% of police officers of Lviv region are satisfied with their employment environment. 36% and 31%, respectively, are dissatisfied.

Remuneration (Salary): Structure and Size.

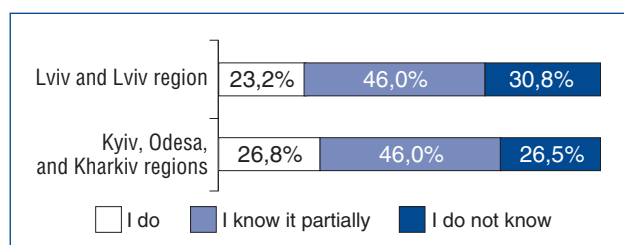
Parameters for remuneration of employees of the internal affairs agencies are established by Order of the Cabinet of Ministers and respective internal documents. According to these documents, remuneration consists of three compulsory components (position salary, special rank salary and long-service bonus) and 10 optional ones (from bonuses for especially important tasks, for service in regime limitations mode, to honorary and sporting titles). In addition, provisions also have been made for compensation and bonus payments and two types of financial aid.

Ultimately, the position salary is only a small part of the remuneration and is more of a base for calculation of various bonuses, which are determined as a percentage of it, – and almost 30% of a police officer's salary actually depends on the management's subjective attitude to them.⁷¹

So it is no wonder that many employees of internal affairs agencies do not know what constitutes their salary and if it is being paid in full.



Do you know what components your salary consists of? % of police staff polled



Moreover, many police officers do not know if they are paid in full or are sure that they are not paid in full – in Lviv region the numbers are 38.5% and 30.1%, respectively; in other regions – 28.4% and 41.2%, respectively. Similarly, many police officers do not know if they get compensation for overtime or are sure they do not get any: in Lviv region, the numbers are 13.2% and 65.6%, respectively; in other regions – 3.8% and 86.6%, respectively. Of those surveyed in Kyiv, Odesa and Kharkiv regions, only 8.6% confirmed that they receive this compensation.

Remuneration Amount. According to the Financial Procurement and Accounting Department of the Ministry of Internal Affairs, the average compensation of internal affairs agency employees amounted to UAH 3,154 in 2014; UAH 3,514 in 2015; minimum wage was UAH 1,800 and it remained unchanged in 2015, staying at the 2013 level (Table “Remuneration...”⁷²).

Therefore, the minimum amount of remuneration in recent years is only slightly higher than very low (actually, physiological) minimum subsistence level for an able-bodied person: UAH 1,218 in 2014-2015. Even the average remuneration amount is not enough to support a family with one child at the minimum subsistence level.

Results of the audit in Lviv region show that the average monthly remuneration of rank-and-file employees and low-level senior personnel does not reach the average level for internal affairs agencies even if people have served for 15-20 years, and it is kept at a minimum until the person has worked for three years (Table “Average Monthly Remuneration...”).

Taking into account information on the average salary level in Ukraine in March 2015 (time of the audit), we can conclude that all categories of employees of the Main Department of the Ministry of Internal Affairs in Lviv region (except for senior managers, where the data is unavailable) with a length of service of nine years and under received lower remuneration than the average salary in the country (UAH 3,863) and even in Lviv region (UAH 3,273), and much less than the average

Average Monthly Remuneration of IAA Staff based on Audit Results

Staff Category	Average Monthly Remuneration (Salary) Depending on the Length of Service*, UAH		
	1-3 years	5-9 years	15-20 years
Rank-and-file employees and low-level management personnel	1 894	2 146	2 387
Mid-level management personnel	1 936	2 154	3 216
High-level management personnel		3 192	4 573
Senior management personnel			
State employees	2 768	3 246	4 128
Civil servants	1 863	2 497	3 276

* It is noteworthy that the bonus for special service conditions is awarded to all rank-and-file and management personnel depending on the quality, complicated nature of tasks performed and within the payroll fund reserves.

The bonus for service in regime limitations mode is awarded according to the approved list of positions.

The number of bonus payments may vary from one to four.

salary in the industrial sector (UAH 4,578), the level only approached by remuneration of high-level management personnel with a length of service of 15-20 years.⁷³

In view of the above, the negative assessment of their salary by police officers does seem grounded. According to social survey results, 93.6% of Lviv police officers and 96.4% of the police officers of Kyiv, Odesa and Kharkiv regions consider their compensation to be insufficient or mostly insufficient for a normal living either for oneself or for a family (Diagram “Do You Consider Your Salary...?”, p.18).

The following fact also seems justified. According to the results of the audit in **Lviv region, 248 employees left the service of their own will in 2014. The main reason was “insufficient salary**, which does not allow one to support one’s family, continue education, make daily trips to the office, especially to employees from rural areas after the prices in fixed-route taxi-buses increased and travel privileges were cancelled”. Resignations en masse lead to staff shortages in a number of departments. For instance, “more than 90 of the available 250 vacancies are patrol officers, who believe insufficient compensation to be the main reason for handing in their notice”.⁷⁴

Housing Provision. According to the information provided by the Financial Procurement and Accounting Department of the Ministry of Internal Affairs, 17,340 employees of internal affairs agencies were on the waiting list as of the beginning of 2015. Since 2000

Remuneration of IAA Staff, UAH

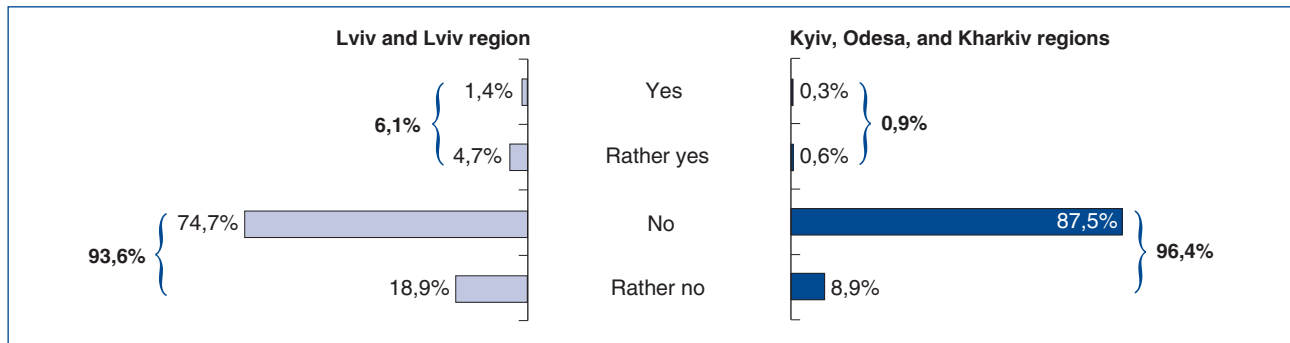
	2000	2005	2010	2011	2012	2013	2014	2015
Average for IAA	*	*	2 577	2 835	2 925	3 015	3 154	3 514
Minimum for IAA	*	*	1 450	1 450	1 600	1 800	1 800	1 800

* There are no data before 2010 “due to the expiry of the information storage term”.

⁷² Source: Letter of the Financial Procurement and Accounting Department No. 15/2-673i as of 14 May 2015 – Razumkov Centre Archive.

⁷³ For average salaries, please see: Average Monthly Salary by Region. – The website of the State Statistics Service of Ukraine, <http://www.ukrstat.gov.ua>.

⁷⁴ Information Note Based on Results of the Audit of Finances, Logistics and Staff of the Main Directorate of the Ministry of Internal Affairs in Lviv Region... Highlight – Edit.

**Do You Consider Your Salary Sufficient to Support a Normal Quality of Life for You and Your Family?***
% of police staff polled

* "Hard to say" option is not shown in the Diagram.

(the Department does not hold data for previous years), the queue decreased by 8,330 people (Table "Housing Provision...").⁷⁵ Given that the total staff of internal affairs agencies amounted to 198,000 people in the beginning of 2015, it is clear that every eleventh employee is on the housing waiting list.

At the same time, the results of sociological surveys of employees of internal affairs agencies show that their demand for accommodation is much higher. A third of respondents in Lviv region and only 29% of police officers of Kyiv, Odesa and Kharkiv regions have their own apartment or live with their relatives and do not require other accommodation. The rest (70% and 65%, respectively) do not have their own residence or live with their relatives and require additional accommodation.

Of those who have their own accommodation, 0.6% of respondents from Lviv region and 3.2% of police officers from other regions were granted this by the Ministry of Internal Affairs (or 1% of the total number of respondents from these regions).

Self-Assessment of Finances. In view of the above data on remuneration and accommodation of police officers, one can understand why they rate the finances of their families as so low. Most (53%) respondents in Kyiv, Odesa and Kharkiv regions and the relative majority (49%) of police officers of Lviv region said that they have enough to feed themselves, but even buying clothes or shoes is a challenge (Table "IAA Staff Assessment..."). In fact, they are at survival level. This level is the reality for 22% of respondents in Kyiv, Odesa and Kharkiv regions and 15% of police officers of Lviv region, who "barely make ends meet"; sometimes they do not have enough for food.

Only 19% of respondents in the regions and 35% of respondents in Lviv region confirmed that they are more or less fine: from "in general, we have enough to live on" – 16% and 31%, respectively – to "we can afford

IAA Staff Assessment of Their Financial Standing

	Kyiv, Odesa and Kharkiv regions	Lviv and Lviv regions
Barely make ends meet, sometimes do not have enough for food	22,4	14,5
Have enough money for food, but not enough for clothing and footwear	52,7	48,5
In general, have enough to live on, but not enough for costly things (furniture, fridge, etc.)	16,0	31,4
Have no financial hardships, except for major purchases (housing, car, etc.)	3,5	3,5
Have no financial hardships and can afford practically anything	0,6	0,4
Hard to say/No answer	4,8	1,6

practically anything" – 0.6% and 0.4%, respectively (extremely small figures, within the margin of error).

In the meantime, the Accounting Chamber identified a number of violations committed by MIA senior officials in construction and/or acquisition of residential properties for personnel. Thus, for 2007-2008 and the first nine months of 2009, MIA received 1,547 apartments. However, by distorting financial accounting and reporting, in particular pertaining to the apartments provided by local authorities, the top management made it possible **"to distribute such residential properties at their own discretion, ignoring the housing queue". As a result, for the said period, instead of decreasing, the housing queue actually increased by 2,114 people.**⁷⁶

Housing Provision to IAA Staff

	1995	2000	2005	2010	2011	2012	2013	2014	2015
Number of personnel on the housing waiting list, persons	*	25 670	18 558	26 206	19 881	20 595	20 113	19 352	17 340
Apartments provided (construction, purchase, other sources)	*	507	1 372	429	68	367	712	364	29

* No data.

⁷⁵ Source: Letter of the Financial Procurement and Accounting Department No. 15/2-673i as of 14 May 2015 – Razumkov Centre Archive.

⁷⁶ On the outcomes of auditing the efficiency of budget utilisation for the construction (acquisition) of housing for ordinary staff and top officials, and for military personnel of Ukrainian law enforcement authorities and military forces (2010). – Accounting Chamber website <http://www.ac-rada.gov.ua/control/main/uk/publish/article/16726534>.



Social Alienation between Top Officers and Middle-Level and Ordinary Personnel. The many years that we have been trying to build the current model of the Ukrainian police result in an ever-growing social and corporate distance between top officers and middle and low-level personnel within IAA.

First, there has been an excessive increase in the staffing levels of central and regional departments and the number of generals, doctors and candidates of science; new units and departments have appeared, the press-secretaries and advisors corps have been growing – “thousands of senior officers with salaries that exceed by many orders of magnitude the salaries of their colleagues who really fight crime”. Thus, the MIA Central Head Office numbers 3-3.5 thousand employees. In 2010, after the downsizing, the Ministry had 2,653 employees and appointed nine deputy ministers. The number of generals can only be ascertained after the department head reports about its reduction: in 2005 MIA was reported to have 150 full-time general positions, 77 of which it was expected to leave.⁷⁷ In 2010, the then Minister of Internal Affairs said that the administrative apparatus would be the first to be downsized as “now there are ten times more colonels and generals in Ukraine than in Soviet times. Before you know it, the police will only have these two ranks”.⁷⁸ At the same time, the process of making any administrative decisions and the practice of incentives and penalties are becoming less transparent and unavailable to ordinary IAA personnel.

Second, MIA senior officers are much more provided for than middle and low-level staff. This includes salaries, pensions and housing or, in other words, the overall material welfare that obviously does not correspond to official incomes.

Thus, a premium bonus for ordinary personnel is 5% on average, while for the top figures (central and regional head offices) it is 50-90%; the vacation healthcare allowance is UAH 100-300 vs. several thousands (5,000-6,000) respectively.⁷⁹ The salaries of top officials are generally not disclosed. In one expert paper, the amount stated in the respective column for 2011 and 2012 was “over 10,000”.⁸⁰ At the same time, according to the mass media the top officers’ pensions alone may amount to UAH 20,000.⁸¹ The police circles have been intensively discussing the relation between the wretched salaries of police officers and the huge mansions and luxurious standard of living of senior police ranks.⁸²

Axiomatic was the example of the Odesa police deputy head, who commented on the notorious special operation for neutralising three armed bandits in Odesa, whilst “clad in a suit from Brioni, a shirt from Cavalli, and a tie by Stefano Ricci”.⁸³ The victims had a salary of UAH 1,400. The country “assessed” the lives of the two killed police officers at UAH 95,000 and 80,000. Therefore, journalists and experts rightfully pointed out that the situation vividly demonstrated “how far the current IAA heads are from their staff in terms of their prosperity and life philosophy”.⁸⁴

The salary structure is such that in various years the guaranteed part (rank, position, work record) amounted to only 70-30% of the total amount. The superior’s right to “encourage” a subordinate officer by paying or depriving the latter of the remaining part made such officer unconditionally fulfill all, even unlawful, orders. For the sake of a clear “vertical”, purely “financial incentives” are supplemented with the practice of humiliation, intimidation and even threats of physical punishment”.⁸⁵

The malpractice of gaining living quarters at the country’s expense by “**creating a corporate housing fund and distributing it chiefly among top officials in circumvention of the existing queues with subsequent withdrawal of apartments from the corporate housing category and a substantial excess of the established residential space standards**” is especially appalling in view of the housing queue of 17,340 people (2015).⁸⁶ Two of three apartments were withdrawn from the corporate housing fund with their subsequent privatisation mainly by top officials. In particular, for 2007-2008 and the first nine months of 2009, 298 apartments with a total area of 18.4 thousand sq. m were withdrawn from MIA’s corporate fund.⁸⁷ **These facts can hardly be concealed from subordinates.**

Third, there is another growing challenge – the so-called “departmental corruption” – that apart from the above-mentioned dealing in offices includes bribery, extortion from subordinates, making them maintain their “work place” at their own cost (buying uniforms or fuelling cars), exploiting the subordinate personnel in building their cottages, etc.),⁸⁸ appropriation of money paid for the services of IAA personnel through bogus firms registered in the name of the heads’ relatives.⁸⁹

The problem of departmental corruption was publicly admitted by the then Minister of Internal Affairs, A. Mohilyov, saying: “Over recent years... a powerful

⁷⁷ Police to Have Fewer Generals. – Vgolos, 17 February 2005, <http://vgolos.com.ua>.

⁷⁸ MIA will mainly downsize its administrative apparatus – A. Mohilyov. – Ukrinform, 25 December 2010, <http://www.ukrinform.ua>.

⁷⁹ See, for example: The information letter to the Minister of Internal Affairs, A. Mohilyov – Anticorruption Portal, 15 May 2011, <http://job-sbu.org>. In his letter, the former head of the financial support and accounting unit of the Main Department of the Ministry of Internal Affairs for the Kirovograd region says that bonuses and incentives are distributed in such a way that the highest payments are made to the management, while the subordinate personnel receive minimal or no incentives at all.

⁸⁰ See: I. Telichkin Rights of MIA Personnel. In the book: Human Rights in the Activities of Ukrainian Police – 2012. – Kyiv-Kharkiv, AUDPL, p.156.

⁸¹ See, for example: What is the police general Volodymyr Bedrykivsky silent about? – Provse, 3 September 2012, <https://vk.com>.

⁸² Why have police officers turned into Zakharchenko’s “slaves”. – EspressoTV, 8 January 2014, <http://espresso.tv>.

⁸³ The special operation was conducted on 30 September 2011. It was preceded by a skirmish in a village near Odesa where two IAA officers were killed and another four were injured. See: Visual Effects: Ukrainian Police Resorts to Cinema PR. – Korrespondent, 15 November 2011, <http://ua.korrespondent.net>.

⁸⁴ Human Rights in the Activities of Ukrainian Police – 2011. – Kyiv-Kharkiv, AUDPL, p.293, 296.

⁸⁵ See, for example: The Nikolayev State Traffic Inspectorate bullies the inspector who won the case for his reinstatement. – Police under Control portal, 14 July 2014, <http://umdpd.info>.

⁸⁶ In its report, the Accounting Chamber gives examples of providing the heads of regional law enforcement authorities with corporate housing, such as: a four-room, two-level flat in Kherson with a total area of 183 sq. m including 85 sq. m. of living area for a family of four; a residential two-storey house in Luhansk of 234 sq. m. including 145 sq. m of living area for a family of two. There are also examples when corporate fund apartments went to people who had no right to obtain them.

⁸⁷ On the outcomes of auditing the efficiency of budget utilisation for the construction (acquisition) of housing for ordinary staff and top officials, and for military personnel of Ukrainian law enforcement authorities and military forces. – Accounting Chamber website.

⁸⁸ Blossom of Spring Corruptionists: Sergiy Bochkovsky. – Korupciya Info, 26 March 2015, <http://www.korupciya.com/?p=50556>.

⁸⁹ Mass media publish hundreds of letters from IAA personnel complaining about such practice in their units. See, for example: From the junior and sergeant officers ... 27 February 2014 – zik.ua/media/uploads/userfiles/ED1xaxY.docx; That’s the limit! – ORD, 26 October 2013, <http://ord-ua.com>. Such letters are also published in the Human Rights in the Activities of Ukrainian Police – 2012..., pp.144-155.



system of bottom-to-top corruption ties has been built, where subordinates give certain amounts to a small superior, and this small superior gives a certain amount to a higher superior and so on to the top. The system is now interwoven with threads of corruption”.⁹⁰

The above-mentioned problems gained scale and made the human rights activists introduce a system of monitoring the observance of police officers’ rights that came into effect in 2009.⁹¹ An expressive evidence of the police officers’ overall attitude and mindset is their distrust of the government. For IAA personnel, their superiors (especially department heads) are to a certain extent a personification of the government. The attitude to the seniors reflects on the police personnel’s attitude to the government and the country. In one of its issues, the Association of Ukrainian Monitors on Human Rights Conduct in Law Enforcement (AUMDPL) says: “The government is trusted by 3% of MIA personnel, while 70% of police officers have no trust in the government at all. These are extremely dangerous signals caused by the country’s erroneous policy with respect to MIA and its personnel”.⁹²

Turnover and Deficiency of Staff. Deprofessionalisation. The above police specifics results in critical IAA staff turnover at lower and middle levels. Thus, in 2008, 740 investigators resigned, of whom 100 employees were young specialists. Most of them put their resignation down to improper remuneration.⁹³ For the first six months of 2010, 885 young specialists were dismissed, which equals the number of annual graduates from the National Academy of Internal Affairs, i.e. “for one year, the largest police college operated in vain”.⁹⁴

The above “command change” practice means that changing a department head entails a surge of personnel dismissal. Thus, for the first six months of 2010 dismissals grew from 5,645 to 7,489 (or increased by 32%). Most dismissed employees are professionals, which evidences a 26% increase in dismissals on age grounds and an 18% increase in those for health grounds (from 1,265 to 1,920). For that period, the number of those dismissed for negative reasons grew insignificantly – by 10% (from 642 to 702 employees).⁹⁵

Experts generally conclude: “For the last 10 years, the country’s attitude has destroyed the IAA system, its positive values and moral principles. Professionals responded to such policy by mass resignations, while the middle and top officers were influenced by the politicians being in a state of permanent fight for the right to influence the appointment of “their people”. Altogether, almost 200,000 IAA employees have resigned since

the early 2000s, which amounts to an almost 100% staff renewal”.⁹⁶

Moreover, there is a constant personnel deficiency, deteriorating professional skills and work experience – this issue was, in particular, discussed at the 2011 Parliamentary Hearing (Box “IAA Staffing Level”).⁹⁷

IAA STAFFING LEVEL as of 2011

The Criminal Investigation Service has a staffing level of 89-90%. Over two thirds of employees are under 35 years of age, and have a total service record with IAA of 10 years and up to 5 years experience working directly for the Service. On average, 10% of employees resign every year.

The total staffing level of the investigative bodies is at 92-93%. Every third employee is a woman. Two thirds of the investigative personnel are young people under 35 with up to 10 years experience working for IAA and an investigation work record of up to five years. On average, 8% of employees resign from the investigative bodies every year.

The District Inspectors Service, which is closest to the public, has an average staffing level of 93%. About 72% of district inspectors are under 35 years of age. Their overall IAA work record is 3-5 years with every second officer having a work record as a district inspector of up to three years. Only every third district inspector has received a legal education. On average, 12-13% of officers resign every year.

The above information evidences a drastic IAA staff rejuvenation, which has a negative effect on the quality of work. The ratio of attested IAA personnel dismissed in 1992 was 4.9%, while in 2010 it was 9.4%.

In its turn, constant personnel deficiency entails lower requirements for police candidates. In particular, this concerns their moral and ethical principles, and psychological qualities.⁹⁸ Meanwhile, personnel attestation (and re-attestation) turned into a mere formality.⁹⁹ As a result, the lower police personnel (ordinary and junior officers) include, according to experts, “90% of villagers who out of despair agree to work for a miserable salary...”.¹⁰⁰

The specialist training system at departmental educational establishments makes everything only worse. The quantitative indicators related to the refusal by half of the graduates to work in police are by no means the only problem. Young specialists who enter the police service are already integrated into a certain “corrupt sub-culture”, as bribery and extortions are a widespread practice starting from enrollment and throughout the entire period of education.¹⁰¹ In view of the above circumstances, we may have a different opinion as to the expediency of “reviving the mentorship institution and preserving the institutional memory” or the need for radical measures aimed at replacing the existing staff with new personnel.

⁹⁰ See: Big-Time Politics: Scandals and Successes of the Year: Full Shorthand Record of the Yevgeny Kiselyov Talk Show, 9 July 2010 – Segodnya, 12 July 2010, <http://www.segodnya.ua>.

⁹¹ Human Rights in Ukraine 2009-2010: Human Rights Organisations’ Report. – Ukrainian Helsinki Human Rights Union, <http://helsinki.org.ua/index.php?id=1298287768>.

⁹² Human Rights in the Activities of the Ukrainian Police – 2011, p.291.

⁹³ K. Melnyk, V. Gots. Problems of Remuneration for Junior and Top officers of Internal Affairs Authorities. – Forum Prava, 2011, No. 4, p.464, *forumprava.pp.ua*.

⁹⁴ Only 140 – for negative reasons. O. Martynenko. Rights of Internal Affairs Authority Personnel, p.263.

⁹⁵ Ibid., p.267.

⁹⁶ Human Rights in the Activities of the Ukrainian Police – 2011, p.293.

⁹⁷ Parliament Hearing recommendations on: Reforming the Bodies of the Ministry of Internal Affairs of Ukraine and Introducing European Standards (Draft), 6-7. – VR website, w1.c1.rada.gov.ua/pls/zweb2/webproc34?id=&pf3511=41701.

⁹⁸ See, for example: V. Andreev, I. Zolotukhina Why Ukrainian Police Officers Turn into Sadists. – 4 July 2013, <http://corruptua.org/2013/07/chomu-ukrayinski-militsioneri-stayut-sadistami>.

⁹⁹ All IAA personnel are re-attested every four years. According to a police psychologist, currently: “Police candidates are allowed to take psychological tests until they are passed or until there is a substantial staff shortage. These candidates don’t even have elementary knowledge and cannot by their psychological type be police officers at all.” See: V. Litvinov Ukrainian MENTALITY: MIA System Turns into a Caste Structure. – Tyzhden, 13 December 2011., <http://tyzhden.ua>.

¹⁰⁰ Ibid.

¹⁰¹ See, for example: Open letter to the Minister V. Zakharchenko. – Human Rights in the Activities of Ukrainian Police – 2012... p.151-153.

2. ACTIVITY OF INTERNAL AFFAIRS AGENCIES: SOCIAL ALIENATION AND LEGITIMACY CRISIS

The effectiveness of the police has been criticised throughout the entire period of Ukraine's independence. In the 1990s, this was caused, on the one hand, by skyrocketing crime levels connected, in particular, with the transformation crisis, fighting for property, racketeering, etc., and on the other hand due to the transformational status of internal affairs agencies themselves, combined with the need to counter new forms and types of crime and protect new lawful interests of citizens and entrepreneurs.

However, the public attitude to the police worsened significantly in 2010-2013, reaching a critical point during the Revolution of Dignity. It was in this period that the police was outwardly put in service of the political regime. The MIA and internal troops units were used to preclude peaceful assembly of citizens, suppress numerous protests, and counteract the activity of political forces opposed to the ruling regime.

The nature of the police force's activity, in particular its adherence to the principles of supremacy of law and human rights and freedoms, is analysed in detail in annual reports of Ukrainian human rights organisations and the Ukrainian Parliament Commissioner for Human Rights.¹ This chapter outlines specific features of the police operation throughout the above-mentioned period, which became one of the factors contributing to radicalisation of public moods and revolutionary change of government in the country.

2.1. RESTRICTING COMMUNITY CONTROL OVER THE IAA ACTIVITY

The problem of implementing the principles of lawfulness and adherence to human rights and liberties in the operation of internal affairs agencies has always been a topical issue in the spotlight of Ukrainian and international human rights organisations. Under their influence, the Ministry took certain steps in the appropriate direction. For instance, the position of the Advisor on human rights and gender issues to the Minister of Internal Affairs was created in 2004. In 2005, on the initiative of non-governmental human rights organisations, the practice of mobile teams for supervision of compliance with human rights and liberties was instituted as a prototype of the National Preventive Mechanism, with representatives of human rights organisations engaged as members of such teams.² At the same time, the Community Council for Human Rights was established at the MIA, co-chaired by the Minister of Internal Affairs and Yevhen Zakharov, a well-known human rights activist and chairman of the Board of the Ukrainian Helsinki Human Rights Union. The process of establishing similar community councils at central internal affairs administrations as well as regional and district level administrations has been commenced.

In April 2008, Human Rights Monitoring Department (HRMD) was established by the Order of the MIA as a structural unit of the Ministry; and the network of local representation of the Department (Minister assistants) in the regions was created.

However, in 2010, as the new President of Ukraine entered office, the senior MIA officers were replaced as well.³ On 11 March 2010, the position of Minister of Internal Affairs of Ukraine was filled by A. Mohilyov, a member of the pro-presidential Party of Regions and chairman of Viktor Yanukovich's election headquarters in Crimea.

At the time, Mohilyov was known to the public as a proponent of coercive measures by police.⁴ On 18 March, the work of HRMD was terminated under the Minister's directive, and its regional staff were laid off. Later, the operation of monitoring groups and public councils was also discontinued.⁵

Instead, in April 2011, the MIA Special Supervisory Committee on Human Rights was established.⁶ The Committee was staffed exclusively with the Ministry employees; the Directive did not provide for engagement

¹ In particular, annual reports by the Ukrainian Helsinki Human Rights Union "Human Rights in Ukraine" (published since 2004), the Association of Ukrainian Monitors on Human Rights Conduct in Law Enforcement "Human Rights in Ukrainian Police" (published since 2008), as well as annual and special reports by the Ukrainian Parliament Commissioner for Human Rights (published since 2002).

² Mobile groups were established on the initiative of the Kharkiv Human Rights Group, Kharkiv National University of Internal Affairs, and Kharkiv Institute of Social Research. Their tasks are monitoring visits to places of detention in order to determine the detention conditions and the level of human rights and liberties in the course of pre-trial investigation. It should be mentioned that such practice had not existed in Europe and the CIS countries at the time five groups were created in Ukraine. Only in 2006-2007 similar groups were created in the United Kingdom, Romania, Hungary, and Moldova. See: Mobile groups for monitoring human rights and liberties at law enforcement agencies. Kyiv, 2009, pp.76-77, <http://khisr.kharkov.ua/files/docs/1290060500.pdf>.

³ The newly elected president Viktor Yanukovich was inaugurated on 25 February 2010. The composition of the Cabinet of Ministers and the position of Mohilyov as Minister of Internal Affairs were approved on 11 March 2010.

⁴ Widely publicised events happened on November 6, 2007, in the Crimea, where Mohilyov, then head of the Central Administration of Internal Affairs, conducted a special operation for demolition of buildings on the Ai-Petri plateau. During the operation, 150 officers of Berkut special forces, around 400 officers of internal troops, traffic police, and other police services, up to 1,000 men in total, supported by three armoured personnel carriers, were employed against 50 Crimean Tatars. As a result of the special operation, 28 Crimean Tatars were detained and six admitted to hospital, including one with a bullet wound. See: Police claims it is all quiet on Ai-Petri. Unian, 6 November 2007, <http://www.unian.ua>, Ukraina moloda: series of reports on Ai-Petri demolition. Maidan-Krym, 9 November 2007, <http://maidanua.org/static/krymmai/1194601525.html>.

⁵ In some regions, due to the persistence of representatives of monitoring groups and the understanding of senior officers of the respective agencies, the visits continued, but were significantly less numerous. Whereas 472 monitoring visits were made in 2009, some 25 were made in 2010 and six in 2011. See: Human rights in the work of the Ukrainian police – 2011. Kyiv-Kharkiv, 2011, p.42, <http://umdpl.info/files/docs/1330088222.pdf>.

⁶ MIA directive No. 154 of 21 April 2011.



of community representatives, human rights activists, or attorneys. The reinstated Public Council at the MIA barely functioned at all. According to the human rights organisations, 2011 was the first year when it was impossible to survey police officers in the course of monitoring due to the Ministry's refusal to facilitate such surveying.⁷

Thus the control over the police force as regards its adherence to the principles of supremacy of law and human rights and freedoms was closed for participation of community representatives and concentrated exclusively in the agency's internal structures: internal security units (Department), personnel inspection, and the aforementioned Special Supervisory Committee.

In 2012, with support from the OSCE Coordinator in Ukraine, the National Preventive Mechanism (NPM) was established, all functions of which were entrusted to the Ombudsman. The implemented NPM format "Ombudsman +" somewhat reinforced the parliamentary supervision over the penitentiary system, but it did not fundamentally extend the capabilities for community control over the operation of internal affairs agencies.

National Preventive Mechanism

In 2006, Ukraine ratified the Optional Protocol to the UN Convention against Torture, undertaking the obligation to establish the National Preventive Mechanism within one year. (Law No. 22-V of 21 July 2006). According to the provisions of the Optional Protocol, each State Party shall "set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment".

However, this obligation remained unfulfilled for six years. On 2 October 2012, the Law "On Introduction of Amendments to the Law 'On the Ukrainian Parliament Commissioner for Human Rights'" (as relates to the National Preventive Mechanism) officially entrusted the functions of the NPM to the Ukrainian Parliament Commissioner for Human Rights.

The implemented "Ombudsman +" NPM model provides for the monitoring of visits to places of detention by the Ombudsman's Office employees together with community activists.

Community supervision of the activities of internal affairs agencies: 2010-2013

As a response to termination of the Human Rights Monitoring Department, public councils and mobile monitoring groups, the activists of human rights organisations, together with the employees of former Department, formed a specialist sector for community supervision over law enforcement agencies. In June 2010, the national non-governmental organisation – Association of Ukrainian Human Rights Monitors on Law Enforcement was established, comprising the former Department employees ("Police under Control" Advisory Portal). The monitoring of unlawful acts in internal affairs agencies and other monitoring studies by human rights organisations continued.

2.2. EXPANSION OF THE USE OF FORCE AND STRENGTHENING OF THE IAA COERCIVE AUTHORITY

In 2010, the number of vehicles and equipment for special units of the MIA and the Internal Troops increased significantly. This could be seen as a positive change, given the situation with their material and technical resources. However, the strengthening of the coercive component of internal affairs agencies was viewed by experts and society in the general context of the socio-political situation in the country, in particular considering the obviously politically motivated victimisation of the opposition leaders, Yulia Tymoshenko and Yuri Lutsenko, and intensifying pressure on opposition and independent non-governmental organisations and movements, journalists, or any civil action in general.

The new style of police work was demonstrated as early as on the 100-day milestone of Yanukovich's presidency. The festivities were held in the Ukraine Palace, in front of which two demonstrations took place: the opposition rally ("For Ukraine!" party) and the pro-presidential rally (Party of Regions). While the Berkut special forces were employed against the former, the latter was under police protection, with police officers practically managing the positioning of people and flags of the pro-presidential Party of Regions.⁸

Since then, such practice was commonplace: the police would protect pro-government rallies and use force against opposition and/or protesters, as well as against any peaceful assembly, unless they were initiated by the government, be it central or local.

Procurement of vehicles and equipment. In 2010-2012, the MIA procured a significant quantity of vehicles and equipment. In particular, the fleet of special vehicles for transportation of detainees and convicts was significantly expanded: between April 2010 and August 2011, the Ministry purchased 555 police detention vans (UAH 110 million), over 9,000 bulletproof vests, nearly 4,000 items of protective equipment (bulletproof shields, arm and leg guards), and over 300 weapons (pistols, machine guns and rifles). The total costs amounted to nearly UAH 200 million.⁹

In late summer 2012, the attention of the community was drawn to significant procurement of equipment, vehicles and special items for these special units of the MIA and Internal Troops.¹⁰ The senior MIA officers explained that vehicles were ordered for the Euro-2012 soccer championships (held in Ukraine between 8 June and 1 July 2012), but were received later than planned. The equipment was to be delivered by the end of October, which was conspicuous because of the parliamentary elections appointed on 28 October (see note "MIA procurements in August 2012").¹¹

MIA procurements in August 2012

On 9-27 August 2012, the MIA entered into contracts for the purchase of equipment and special vehicles for a total cost of UAH 60.6 million.

In particular, UAH 53 million was allocated for procurement of special vehicles:

54 Ssang Yong Rexton crossovers, UAH 260,000 each, equipped with high-technology radios, satellite positioning systems, video cameras and video recorders;

28 buses (Bohdan and PAZ, similarly equipped) for transportation of MIA troops, UAH 400,000 each;

6 KamAZ-based water-cannon vehicles, UAH 2.45 million each;

20 PAZ buses for transportation of detainees and convicts, UAH 599,000 each;

5 GAZ police vans, UAH 218,000 each;

It also purchased:

4,800 shields, UAH 94 each, and the same number of arm and leg guards, UAH 651 each.

1,000 metal turngates for installation of barriers in places of mass gathering, UAH 3,670 each.

⁷ Monitoring of unlawful violence in Ukrainian law enforcement agencies (2004-2011). Kharkiv, Kharkiv Institute of Social Research, Kharkiv Human Rights Group, 2011, p.4, <http://khisr.kharkov.ua/files/docs/1330341678.pdf>.

⁸ M. Naiem, S. Leshchenko. Viktor Yanukovich: Introduction to authoritarianism and personality cult. *Ukrainska pravda*, 4 June 2010, <http://www.pravda.com.ua>.

⁹ N. Kondratieva. Will the force scenario be used after the elections? – *Prestupnosti.NET*, 15 September 2012, <https://news.pn.ru/politics/65278>.

¹⁰ As reported by Our Money (Nashi hroshi) Website, unit 3078 of the internal troops purchase military equipment worth UAH 105.9 million in July – *ibid.*, (DZ, 7 September 2012).

¹¹ Based on Public Procurement Bulletin. *Source*: Planned procurements of the MIA. *Dzerkalo tyzhnia*, 7 September 2012, <http://gazeta.zn.ua>.

It was announced that the MIA was strengthening its force and economic elements, while at the same time laying off analytical units. In response to these messages, experts concluded that, “The government is turning the police into internal policing structures, with fewer brains but more muscles”.¹²

Engagement of “unidentified civilians” in coercive actions. The practice of using strong-arm mercenaries (“organised athletics”¹³) for violent actions against competitors had been known in Ukraine since 1990s. However, the use of such “musclemen” for political purposes, even jointly with the police and under police protection, has never been seen before. One similar high-profile case that can be recalled took place at the Central Elections Committee building on 25 October 2004, during the presidential election campaign, when the police were withdrawn from the building near which a massive rally against a pro-government candidate was held, and the participants of the rally were attacked by dozens of “unidentified civilians” armed with steel bars. Between that time and 2010, three election campaigns were held without anything like that ever happening.

There had been messages about “individuals of athletic appearance” seen during conflicts concerning unlawful construction, protection of parks, historical, and architectural monuments, and sometimes in business disputes. However, this was not a widespread practice. Starting from 2010, it quickly became so. “Unidentified civilians” became frequent guards of pro-government campaigns and provocateurs in opposition rallies, always taking part in the breaking-up of peaceful gatherings and protest rallies.

Typically, during clashes between “unidentified civilians” and the participants of gatherings and rallies, the internal affairs officers were present at sites, but did not interfere in any of the clashes or stop violent actions against citizens. Instead, after rallies they would arrest the participants, who faced administrative or criminal liability afterwards. That is what happened in May 2010 in Kharkiv during the protests against partial demolition of *Gorky Park*.¹⁴ The same happened in December 2012 in Kyiv during the long-term protest campaign against the “reconstruction” of *Hostynnyi Dvir* trade mall,¹⁵ and on multiple other occasions. During the 2012 parliamentary elections, the “unidentified civilians” were referred to as “journalists”, because many of them appeared at polling stations with journalist IDs issued by never-heard-of mass media.

The first case of a connection between “unidentified civilians” and the police was officially registered on 18 May 2013, when such individuals attacked the participants of the opposition rally (see Box “Events of 18 May 2013...”). As it was later learned, such individuals included members of the martial arts club who had their training sessions in the gym of the local police department at Bila Tserkva (near Kyiv), and the club itself had its registered address at the police precinct building.



Events of 18 May 2013 in Kyiv: *titushky*, thugs for hire

On 18 May, several events took place simultaneously in Kyiv: “Europe Day” on Khreshchatyk Street, a pro-government “anti-fascist” meeting on European Square, and the final stage of the nationwide opposition campaign “Ukraine, arise!” – a rally to be held in Sofiyska Square. Consequently, the centre of the city was closed to traffic. However, an armoured reconnaissance vehicle (according to official reports, a “military vehicle with a machine gun turret”), which was heading to the place of the opposition rally escorted by a traffic police vehicle and, as it turned out, delivering “unidentified civilians” there. The participants of the rally stopped the vehicle and requested the police officers present on site to determine how the military vehicle ended up in the centre of the city. However, the police did not react, instead pushing the people away, the Berkut special forces officers surrounded the vehicle, and “around 30 to 40 young people of athletic appearance” came from the side of the pro-government rally and attacked the campaign participants, which left, among others, two journalists injured; it was these reporters who managed to have criminal proceedings initiated using photo and video materials.¹⁶

Four of the attackers were detained and sentenced to probation; the last name of one of them, Titushko, became a generic reference to “unidentified civilians”, *titushky*.

Interestingly, the case brought by one of the rally participants was also reviewed by court, which resulted in an administrative fine of over UAH 17,000 for unlawful actions against the reconnaissance vehicle crew and the “athletes” attacking the campaigners.

A Temporary Investigative Committee was established in the Parliament in relation to the clashes of 23 May 2013, and investigation of the same by internal affairs agencies; after reviewing the case, the committee established that the matters of organisation, funding, and control of the group of attackers were left without the attention of the law enforcement agencies, as a result of which the Committee “concluded that the travel of the military vehicle through the central part of Kyiv was possibly organised with participation of senior officials of the MIA of Ukraine”.¹⁷

As a rule, *titushky* are armed with baseball bats, knuckle dusters, steel rods and other items which can be used as lethal weapons. On one occasion, they were found to be in possession of a pistol.¹⁸

¹² I. Solomko. Government’s muscles. Ukraine strengthening its force structures. Correspondent, 5 September 2011.

¹³ Term coined by O. Kryshanovskaya, Russian researcher, in 1995, similar to the term “organised crime”. See: O. Kryshanovskaya. Social Structure of Society. Sociological Research, 1995, No. 4, <http://ecsocman.hse.ru>.

¹⁴ People in tracksuits and Municipal Security badges were employed against the defenders of the park. Tree fellers, who destroyed over 500 trees in the park, also resorted to physical violence. Elderly women received heavy injuries during the clashes and were admitted to hospital and 18 protesters were detained. See, for example: Protesters against tree felling forced out of the park in Kharkiv, several detained. Correspondent, 2 June 2010, <http://korrespondent.net>; Kharkiv police helping Kernes’ fighters disperse the defenders of Gorky Park: Video. Breaking News from the Web, 2 June 2010, <http://newzz.in.ua>.

¹⁵ On 26 May 2012, a public protest campaign began in Kyiv against rebuilding the Hostynnyi Dvir architectural monument into a retail mall. Overnight into 1 June 2012, the building was seized by “30 unknown individuals in tracksuits.” However, it was later recaptured by the monument defenders. On 18 December they were attacked by “unidentified civilians” and tear gas was used; on 19 December, around 40 “unidentified civilians” beat and pushed the monument defenders out of the building, two of them ending up in hospital. During each attack, the police were nearby, observing, but never interfering. On 18 February 2013, the monument defenders were attacked by Berkut special forces and several dozens of activists were detained.

¹⁶ O. Snitsarchuk, journalist (Channel 5), and V. Sodel, photographer (Kommersant).

¹⁷ The Temporary Investigative Committee of Verkhovna Rada of Ukraine for investigation of the attack on media representatives on 18 May 2013 in Kyiv, at Volodymyrska St., 15, and investigation of other instances of pressure against the media and prevention of lawful professional activities of journalists. Committee report available at the website of the Verkhovna Rada of Ukraine. http://blogs.lb.ua/vitaliy_yarema.

¹⁸ On 18 June 2013, in Chausovo-2 village, the police observed Ahrofirma Kornatskoho LLC, an agricultural company owned by the opposition’s candidate for parliamentary elections from the 132nd district, assaulted by “unknown individuals”. One of the attackers fired several pistol shots. He was identified as one of the “journalists” operating at election precinct 223 during the 2012 elections in Kyiv. See: Titushky closely tied with Medvedchuk’s Ukrainian Choice and the Russian special services. Argument, August 1, 2014, <http://argumentua.com/stati/titushki-boi-bez-pravil>.



Their attacks were characterised by extreme violence and indiscriminate actions (the “unidentified civilians” would beat up women, seniors, reporters, and medics called to the place of clashes), intimidation and a total confidence of them going to be unpunished. The presence and inaction of the police during such activities only added to the public’s feeling of helplessness and vulnerability, which allow us to speak of occasions of criminal police terror in the country.

The realisation of the need for active self-defence not only against the *titushky*, but against the police as well, is, apparently, one of the causes for the protests to quickly become radical.

Excessive use of force and special equipment against participants of peaceful gatherings. According to the Law “On Police”, police officers are allowed to detain citizens and use physical force and special groups against them only in exceptional cases if they are suspected of criminal or administrative offences. However, the practice of coercive prevention or termination of peaceful gatherings and detention of their participants, despite the fact that they have not committed any administrative or criminal offences, was initiated in 2010.

This involved the use of force and special equipment not only against campaigns by political opponents of the ruling regime, but also against any peaceful gathering unless they were authorised by the government, central or local. For example, on 14 March 2010, the police detained five participants of a volunteer cleanup at Lesia Ukrainka Boulevard in Kyiv. They sought medical help and were found to have numerous injuries. On 9 April, police officers dispersed a peaceful protest against the raid on the *Siaivo* bookshop, and on 13 April, a protest against unlawful construction in the historical city centre. All four campaigners (including a reporter) were detained and one was injured.¹⁹

Such practice was in fact excused by the Minister of Internal Affairs, who made a public statement claiming that the participants of opposition and protest campaigns were “hired”, and the campaigns themselves precluded the “normal lives of other people and the functioning of institutions”, which is why they should protest in “a large field outside Kyiv where they would not disturb anyone”.²⁰

In 2010, the phrase “**forced cleanups**” entered the mass media vocabulary. This activity included demolishing and destroying protest equipment (tents, stages, amplifier equipment, etc.) and the detention of organisers, activists and regular campaigners, who would often be taken “in an unknown direction”, as their location was never officially announced.

The risk for citizens being affected by police coercive actions increased. A special team of officers would often use force and special equipment not only against the rally participants, but also against civilians who happened to be standing nearby.

They acted anonymously and thus remained unpunished. It is no secret that the Ukrainian police officers do

not have personal identification marks and sometimes ignore the requirement to identify themselves, which often makes contact with police officers fully anonymous and impossible to appeal against in the event of a conflict situation. Moreover, an increasingly widespread practice is the presence of policemen, including senior officers, at peaceful gatherings in civilian clothes. If force is used against participants of gatherings, it is impossible to appeal against such actions and ensure that the people giving orders to special force teams are held liable. For this reason, human rights activists have pointed out that despite the increasing number of mass events on one hand, and the increasing use of force by the police against their participants on the other, there were virtually no complaints from the victims.

Summarising the events of 2010, human rights organisations noticed that, *first*, there were significantly more cases of infringement against the freedom of peaceful gatherings in 2010 than over the entire period from 2005 to 2009. Within only the first 100 days of Mohilyov’s term of office as the Minister of Internal Affairs, the mass media at regional and national levels alone made over 350 publications about violations against the freedom of peaceful gatherings on the part of the internal affairs agencies. The nature and scale of such violations showed that unlawful actions of the police were taken on the order of senior officers of the Ministry. *Second*, the practice of administrative detention and conviction of peaceful protesters, which had not been employed since 2004, was reinstated in 2010.²¹

Obstruction of professional journalistic activity. The increasing risks affected the journalists, those who attended places of peaceful gatherings in their line of duty, as well as those conducting journalistic investigations and/or publishing critical materials on the actions of government authorities, including law enforcement agencies. One of the first high-profile cases of the police being used against journalists was the beating and detention of A. Furmaniuk, editor-in-chief of the *Protest* Internet publication, who was known for his critical articles on the deficiencies in the work of senior law enforcement officers in the city of Donetsk and Donetsk region, and who was detained by police officers on 18 September 2010.²²

Later, attacks against journalists became commonplace, either directly by the police officers, due to their inaction or even under protection of the police. As a rule, no criminal proceedings were instituted in such cases. In 2012, in Kyiv alone there were 29 cases of attacks against journalists, which remained without investigation.

The aforementioned Temporary Parliamentary Committee, having reviewed the materials on prevention of professional journalist activity by force, provided by the Institute of Mass Information non-governmental organisation, (a total of 18 cases) stated that “an especially dangerous situation exists in relation to the safety of professional activity of local mass media representatives exposing the unlawful actions by local authorities, state administrations, and law enforcement

¹⁹ See the list of similar cases from March to August 2010: Olena Bilozerska: I know how to do it! – <http://bilozerska-rus.livejournal.com/154809.html>.

²⁰ The MIA proposes allotting a remote field for the opposition. Versii, 11 May 2010, <http://versii.com/news/205614>.

²¹ Human rights in Ukraine, 2009-2010: Human Rights Organisations’ Reports. Section IX. Ukraine Helsinki Union website, <http://helsinki.org.ua/index.php?id=1298306306>.

²² Yu. Yakymenko. The police intensifies pressure on journalists, thinking that it is helping the government. The Razumkov Centre website, 24 September 2010, http://www.razumkov.org.ua/ukr/expert.php?news_id=2376.

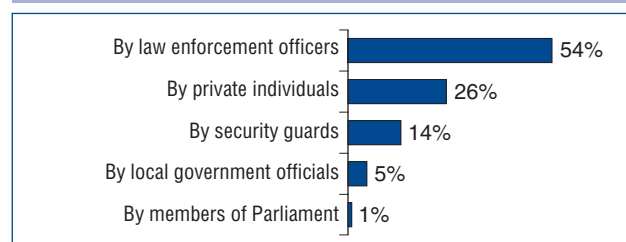


agencies at district and regional levels”. According to the information provided by the Prosecutor General’s office and announced at the Committee meeting, as of 1 September 2013, 85 facts of obstruction of lawful professional journalistic activity were registered in the Unified Registry of Pre-trial Investigations, with only five bills of indictment submitted to the courts. According to the Institute of Mass Information, the number of attacks against journalists specifically by law enforcement officers increased in 2013. While 8 such cases were registered in 2012, 15 of them were found within the first eight months of 2013.²³

The Temporary Investigative Committee concluded that such cases of violation of journalist’s rights in Ukraine are an alarming signal for the civil society and a challenge for the law enforcement agencies, which need to respond to such violations in a timely manner.

According to the Reporters without Borders human rights organisation, 120 attacks against journalists were registered in Ukraine in 2013. As seen from the Diagram “Attacks against Journalists...” 54% of attacks were made by law enforcement officers.²⁴

Attacks against Journalists in Ukraine in 2013
(According to the Reporters without Borders International Human Rights Organisation)



Society was thus given signals about the danger of any actions other than supporting the government: even unlawful use of force against journalists, who have international safety guarantees in their line of duty, would go unpunished.

2.3. SPREADING VIOLATION OF HUMAN RIGHTS TO FREEDOM AND PERSONAL SAFETY

As mentioned above, adherence to human rights and freedoms was not among the criteria for evaluation of the performance of Ukrainian law enforcement agencies. Violations were frequently noted by both Ukrainian and international human rights organisations, as well as the European Court of Human Rights, which received complaints from Ukrainian citizens suffering from unlawful and illegitimate actions of Ukrainian police. The human rights activists were disturbed the most by systemic practice of torture and other forms of ill-treatment, as well as wanton or unjustified detentions and arrests.

Since 2010, the extent of this practice was continuously on the rise. In particular, human rights activists have stated that since the position of the Minister of Internal Affairs was filled by Mohilyov, the situation deteriorated, and the risk of becoming the target of unlawful actions of the police increased for witnesses, relatives of suspects, and, in fact, any person interacting with police. As they concluded, “Whereas the criminals faced the highest risk of suffering from police brutality... today, there is a potential risk for anyone: a simple bystander, an eyewitness of any event and sometimes even a police officer may suffer from unlawful violence by law enforcement officers”.²⁵

According to the 2009-2010 Report of Human Rights Organisations of Ukraine, there were significantly more human rights violations by internal affairs agencies in 2010 as compared to the previous year. Reports of torture and other forms of unlawful violence by internal affairs officers, sometimes resulting in the death of detainees, became more frequent. 50 reports of death in police departments were received in 2010, as compared to 21 such reports in 2009.²⁶

According to the MIA, there were 14 sudden deaths and 16 suicide attempts among detainees and arrestees at police departments in 2011. At the same time, according to the Human Rights Monitoring Department, 35 persons died as a result of “staying under police jurisdiction”.²⁷ In 2012, 22 deaths of detainees, which according to human rights advocates related to the actions of the police, and over 60 high-profile cases of torture and beatings of citizens by the police were recorded.

Abuse of arrest as a means of pre-trial restraint.

According to both national law and international provisions, arrest shall be applied exclusively when there is real danger of the suspect (the accused) evading investigation and trial. However, the abuse of the right to arrest by investigators is a commonplace practice in Ukrainian law enforcement agencies. According to details announced at Parliamentary Hearings, the courts sustain over 90% of investigators’ requests for arrest as a means of restraint.²⁸ The abuse of the right to arrest by investigators is frequently mentioned in annual reports by the Human Rights Commissioner. Finally, the systemic nature of this event was confirmed by the position of the European Human Rights Court, which, in February 2011, made a pilot judgment in the case of *Kharchenko vs. Ukraine*, acknowledging systemic violations of Article 5 of the European Convention on Human Rights (right to freedom and personal safety), in particular manifested in unjustified arrest resolutions by the courts, the courts’ refusals to review appeals against unlawful arrests and/or detention, and accompanied by unsatisfactory and degrading detention conditions.²⁹

²³ Report of the Temporary Investigation Committee of Verkhovna Rada...

²⁴ Source: Human rights in the work of the Ukrainian police – 2013. Kyiv-Lviv, 2013, p.77, http://umdpl.info/wp-content/uploads/2014/06/UMDPL_report_404p.pdf.

²⁵ Monitoring of unlawful violence in Ukrainian internal affairs agencies (2004-2011). Kharkiv, Kharkiv Institute of Social Research, Kharkiv Human Rights Group, 2011, p.36.

²⁶ Human Rights in Ukraine: Human Rights Organisations’ Reports, 2009-2010. Ukraine Helsinki Union website, <http://helsinki.org.ua/index.php?id=1298287768>.

²⁷ Human rights in the work of the Ukrainian police – 2011, p.5 List of 35 persons who died at police departments in 2011, see pages 24 to 29.

²⁸ Recommendations of parliamentary hearings on “Reform of the system of agencies of the Ministry of Internal Affairs of Ukraine and implementation of European standards”.

²⁹ *Kharchenko vs. Ukraine*. Website of the Ministry of Justice, <http://old.minjust.gov.ua/19615>.

**Unlawful violence and cruel treatment (torture).**

The use of violence, physical and psychological pressure, humiliation and torture by Ukrainian law enforcement agencies is frequently mentioned in annual reports by the Human Rights Commissioner as well as reports by Ukrainian and international human rights organisations.³⁰ Both the Ministry of Internal Affairs and the Prosecutor's Office are forced to admit the facts of violence and torture during investigation. For instance, multiple cases of suicide or attempted suicide directly in police precincts caused the MIA to issue an official memo in 2011 to create conditions in investigative offices, precluding free access for detainees to windows in order to "prevent them from jumping out of them".³¹

Violence and coercion to testify (apparently due to the number of solved crimes being the main performance indicator of internal affairs agencies) became an everyday event for the police. A revealing example of this is the survey of police officers conducted by Kharkiv Institute of Social Research in 2011. Confidential interviews with police officers showed that **"unlawful violence had become a part of the police subculture, and internal affairs officers treat it as an indispensable component of their professional activity"**. According to the study, 65% of police officers surveyed admitted the possibility of torture as an effective means to solve crimes, and 40% considered torture an acceptable type of punishment for crime.³²

There is every reason to believe that impunity of internal affairs officers using violence, brutality, and torture in their line of duty contributed to this situation. Such impunity, in turn, was caused by the following circumstances.

First, the vast majority (94% in 2011) of appeals and reports concerning police brutality is reviewed within the agency: by the internal security service, personnel

inspection, etc. Consequently, only an insignificant number of appeals, complaints and reports are acknowledged (4.7% in 2011) and even fewer result in criminal proceedings (4% in 2011, 3% in 2012) (see Box *"From the MIA and the Prosecutor's Office Reports"*³³).

The situation with the law enforcement agencies' response to instances of violence, cruel treatment, and torture resulting in criminal proceedings is shown in the Table *"Criminal proceedings..."*.³⁴ Thus, throughout 2013 there were 3,730 proceedings on crimes committed by law enforcement officers with use of torture and other cruel treatment, 39 of them resulting in death. 3,554 (95.3%) of such proceedings concerned police officers, including 15 death-related proceedings. Only 57 (1.6%) of the proceedings against police officers resulted in trial and a guilty verdict.

Unfortunately, the table does not provide data on terminated proceedings by a specific law enforcement agency. However, certain observations can be made regarding all proceedings. As the table shows, over 80% of proceedings were terminated, and only 1.7% resulted in a trial.

Second, the victim is very often unable to identify the law enforcement officer who committed an act of violence against them, because this typically happens in offices and district precincts with restricted access. The only possible eyewitnesses of violence are the police officers themselves, who are not going to testify in favour of the victim. This situation has two possible outcomes: either the citizens refrain from complaining, understanding that it is practically impossible to prove the law enforcement officers guilty under such circumstances, or those who do file complaints receive a response that "the fact of violence cannot be proven due to conflicting testimony of the parties".

FROM THE MIA AND THE PROSECUTOR'S OFFICE REPORTS

2011. According to the MIA, 2,937 claims, reports, and reported offences by internal affairs officers, were registered between January and September 2011. Of them, 1,371 were directly related to violence: 1,280 concerned beatings, 61 – torture, 14 – sudden death, and 16 – suicide or attempted suicide.

Of these reports, claims or offences with internal affairs officers suspected of violence, torture and actions resulting in death, 1287 (94%) are being reviewed by the MIA services themselves: internal security service (543), personnel inspection (522) and others (222).

The proportion of acknowledged reports is extremely low: only two complaints of torture (3.3%) and 59 complaints of beating (4.6%), which makes up 4.7% of the total number of claims and reports reviewed by the internal services of the MIA. Importantly, not a single complaint accusing law enforcement officers of death, suicide or attempted suicide was acknowledged.

Only in 54 cases was it resolved to institute criminal proceedings (4% of the total number of claims, reports, and reported offences directly related to violence).

At the same time, 5,537 MIA officers faced disciplinary liability in the course of actions against torture and cruel treatment. 62,834 talks were held with officers, and 3,632 directives, instructions, orders and reviews were issued.

It is conspicuous that during audits conducted by police internal supervisory agencies between January and September 2011, only 91 cases of use of unlawful violence by police officers were detected, of which: 70 cases were identified by internal security officers, 11 by personnel inspection, and 10 by officers of other services. Moreover, the aforementioned services did not identify **any cases of torture**.

2012. The prosecutor's office received 3,607 reports about torture by the police. About 100 of them resulted in criminal proceedings being instituted and 3,500 were rejected. Therefore, 97% of the total number of reports were found unconfirmed by the prosecution agencies, which means only one in 36 citizens reports of torture by police results in criminal proceedings against police officers who used violence to obtain testimony during pre-trial investigation.

³⁰ In particular, the means of psychological pressure mentioned by the Ombudsman include "interrogation in the middle of the night of a pregnant wife or a parent who had recently survived a heart attack, threats to take away a baby and deprive the person of parental rights, etc." See: Annual report of the Verkhovna Rada Commissioner on Human Rights on the status of human rights and liberties. Kyiv, 2013, <http://www.ombudsman.gov.ua>.

³¹ Human rights in the work of the Ukrainian police – 2011..., p.12.

³² Human rights in the work of the Ukrainian police – 2012..., p.291.

³³ Sources: Monitoring of unlawful violence..., pp.18-20, 66; Human rights in the work of the Ukrainian police...

³⁴ Source: Prosecutor General's Office of Ukraine: Statistical Information. Report on the operation of pre-trial investigation agencies over 12 months of 2013, Table 1.1. Website of the Prosecutor General's Office, http://www.gp.gov.ua/ua/stst2011.html?dir_id=110381&libid=100820&c=edit&_c=fo#.



Criminal Proceedings on Crimes Committed by Law Enforcement Officers* Connected with Torture and Other Violent Treatment (excluding repeated proceedings) in 2013

	Total criminal proceedings	Submitted to court with letter of indictment	Criminal proceedings terminated	Referred to competent agencies
	3 730 100%	62 1,7%	3 290 88,2%	130*** 3,5%
Art. 127**	57	6	44	4
Art. 364	217		204	6
Art. 365	3 223	52	2 831	115
Art. 367	42	2	37	
Art. 373	106		100	
Other articles	85	2	74	5
Of which death-related	39	4	29	1
MIA				
	3 554 100%	57 1,6%		
Art. 127	52	5		
Art. 364	211			
Art. 365	3 105	50		
Art. 367	11			
Art. 373	105			
Other articles	70	2		
	3 554	57		
Of which death-related	15	2		

* MIA, SBU, State Border Guard Service, State Penitentiary Service

** Art. 127 – torture

Art. 364 – abuse of authority or office

Art. 365 – abuse of authority by law enforcement officer

Art. 367 – neglect of duty

Art. 373 – coercion to testify

*** The table does not include detailed information on 248 proceedings (6.6%) included in the total number of proceedings.

Third, as a rule, a person suffering from unlawful actions of the police and filing a respective complaint may not be given any substantial response to the complaint. Neither they nor their attorney are allowed to review the case, and thus even upon receipt of a response that the guilty parties were punished, no one knows who exactly was punished, what nature the actions of the guilty party were found to have been, and what the punishment was. The attorney may receive such information only if the case was submitted to court. In all other cases, the information is considered restricted, or the victim receives a response stating that “the reported facts were not confirmed”.

Appealing against actions by police officers to the Human Rights Commissioner (who, it should be stressed, performs the function of the National Preventive Mechanism), are also ineffective. According to the Ukrainian Ombudsman, the response of the MIA and prosecution agencies, including the Prosecutor General’s Office, to its submissions are merely formal. The prosecutor’s office typically replies that not a single fact confirming the complaints was found; the MIA senior officers undertake to review the facts described in the letter during service training activities and take measures to prevent the reported deficiencies in future.³⁵ The courts also fail to respond to the Ombudsman’s submissions in cases where complaints of cruel treatment are received from victims whose case is already being considered by court. The 2013 Report of the Human Rights Commissioner states: “monitoring of proceedings in such cases shows that the courts never resolved to hold a separate audit based on such claims, the investigation of which was limited to questioning the parties of the criminal proceedings”.³⁶

Generally, as demonstrated by the results of monitoring studies conducted by human rights activists between 2004 and 2011, there is virtually no system for effective investigation of unlawful violence, cruel treatment, and torture by the police, and “the entire system of registration and investigation of such cases works to conceal them”. Over 70% of victims of police brutality never complain to any law enforcement agencies.³⁷ The vast majority of police officers who use unlawful violence in their line of duty remain unpunished, and the use of violence has become a systemic phenomenon.

This is additionally confirmed by reports of the Amnesty International, in particular the report “No Evidence of a Crime”: Paying the Price for Police Impunity in Ukraine”. It states that “there is a culture of effective impunity in Ukraine for the high level of criminal misconduct, including torture and extortion, by the police in the course of their work”, as a result of which “people who come in contact with the police are at risk of suffering a range of human rights violations... from verbal abuse to torture”.³⁸

This was also confirmed by the European Human Rights Court, which made a **pilot judgement in 15 May 2012 on the torture-related case Kavarsin vs Ukraine**:³⁹ based on the fact that in about 40 of its prior resolutions the Court had found Ukrainian government agencies responsible for cruel treatment of detainees and for a failure to effectively investigate reports of such treatment. As of the time of such judgements, the Court had over 100 proceedings concerning the same issues. In particular, the Court underscored that:

- the suspects are the most vulnerable group of victims of cruel treatment by law enforcement officers;

³⁵ See, for example, the letter of the MIA “On review of the letter from V.V. Lutkovska, Government Commissioner in the Affairs of the European Human Rights Court, on compliance with final judgments of the European Human Rights Court” No. 6243/Fr of 12 April 2012. Monitoring of unlawful actions, pp.90-91.

³⁶ Annual report of the Verkhovna Rada Commissioner on Human Rights on the status of human rights and liberties. Kyiv, 2013, <http://www.ombudsman.gov.ua>.

³⁷ Monitoring of unlawful violence in Ukrainian internal affairs agencies (2004-2011). Kharkiv, Kharkiv Institute of Social Research, Kharkiv Human Rights Group, 2011, pp.40, 190.

³⁸ See: R. Lebed. “Amnesty International: Torture in Ukrainian Police Continues – BBC Ukraine, 12 October 2011, <http://www.bbc.com>.

³⁹ A pilot judgment is made by the EHRC based on generalisation of a certain number of similar cases, stating as systemic the problem which lies at the basis of certain violations committed by the national law enforcement and/or judicial system.



- connection between ill-treatment of suspects and the intent of the government agencies to receive evidence cannot be excluded;
- one of the factors contributing to torture of the suspects was the evaluation of the police officers' performance, which was based on the number of crimes solved;
- since confessions often constitute the main evidence in criminal proceedings, it cannot be ruled out that the prosecutor's office officers are not interested in comprehensive investigation of complaints of torture. In the course of audits, the prosecution officers most often were satisfied with explanations given by police officers. Their view of events prevailed, without any effort to verify them by other means;
- despite the general legislative prohibition of torture or inhumane and degrading treatment in Ukraine, in practice the officers of government agencies responsible for such cruel treatment usually go unpunished.

The Court pointed out that Ukraine must reform its legal system as soon as possible in order to **ensure that the practice of torture of detainees is eliminated and effective investigation according to Article 3 of the Convention is performed in each specific case.**

2.4. PROTESTS AGAINST POLICE BRUTALITY AND THE DROP IN PUBLIC TRUST

The intensifying oppression of political opponents and society in general by internal affairs agencies, the brutality and impunity of police officers using violence against participants of peaceful gatherings, detainees and suspects, as well as the practice of extorting evidence, has produced significant social resistance. Throughout the period from 2010 to 2013, several mass protests were held against infringement on human rights and freedoms by the police (see Box "*Protests against Police Brutality*").

The protests became the largest and most radical in 2013, when residents in several cities attacked local police precincts. According to the monitoring conducted by the Society Research Centre, in the period from January to July alone, there were 333 protests against the abuse of power by police officers, which makes up 12% of all protests over this period.⁴⁰ At the same time, the researchers stressed that only in 4% of cases the protesters had resorted to violence; the rest were peaceful gatherings demanding an end to violation of human rights and freedoms by the agency whose purpose was to protect them.

Public trust in the police dropped to a critical level. According to the sociological studies by the Razumkov Centre, in July 2013, only 2% of citizens reported that they fully trusted the police, and another 17% "rather trusted than not", as opposed to 75% of those who, to a certain degree, did not have trust in the police.⁴¹

Therefore, there were grounds **to assert that the police have become alienated from society and have lost social legitimacy**, while it is the social legitimacy of the police that, according to foreign experts, is the foundation of its proper functioning in a democratic society. In particular, it is "an important prerequisite for the police to be able to function mainly in a non-violent way". It is the "acceptance of roles or types of police activity and the public trust in the police force's intention to operate in accordance with the law that allow the police to operate mostly without the need to use force". Otherwise, and in the absence of the "fear factor", the "absence of legitimacy leads to resistance against the police and is likely to result in increased opposition and more frequent police use of force, or threats of force".⁴²

It is no secret that under Viktor Yanukovich's rule Ukraine adopted the Russian model, in which the actions of law enforcement officers intended to intimidate activists and civil society after the mass protests in Bolotnaya Square did achieve the results desired by the government. However, in Ukraine, an increasingly widespread use of violence by police failed to restore the "fear factor"; instead, it intensified social protest spirits.

The events of late 2013 demonstrated that the police brutality, the neglect of citizens' rights and freedoms, and service exclusively to the political regime and not to society was one of the causes that sparked public protests. The actions of the Berkut special forces on the night of 30 November 2014, when it dispersed a peaceful rally of young people against the government's decision to suspend the process of signing the EU Association Agreement, became the motive for this "social explosion".⁴³ The Revolution of Dignity, which followed, overthrew Yanukovich's regime and, among other things, made radical reforms of the Ukrainian internal affairs and law enforcement agencies an extremely pressing issue.

⁴⁰ See: On status of civil society in Ukraine: general trends, regional aspects. Analytical Report. NISD, 2014, p.22, <http://www.niss.gov.ua>.

⁴¹ See details in "Citizens' view of the Ukrainian police: evaluation of the condition, problems, and reform prospects" contained in this journal.

⁴² N. Uldriks, P. van Reenen. Policing in post-communist societies: police-public violence, democratic policing and human rights. Kyiv, 2006, p.47.

⁴³ See details on events of November 2013 – February 2014, for example, at: Validation of human rights and liberties in Ukraine: Events of November 2013 – February 2014. Special report, 2014 – Website of the Verkhovna Rada Commissioner on Human Rights, <http://www.ombudsman.gov.ua>.

PROTESTS AGAINST POLICE BRUTALITY

2010

18 May 2010, Kyiv. I. Indylo, a 19-year-old student, dies in Shevchenkivskiy District Police Department in Kyiv. The forensic investigation showed that the death was caused by an internal head trauma.

N. Karpachova, the Human Rights Commissioner, refers to the young man's death as a murder and stated that this was the second time a student had been detained and murdered in the Shevchenkivskiy District of Kyiv.

The Kyiv prosecutor's office pressed charges under articles *Abuse of Power* (punishable by 3 to 8 years of imprisonment) and *Neglect of Duty* (punishable by a fine, up to two years of correctional work, or imprisonment up to three years) to two officers, S. Prykhodko and S. Kovalenko, who had interrogated the victim. In December 2011, Kovalenko was released under amnesty. Prykhodko was sentenced to five years of probation by Desnianskyi District Court of Kyiv on 5 January 2012. In fact, he was charged only with unjustified detention of Indylo.

On 1 June, in the course of "No police state!" or "Against police brutality" campaigns, mass peaceful protests were held at offices of Internal Affairs Administrations in 18 regions of Ukraine, mainly by young people and students, in the memory of Indylo. In Kyiv, the protest took place at the building of the Shevchenkivskiy District Department where he was killed.

2011

September: Brovary, Kyiv Region. The residents of Semypolky rose to defend V. Zaporozhets, a man who had murdered a police major terrorising the entire village. Eyewitnesses reported Zaporozhets acted in self-defence. According to human rights activists, the murder was followed by "police punitive action against the villagers".⁴⁴ Dozens of villagers were beaten, several men were taken to the quarry and threatened with murder, Zaporozhets' brother was beaten nearly to death, his mother's house was plundered, and the entire village was terrorised by police officers.

However, the villagers did not cease to protest. On 29 June 2012, the day Zaporozhets was convicted to fourteen years of imprisonment by the court, a protest rally in his support was held in Brovary. The Berkut special forces officers used force against the protesters and journalists, beating and detaining one of the participants. According to the victim, he did not resist the police officers, but he was still beaten, as confirmed by medical examination.

2013

15 March 2013, Kyiv, International Day against Police Brutality. "Stop Police Brutality" rally was held near the MIA building.

On 23 June, the activists of **Amnesty International** in Ukraine held a protest against torture and impunity of the Ukrainian police. They were joined by representatives of other human rights organisations.

1 July 2013, Vradiivka, Mykolaiv Region.⁴⁵ Mass protests triggered by the rape and violent beating of a local woman by police officers. Moreover, *first*, the police and the local prosecutor's office attempted to conceal both the crime and the perpetrators.

Second, the brutality of the local police force had reached a critical level. In 2011, while investigating the murder of a teenage girl, police officers tortured 11 persons into confessing to the murder, three of whom committed suicide. The real murderers



were never found, and the investigation continued even at the time of the protests. Local residents told journalists about numerous cases of torture, moral terror, and racketeering by "law enforcers".

Overnight into 2 July, several hundreds of Vradiivka residents attacked the district police precinct. Only these events forced the senior MIA officers to look into the situation in the village and in the district in general.

The events also highlighted other traits characteristic of the Ukrainian law enforcement system, the nepotism and mutual cover-ups, breeding grounds for corruption and a degradation factor for the system. One of the rapists turned out to be the godson of the regional MIA administration head, and another, the prosecutor's nephew. In fact, power was held by several families, closely tied together.

The villagers organised a protest march to Kyiv, and were joined by residents of other places who also suffered from police misconduct and brutality. The march culminated in a several-day rally on the Independence Square in Kyiv, where the protesters were joined by Kyiv activists. The attempt to erect tents was interrupted by rough actions of the Berkut special forces, the officers of which used smoke shells, beat the protesters and journalists, and detained eight persons. *Titushky* took part in assaults against the protesters.

In spite of this, the MIA instituted criminal proceedings on the riot and attack on the police precinct. According to *Novosti-N*, a Mykolaiv publication, the campaign participants would be called to the prosecutor's office without official summons, where they were threatened with video evidence of their presence at the protest.

12 July, Sviatoshyn District of Kyiv – employees of *Shliakh* market (around 200 persons) attacked the local police precinct, demanding punishment for the police officer who had hit a female activist of the Coalition of Participants of the Orange Revolution organisation.

16 July: Fastiv district police department attacked by community members (including participants of the Vradiivka march) and political opposition forces, demanding access to verify whether the department has special torture rooms for detainees, as reported by local residents, in particular those claiming to have been tortured in the basement of the building. A fight ensued, after which two police officers reported being injured and were admitted to hospital. A visit by V. Zakharchenko, then Minister of Internal Affairs, to their hospital rooms was widely covered in the pro-government mass media.

⁴⁴ Monitoring of unlawful violence ... (2004-2011), p.3.

⁴⁵ Sources: Beyond endurance. Tyzhden, 5 July 2013, pp.4-5; K. Berdinskykh. Boiling point. Correspondent, 5 July 2013, pp.20-22; A. Duda. Post-Vradiivka syndrome. Tyzhden, 19 July 2013, pp.12-14. V. Herasymchuk. Despair will lead you to Kyiv. Prestupnosti.NET, 18 July 2013, <https://news.pn.ru/public/84787>; Karpacheva calls the student's death at Kyiv police precinct a murder. 2 June 2010, <http://ru.tsn.ua>.

3. REFORM OF UKRAINIAN LAW ENFORCEMENT AGENCIES: CURRENT STAGE¹

At the moment, all stakeholders acknowledge the need for reform of the Ukrainian law enforcement system: the civil society, the politicians and the policemen. The operation of the agencies intended to protect the citizens' rights receives justified criticism. The police, the Prosecutor's Office, the State Security Service and courts had become the personification of the state's repressive machinery and corruption long before the revolutionary events of 2013-2014. The law enforcers' actions during the Maidan fully discredited the law enforcement system in the country; and the police and the internal troops officers felt all the power of a social protest directed against the Yanukovich regime.²

The following events – Russia's annexation of Crimea and its involvement in the initiation of the armed conflict in the East of Ukraine – called for immediate reform of the entire state security and defence sector, which includes the law enforcement system.

Therefore, the law enforcement system reform shall be conducted as a part of comprehensive reforms of the entire security and defence sector and affect all institutions supporting the performance of law enforcement functions by state, including both subjects and objects of reforms.

In 2014 and early 2015, several initial steps were made towards the creation of prerequisites for such systemic reforms, including the reform of the law enforcement agencies (the police). The enthusiasm of the new team of the Ministry of Internal Affairs, active civil society participation and international assistance foster some optimism, but do not guarantee success.

3.1. THE NECESSITY AND PURPOSE OF THE REFORM

The oppressive and corrupt system of internal affairs agencies neither meets the needs of society nor has its trust. Only 2% of citizens fully trust the police at the moment and the general trust level is 25% – as compared to 69% of those who have no trust in the police.³ Thus, there are grounds to state that the **national law enforcement agencies are suffering from a legitimacy crisis**.

On the other hand, these are not only the citizens who suffer from the ubiquitous corruption and abuse of power in police; the law enforcers themselves (primarily the low- and middle-rank officers) are deprived of a proper level of working conditions and social security.

At the same time, the police officers do not feel supported by the government, either national (64%) or local (55%), or by local communities (57%), which may point to a **high level of social isolation**.⁴

In combination, these indicators show that the main problem for upholding public order, as well as for the status of internal affairs agencies and the conditions they operate in, **is the mutual alienation between the police and society**.

This problem may be resolved only by reforming the current oppressive model of internal affairs agencies into **a democratic, European-style model**: a demilitarised and decentralised system of legitimate specialised public services, protected from opportunistic political influence. This system must be able to ensure the protection of rights, liberties and lawful interests of the citizens and uphold public order, acting in accordance with the principles of the rule of law, transparency and accountability to society, employing force (coercion) exclusively within the limits prescribed by the law.

In the European (and Western in general) police studies, such a model is usually referred to as a human rights-oriented or demilitarised service, which “gains its legitimacy by performing legal rather than political functions”.

The stakeholder which has the strongest interest in the current oppressive police system being reformed into an efficient law-enforcement agency, protecting the rights and liberties of the citizens, upholding the public order and fighting crime, is the society. The reform is supported by two thirds (66%) of Ukrainian citizens.⁵

¹ The section is based on the Position Materials presented and discussed at the Roundtable held by the Razumkov Centre on 16 April 2015. The speeches delivered by the Roundtable participants are provided in the Chapter “Conceptual Approaches to Reforming the Ministry of Internal Affairs in the Context of the National Reform Plan”, contained in this journal.

² According to the MIA, 15 law enforcement officers were killed and 919 were injured during the protests. See: Report of the international advisory group on supervision of investigation of the Maidan events, <http://glavcom.ua/media/o-00257958-a-00027916.pdf>.

³ Based on the survey conducted by the Sociological Service of the Razumkov Centre on 6-12 March 2015. The survey included 2,009 respondents aged 18 and older in all regions of Ukraine excluding the Crimea and the temporarily occupied territories of Donetsk and Luhansk regions. The theoretical sample error does not exceed 2.3%. For detailed survey results, see: Razumkov Centre website, <http://www.razumkov.org.ua/ukr/socpolls.php>.

⁴ Here and below, unless indicated otherwise, the data refers to the results of the survey of police officers conducted in February 2015 by the Kharkiv Institute of Social Research, and ordered by the Razumkov Centre within the framework of the Project “Law Enforcement System in Ukraine: Status, Problems, Prospects for Reform”. For detailed survey results, see “Reform of Ukrainian IAA: Assessments and Ideas by Police Staff”, contained in this journal.

⁵ Here and below, unless indicated otherwise, the data refers to the results of subject-based surveys conducted by the Sociological Service of the Razumkov Centre under the Project “Law Enforcement System in Ukraine: Status, Problems and Prospects for Reform”. See details in “Ukrainian Police in the Eyes of Citizens: Assessment of Status, Problems and Reform Prospects”, contained in this journal.



The reform issues hold priority places in the policy documents of **parliamentary political forces, the President and the Government**.⁶ In particular, these documents provide for establishment of the National Police as a central executive government agency in the system of the Ministry of Internal Affairs. There is also **internal (at the level of senior MIA officers) demand for reforms**.

Most **internal affairs officers** are dissatisfied with the current state of affairs (lack of social security, abuse by senior officers) and are ready for change if they are assured of positive results. Around two thirds (61%) of the police officers surveyed are certain that reforming internal affairs agencies is an issue of current importance; fewer than 4% disagree.

The relevance of the law enforcement reform is also determined by **external factors**. The respective obligations of the state are, in particular, stipulated in the EU Association Agreement. By delaying this reform, Ukraine sustains significant damage, both to its international image (international rights and liberties indexes) and to its economy (unattractive investment climate, payments on EHRC judgments).

3.2. TYPICAL REFORM PROBLEMS IN UKRAINE

The current reform is by far not the first one since **independence**.⁷ Each change of government or ministry head was inevitably followed by a similar initiative (reforms and modernisation). As a rule, a new reform process was announced after a government change or before elections. The previous concepts, strategies and plans of reforms are largely similar to the current ones, especially as regards the justification of the need for and purpose of the reform.

However, **none of the previous attempts was completed with high-quality results**. Each time, the reform process would be switched to the “manual control” mode and used for tactical purposes. The failure to meet the obligations was usually explained by economic or political reasons (inability to complete the reform due to the president or minister losing their position, or due to a change of the ruling political force). Quite often the reform initiatives would do more harm than good for the system.

As a result, **despite the declared goals of progress, the previous reforms retained the foundations of the oppressive government policy** and the respective model of law enforcement agencies and law enforcement activities oriented at oppressive forms of social control over society. Officially, the main function of law enforcement agencies still consisted in fighting crime and responding to offences already committed; and the main

performance criteria were the quantitative indicators, such as the number of detentions, solved crimes and so on. Unofficially, the law enforcement agencies were used as an administrative resource and a source of shadow income.

Analysing the causes of failures, it is reasonable to assume that **reforming internal affairs agencies is primarily a political process and**, as such, is dependent on the political will, positions and goals of the political leadership of the state, government (parliamentary) political parties and, in the case of the parliamentary-presidential system, the positions of the parliamentary coalition and the Government formed according to the quota principle.

From this point of view, the fact that political, agency-level and private interests are substituted for national and community interests should be viewed as **the most typical cause of inefficiency** of previous reform attempts and the **lack of political will for real change in the model of operation of law enforcement agencies, including the police**. Hence the focus on short-term priorities, populist measures and attempts to perform certain reforms in the shortest time possible without proper justification, organisational support and resources and thus a lack of a comprehensive approach to the reform and its non-systemic and inconsistent nature.

3.3. CONDITIONS AND OPPORTUNITIES TO IMPLEMENT THE CURRENT IAA REFORM

The reform of internal affairs agencies initiated in 2014 is taking place under circumstances, radically different from those present during prior reform attempts, in terms of both opportunities and limitations. The Revolution of Dignity created the prerequisites for implementing truly radical changes, which may gain real support and understanding among common people and the internal affairs personnel as well as unprecedented international assistance. Under such circumstances, only the lack of political will may result in delaying or poorly implementing the reform.

Unlike the 2005 Maidan, the Revolution of Dignity was not limited to changing the government, after which the society returned to its position as a passive observer and critic of the actions of new government officials and political forces. The civil society structures and citizens in general are currently becoming significantly more active. This is demonstrated by self-organised volunteer actions as well as active efforts of non-governmental organisations, which do not limit their participation to obligations of continuous monitoring, but form constructive initiatives, prepare draft regulations, lobby them through government agencies and exert positive pressure on the government, in particular through international organisations.

⁶ See: Coalition Agreement of Parliamentary Factions including the majority of the constitutional members of the 8th Verkhovna Rada, Section V “Reform of the System of Law Enforcement Agencies”; “Ukraine 2020 Sustainable Development Strategy” Programme (approved on 24 December 2014 by the National Reform Council; adopted by Presidential Decree No. 5 of 12 January 2015).

⁷ In particular, the documents approved in 1996 include the Concept for Development of the System of the Ministry of Internal Affairs and the 1996-2000 Comprehensive Crime Enforcement Program. At the same time, the National Security and Defence Council was reviewing the Conceptual Foundations for Reform of the Law Enforcement Agencies of Ukraine (which were not approved). In 2008, the Concept of Criminal Justice Reform was approved. In 2012, the Committee on Law Enforcement Reform was established and the fundamental provisions of the Concept of Reform of Internal Affairs Agencies (the official text was never published). In addition, there were several initiatives for improvement of specific aspects of operation of the internal affairs agencies. For instance, in May 2013, the community was provided with the draft Comprehensive Plan of Actions for Formation of a Positive Image of Ukrainian Law Enforcement Agencies in 2013-2014 for discussion, which was never approved.



Therefore, the Ukrainian society today does not only have a passive demand for reforms; non-governmental organisations as well as a large number of citizens are also willing to cooperate with the state. An expressive signal of society being ready to support the reform initiative practice was the registration of 27,000 candidates within the first week of the announced competitive selection of officers for the new patrol service in Kyiv, as well as a large number of community initiatives for restructuring the law enforcement system. The non-governmental human rights organisations, analytical centres, activists, lawyers, the media and independent experts are currently directly involved in the development of regulations, analysis of draft laws and submission of related proposals, implementation of pilot projects and arrangement of platforms for public discussion of the progress, problems and future prospects of law enforcement reform on the largest possible scale.⁸

The difference from prior stages is the situation in the Government, formed primarily by the Revolution of Dignity and then through democratic elections. This, on the one hand, creates additional responsibilities for such government before the society and, on the other, allows it to rely on society in the course of reforms, including the law enforcement reform, which, as mentioned above, is recognised as relevant by two thirds of Ukrainian citizens.

Ukraine's intentions for reforms in the security and defence sector (including the public security sector, i.e. internal affairs agencies) are strongly supported by international organisations (the EU, OSCE and NATO) as well as partner countries (the USA, the UK, the Netherlands and Romania). For instance, the organisations currently operating in Ukraine include the EU Advisory Mission for Civilian Security Sector Reform (EUAM), EU Border Assistance Mission to Moldova and Ukraine (EUBAM), European Commission's Support Group for Ukraine (SGUA) and the International Criminal Investigative Training Assistance Program (ICITAP) of the US Department of Justice.

In particular, there are currently active projects for support in improvement of legislation, prevention of corruption and internal discipline violations in law enforcement, training of MIA education institution teachers and the enforcement personnel, development of

expert services, cybercrime enforcement, etc. The support forms include expert assistance, provision of equipment, training, teaching visits, seminars, as well as significant amounts of project funding (Table "International Technical Assistance Programmes (Projects)", Annex 1 to this Chapter).

Additional mention should be made of projects and programmes performed using international assistance and intended for support and development of local self-government in Ukraine. As it is widely known, the problem of creating local (municipal) police receives special attention in the course of discussions on law enforcement reforms. The arguments of those who oppose this idea include the weakness of local self-governance in Ukraine, specifically of the local communities. As shown in the Table "International Projects and Programmes...", international assistance specifically targets the institutional capacity of local self-government agencies, as well as economic and social development of the communities and thus contributes to forming such an law enforcement institution as a local police force.

International Projects and Programmes (supported by European countries and international organisations), connected with development of local and regional democracy in Ukraine (2014)*

Agency	Programme or project name
Council of Europe	"Strengthening the Capacity of the Local Authorities in Ukraine" Programme "Strengthening Local Democracy and Support for Local Self-Government Reforms in Ukraine" Programme
European Commission (EU Delegation to Ukraine)	"Support to Sustainable Regional Development in Ukraine" Project
"Renaissance" International Foundation	"Civil Society and Good Governance" Programme
Canadian International Development Agency (CIDA)	"Regional Governance and Development" Project "Ukraine Municipal Local Economic Development" Project
Swiss Cooperation Office (SDC)	"Decentralisation Support Project in Ukraine" (DESPRO)
UN Development Program (UNDP)	"Municipal Governance and Sustainable Development Programme "Community Driven Development" Project
Eastern Europe Foundation (EEF)	"Local Economic and Social Development" Program
German Corporation for International Cooperation (GIZ)	"Economy and Employment Promotion" Project "Improving the Quality of Municipal Services in Ukraine" Project
United States Agency for International Development (USAID)	"Cities Development Initiative" Project
Office of the OSCE Projects Coordinator	"Democratisation and Good Governance in Ukraine" Programme

* For details, see: Foundation for Local Self-Government of Ukraine, <http://www.municipal.gov.ua/articles/show/article/73>.

⁸ For details, see articles "Reform of Internal Affairs Agencies and Human Rights" by Y. Zakharov and "Community Participation in the Reform Process through the Example of a Pilot Project" by O. Martynenko, contained in this journal.



The key reformers (the Parliament, the President, the Government, the MIA (and its specific structures), non-governmental organisations and Ukrainian offices of international organisations) **have a certain consensus regarding the universal European principles of law enforcement reform**: demilitarisation, depoliticisation, decentralisation, implementation of the principles of the rule of law, accountability, transparency, professionalism and cooperation with civil society.⁹ Almost all of them unanimously understand the need for structural optimisation of internal affairs agencies, a clear delineation of functions and authority, establishment of the National Police, providing proper working conditions and improving social security of the personnel.

It has been determined that the general system of the National Police will comprise a central control agency and territorial agencies. The National Police will include criminal police, patrol police, security police, special police and special purpose police and will be controlled by the National Police Head, reporting to the Minister of Internal Affairs, but independent in organising the operation of the police within the policy prepared by the Ministry and approved by the Government.¹⁰

To sum up, it may be stated that the circumstances in which the current reform is being implemented are generally conducive to its goals. At the same time, there are several limitations, which may impede the success of reform initiatives.

3.4. LIMITATIONS AND RISKS IN IMPLEMENTING REFORMS

The reform team faces extraordinarily difficult **security, resource, political and institutional challenges**. For instance, it is obvious that the military action in the eastern part of the country is not conducive to the success of the reform; the threats of separatist ideas spreading and/or large-scale Russian aggression have not been fully eliminated. Nevertheless, this cannot be a reason to turn away from reforms. On the contrary, it is now that the problem of maintaining public security is especially pressing and urgent. From this standpoint, one of the most important challenges is the need **to combine the elements of the future demilitarised service police model** and its capabilities to act **in wartime conditions**.

The combination of the maximum possible number of domestic security functions within the MIA appears to be **the most reasonable from the standpoints of optimising** the system of central government agencies, **saving funds** on maintenance of the management staff, etc. It is planned to retain the functions of border guard and migration services within the MIA structure (with their possible merger into a single agency), emergency services and the National Guard. At the same time, some law enforcement functions remain outside the

authority of the MIA or are redundant (economic crime enforcement, drug enforcement and organised crime enforcement). **The required balance between optimisation (concentration), justified redundancy and a reasonable alternative to monopoly should obviously be determined outside the Ministry.**



According to the current official vision of the MIA model, its structure should include a powerful military component, “directed and coordinated by the Minister of Internal Affairs”. Similar practice exists in other countries (Poland, Austria and France), however, it is currently difficult to say whether it will be successful in Ukrainian conditions. Moreover, if the military potential of the State Border Guard Service is reinforced for border defence functions, it will automatically lose the status of a civil law enforcement agency, which is not only contrary to the prior efforts for demilitarisation and the general European practice, but will also require significant changes in the personnel training system and additional costs of armament. On the other hand, should the Border Guard remain at the militarised service, there must be guarantees of effective and timely support of the border guards with other military units if necessary.

There remain several issues regarding **the capability of the MIA to manage an excessively wide range of functions and ensure proper organisational, political and resource support thereof**. The senior MIA officers will be responsible for approval of the plans of operation, reforms, development, procurement, as well as setting the priorities for distribution of limited resources (budget). **In addition to procurement of military equipment, personnel training, exercises and logistics**, it is important to consider the mechanisms of operative subordination to military command in the area of military operations, compatibility of armaments and means of communication and holding joint exercises with the Armed Forces units. The organisation of joint employment and cooperation of security structures is the function of operative management and not of political or administrative authorities. The performance of this task should be the responsibility of a Military Committee

⁹ Strategy for development of Ukrainian internal affairs agencies. <http://mvs.gov.ua/mvs/control/main/uk/publish/article/1221365>.

¹⁰ Draft Law On the National Police (No. 2822 of 13 May 2015) Approved by the Verkhovna Rada of Ukraine in the first reading on 21 May 2015. Website of the Verkhovna Rada of Ukraine, <http://w1.c1.rada.gov.ua>.

created at the National Security and Defence Council (in future developed into a crisis management system).

The reform will require additional resources, which sometimes exceed the current operating costs by multiple times. In this context, the problem of clearly setting the priorities and reform steps becomes relevant. Meanwhile, the *Ukraine 2020 Sustainable Development Strategy* provides for 62 reforms and state development programmes. The law enforcement reform is one of the nine “security vector”¹¹ reforms and one of the top 10 priorities. Therefore, the reformers are going to face strong competition for limited human and material resources both between different “vectors” as well as within each “vector”. In any case, it should be anticipated that the expected costs can be met only partly and with international support mentioned above.

Suffice to say that **even the funding of the current mode of operation of the police remains very low** as compared to other Central and Eastern European countries. For instance, for the CE countries, the average support costs are \$40,000 per police officer per year. As of 2014, the allocations to the MIA amount to UAH 57,800 per police officer, or \$6,400 at the exchange rate of UAH 9 per \$1 (or \$7,900 per certified officer).¹²

In 2015, the allocations to the MIA are planned at the level of UAH 80,700 per officer, or UAH 99,900 per certified officer. However, given the current exchange rate of UAH 21.7 per \$1, this is only \$3,300 or \$4,600, respectively, even including the reduction of law enforcement staff from 225,400 officers in 2014 to 198,000 in 2015 (the number of certified officers reduced from 181,300 to 159,800, respectively).

As early as at the preparation stage, traditional problems emerged, accompanying all prior reform attempts, namely the unproductive political competition, agency lobbyism and lack of coordination of initiatives and actions. For example, the current reform process is accompanied by significant legislative activity.¹³

The analysis of legislative initiatives confirms the emergence of interesting innovations and proposals worthy of attention. At the same time, they suffer from systemic problems, placing them in jeopardy of one more false start. The obvious haste, excessive competition and attempts to recapture the initiative are having a negative impact on the quality of draft legislation. Many of its provisions are superficial, imperfect, or inherited from the past along with the characteristic deficiencies; others, on

the contrary, suffer from excessive detail, which prevent understanding and comprehension and should not be a matter of law. **Many provisions of the draft legislation show both explicit and covert attempts of the “system” to preserve itself with as little change as possible.**¹⁴

As mentioned above, the key decisions, in particular the combination of the maximum possible number of domestic security functions within the MIA, must be approved outside the ministry. However, the events so far show that it is **the Ministry of Internal Affairs that is increasingly drawing over the initiative in development and implementation of the foundations for formation of the internal affairs system in general and particularly the governance structure, functions and authority**. Unfortunately, the agency-based approach, even with community involvement, restricts the area of search for and comparison of alternative solutions (and thus the optimisation itself).

At the same time, the initiatives of non-governmental and human rights organisations receive increasingly less attention. **A vivid example in this context is the situation with the Draft Law “On Police and Police Activity”, jointly developed by experts of the Centre for Political and Legal Reforms, Reanimation Package of Reforms civic initiative,¹⁵ police officers working in the field, the Ombudsman Secretariat experts and members of the Ukrainian parliament.** *The draft law was generally positively received, in particular by three renowned European institutions: the OSCE Office for Democratic Institutions and Human Rights, the Human Rights Directorate of the Council of Europe and the EU Advisory Mission for Civilian Security Sector Reform and was registered with the Verkhovna Rada (No. 1692-1 of 27 January 2015).*¹⁶ *However, on 13 May, when the Law “On National Police”, drafted by the MIA, was filed with the Parliament, the Law drafted on the committee initiative was removed from the agenda.*¹⁷

Such situations lead to the conclusion that independent experts are often engaged merely to legitimise decisions made within the Ministry. Easily approved are the remarks and proposals that do not affect the “essential” interests of senior MIA officers (retention of special ranks, privileges, commercial functions and the closed nature). At the same time, civic activists often point to a vivid difference between the drafts approved or prepared for approval and the ones that they were given to discuss (mainly in aspects of essential importance for the Ministry).

¹¹ Decree No.5 of the President of Ukraine “On the Strategy for Sustainable Development ‘Ukraine-2020’” as of January 12, 2015. – <http://zakon1.rada.gov.ua/laws/show/5/2015>.

¹² See: H. Kanevskyi. How to reform the police. *Economichna pravda*, 5 May 2014, <http://www.epravda.com.ua>.

¹³ On the National Police (reg. No.1692 of 12 January 2015; On Police and Police Activity (reg. No.1692-1 of 27 January 2015, On the State Bureau of Investigation (No.2114 of 12 February 2015; On Internal Affairs Agencies (No.2561 of 6 April 2015; On Services and Service Centres of the Ministry of Internal Affairs of Ukraine (reg. No.2567 of 6 April 2015).

¹⁴ See additional details in the article prepared by the members and consultants of Razumkov Centre project: Ye. Zakharov, O. Martynenko, V. Zhminko. What Should the National Police Law Be Like? *Dzerkalo tyzhnia*, 20 September 2015 <http://gazeta.dt.ua/LAW/yakim-maye-buti-zakon-pro-nacionalnu-policiyu-.html>.

¹⁵ The Reanimation Package of Reforms is an initiative of community activists joining their efforts for faster reforms in the country. The RPR includes over 300 experts, journalists, scholars and human rights activists from over 70 widely known Ukrainian political centres and non-governmental organisations. For details, see RPR website, <http://rpr.org.ua>.

¹⁶ The text of objections in English and Ukrainian are available at: Draft Law “On Police and Police Activity”. RPR website, http://police-reform.info/?page_id=385.

¹⁷ V. Kuprii, one of the authors of the draft law, believes this was done in violation of the internal regulations of the Parliament. See: Cabinet of Ministers’ draft law does not provide for competitive appointment of the head of the National Police, says a Member of Parliament. 112ua website, 18 May 2015, <http://ua.112.ua>.

There are also alarming circumstances which threaten to become a common pattern:

(1) The draft laws developed by the Ministry are approved by the Government and submitted for review by the Verkhovna Rada without community discussion. The justified demands of experts, activists and human rights specialists to remove such draft laws from the agenda and/or significantly improve them are typically ignored at this stage (Draft Laws No. 2561, 2562, 2567).¹⁸

(2) The initiator of a draft law fails to consider essential objections not only from independent experts, but also from the Central Scientific Expert Office of the Verkhovna Rada; draft laws receiving negative conclusions from the administration are submitted for session review and passed in the first reading (No. 2561).

(3) The executive summaries to draft laws always contain the following claims:

- the draft law does not require a community discussion;
- the draft law does not contain any rules or procedures which may entail the risks of corruption-related offences (sometimes followed by the phrase “and thus does not require public anti-corruption evaluation”);
- the implementation of the project... does not require additional financial or other expenses from the state budget.

However, *first*, the basic legislation on internal affairs agencies concerns every citizen of the country and affects their rights and freedoms and thus, by definition, should be a matter of discussion by competent civil society representatives, namely representatives of respective (human rights) non-governmental organisations, lawyers and independent experts.

Second, even a cursory analysis of draft laws shows that it is by far not always the case that they have no provisions which entail potential corruption risks, just as their implementation is not always free from considerable public costs. It may be assumed that the assertions traditionally made in the executive summaries are designed exclusively to simplify registration and review procedures in the Verkhovna Rada (see Box “Draft Laws in the MIA’s Reform Package”, p.36).

A striking fact is the retention of provisions on the sources of funding and supplies from former police law. The “reform package” draft laws prepared by the MIA contain the same provision: the financial support and resource supply of both the internal affairs agencies and the National Police “shall be made using the state budget funds and **all the sources not prohibited by law**”.¹⁹ As mentioned above, such provisions contradict the Law “On Sources of Funding of Government Agencies” and create vast opportunities for corruption and power abuse. This provision in Draft Law No. 2822 has been stressed by the experts of the Central Scientific Expert Office, who state that “alone the funding of the National Police using



non-budget funds creates grounds for financial abuse, corruption offences and creation of sham commercial structures”. However, as seen from the abovementioned draft laws, the MIA displays a persistent intention to retain the ability to receive “charity contributions”, to create “charity funds”, etc.

Each of the above draft laws has certain deficiencies and each of them could potentially impair the established balance between the stakeholders’ interests, adherence to democratic principles and the effective operation of law enforcement agencies. The path to a compromise could have been found in the Verkhovna Rada, yet the existing practice of parliamentary activity, the low-quality or total absence of discussion and “package arrangements” cast doubts on the legislators’ capability to properly perform the functions delegated to them by their voters.

Therefore, the internal demand for the police reform is the foundation for success. However, the MIA reform cannot be performed by the Ministry alone without external supervision, including the civil society. The principle of a presumption of competence, frequently invoked by the government agencies, fails under the circumstances of the bureaucratised system of governance, built on principles of political loyalty and corruption. **Ignoring the opinions of the community and independent experts will inevitably make the reform incomplete.** In this context, it is very important to draw attention to a conflict between public and expert opinions on the one hand and police officers, on the other. They agree that the reform is necessary, but have a significantly different attitude to separate important reform aspects. For instance, the idea of expanding the police authority is supported by 90% of police officers, 31% of citizens and 22% of experts, whereas the establishment of an independent external committee to review complaints against police officers is supported by 85% of citizens, 84% of experts, and by twice fewer police officers (38%).

In addition, it should be kept in mind that delaying reforms and improvement of police work in the current circumstances entails significant risks of losing social support for reform efforts of the government and senior

¹⁸ See, for example: Appeal of the Human Rights Agenda regarding the Draft Law “On National Police”, reg. No. 2822 – website of the Centre for Civil Liberties, <http://ccl.org.ua>.

¹⁹ Article 13 of the draft law On Internal Affairs Agencies, Art. 103 of the Draft Law “On National Police”. In addition, the Executive Summary to the Draft Law “On National Police” also states: “The expenditures related to implementation of the provisions of this draft law shall be incurred within the costs provided for in the State Budget of Ukraine for the respective year and from other sources not prohibited by law”.

DRAFT LAWS IN THE MIA'S REFORM PACKAGE

Draft Law "On Internal Affairs Agencies" (No. 2561 of 6 April 2015). The Executive Summary to the Draft Law states that it was prepared "by the Ministry of Internal Affairs on its own initiative". It was expected that "passing this draft law would allow optimising the structure of internal affairs agencies, improve their operation and establish the Ministry of Internal Affairs based on European experience". The first draft was returned for improvement, which in no small part was due to intervention of the representatives of the Reanimation Package of Reforms, who arranged a Roundtable where the document was criticised (the new revision was filed on 13 May 2015).¹

The first draft provided for establishment of a new institution within the IAA system, the Central Services Centre (Art. 4) and the proposed general structure of the MIA, in addition to the Ministry agencies, included "territorial agencies of the Ministry of Internal Affairs" (Art. 8). The draft law received criticism from the expert community and non-governmental organisations. In particular, the point about excessive centralisation of internal affairs agencies by establishment of the Ministry's territorial agencies, which is contrary to both the declared state policy of government decentralisation and the European experience.²

The phrase "MIA territorial agencies" was deleted from the second draft, but the general structure of the MIA now included the "Central Service Centre and the service centres as territorial agencies of the Ministry of Internal Affairs". This, in fact, was the entire "improvement" of the draft law, the philosophy and essence of which remained unchanged.

Therefore, after the revision was filed, the Central Scientific Expert Office merely reiterated its prior opinion, stating that "the very idea of regulation of the internal affairs agencies' operation in the special law calls for certain objections and is vulnerable in theoretical and practical dimensions". There were also objections regarding the reasonability of concentrating a large cluster of force structures within the same agency; provision of "immediate direct access" for all internal affairs agencies to all state registries without exception.³ It was also mentioned that the content of the draft law is inconsistent with its name, since it merely covers the MIA, with only casual references to other "internal affairs agencies". In summary, the Central Scientific Expert Office concluded that **the Draft Law should not be passed. Nevertheless, on 21 May 2015, it was approved in the first reading.**

It should also be mentioned that the Draft Law contradicts the Coalition Agreement between the Factions in the 8th Verkhovna Rada: the Agreement provided for the transfer of authority for internal migration regulation and domicile registration to the Ministry of Justice, whereas the Draft Law retains this authority for the MIA.

Draft Law "On Services and Service Centres of the Ministry of Internal Affairs of Ukraine" (No. 2567 of 6 April 2015). There are already four versions of this draft law and, as the Draft Law Card suggests, the fifth revision was filed on 18 June. Generally, it provides for establishment of a network of MIA service centres, mentioned in the previous draft law, which contradicts the declared (and stipulated in the Law "On Administrative Services") government policy of providing administrative services using the integrated (unified) office model. Moreover, the establishment of a network parallel to the existing Administrative Services Centres (ASCs) will require a significant amount of public costs, despite the claims that "no additional financial or other expenses from the state budget are required for limitation of the project" in the executive summaries to all versions of the Draft Law.

The Draft Law specifies 48 types of services provided by the MIA centres, eight of which are described as administrative; 45 service steps are to be provided on a paid basis.

As mentioned above, the practice of paid services provided by the police has been proven to contain a corruption component and opportunities for significant abuse of power, which was pointed out on multiple occasions, in particular in the reports of the Accounting Chamber, which audited MIA operations. The report of the Specialised Parliamentary Committee also highlights the presence of provisions "entailing potential corruption risks". Nevertheless, these provisions persist in all versions of the Draft Law (just as the claim that it "does not require a community anti-corruption evaluation" in all executive summaries). The Draft has not yet been passed, but another revision was filed, **which demonstrates the Ministry's persistence to retain the authority of providing paid administrative services.**

Draft Law "On National Police" (No. 2822 of 13 May 2015). On the date of submission of the Government's draft law (prepared by the MIA), the draft prepared by community experts and human rights activists was removed from the agenda. As early as on 21 May, the draft was approved in the first reading. As of 17 June 2015, there were 549 proposed amendments to it. It is therefore reasonable to draw attention only to several problematic provisions of the Draft Law, which are of essential importance for the efficiency of Ukrainian police and its unconditional adherence to the principles of the rule of law, openness and transparency, and which were included in the text of the Draft Law No. 1692-1 prepared by independent experts and representatives of civil society. Specifically, unlike the Community Draft, the Government Draft does not provide for:

- **mandatory competitive selection of the police personnel and senior officers.**⁴ The exception is the procedure for joining the police force;
- **mandatory presentation of any action programmes, definition of priorities and task performance criteria by the MIA structure heads.** Meanwhile, on multiple occasions during audits of the MIA expenditures, the Accounting Chamber pointed out the inefficiency of disbursements specifically due to the lack of clearly defined strategic priorities or current operating goals in the operation of the Ministry.
- (The Community Draft contained the article "Types and Content of the Police Action Programme", which stipulated the responsibility of local police heads, the National Police Head, Financial Police and Border Guard Police to present a strategic (four-year) and annual police action programmes, which, among other things, should specify the community cooperation actions);
- **mandatory engagement of community representatives in the review of complaints about police actions or inaction.** For instance, Article 89 specifies that "Supervision of the activity of the National Police *may be performed* in the form of engagement of community representatives in joint review of complaints against actions or inaction of police officers and verification of information about proper performance of their duties...";
- **mandatory presence of a bar representative in the Police Committee or in the Certification Committee,** intended for competitive selection and certification of police officers, as well as for review of complaints against actions or inactions of police officers and complaints of the police officers themselves in case of duty-related conflicts.

In summary, it may be stated that the Community Draft was prepared from the standpoint of securing the rights and freedoms of an individual and a citizen; the Government Draft – from the standpoint of the MIA.

¹ M. Tsapok. Trying too hard: is the MIA capable of preparing high-quality draft laws without the community? – Pravda.if.ua, <http://pravda.if.ua/news-77795.html>.

² For details, see, e.g.: O. Banchuk. Pseudo-reform of the MIA: a document turning the police into monster. Ukrainska pravda, 16 April 2015.

³ Including, for example, the Register of Borrowers, which is a bank secret and may be accessed only based on a justified court order.

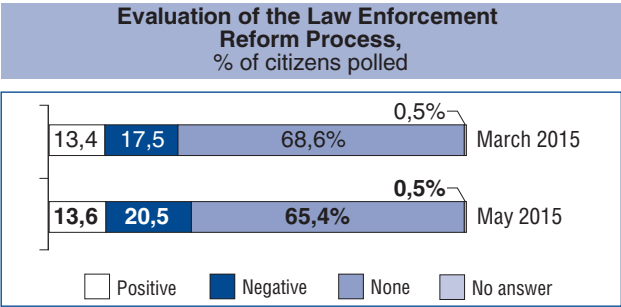
⁴ Such procedure for appointment to positions of leadership in the police may result in reinstatement of the notorious principles of secrecy, nepotism and preservation of the modern privileged class functionaries. This is a great danger, as reports of such practice have already started to surface. See, for example: V. Burlakova. New heads of the MIA Regional Administrations: brothers of governors and prosecutors, *titushky* generals and one ATO soldier. Tyzhden, 8 September 2014, <http://vip-tyzhden.ua>.



ministry officials. Citizens are already quite sceptical about the law enforcement reform progress and results of their current operations.

For instance, according to social surveys conducted by the Razumkov Centre, the citizens rate the progress of the law enforcement reform in Ukraine at 2.6 points out of 10. In May 2015, the citizens' evaluation of the course of reform decreased to 2.5 points.²⁰

Also, as of May 2015, over two thirds (69%) of respondents said they do not see the effect of the reform; 18% reported negative impact and only 13% reported a positive effect (Table “Evaluation of the Law Enforcement Reform Process”).



Just as low is the assessment of the quality of the new government's performance, in particular in the areas of responsibility of law enforcement agencies. As seen from the Table “How Well Does the New Government Perform in the Following Areas?”, negative assessments strongly prevail and the average score does not exceed 2.5 points.²¹

However, such public opinion is not a critical problem. Even small but obvious change for the good in the activity of the police, appointment of officers and real actions against bribery and corruption will help regain social trust and support. The problem is, the time society is ready to wait for changes is running out.

As mentioned above, the internal affairs agencies **are a component of the national security and defence sector**, which makes it necessary to consider the mutual influence of the anticipated changes, namely the delineation of functions, subordination procedure, structure and the matter of action. Reforming specific sectors outside a

unified concept (strategy) for development of the national security and defence sector not only jeopardises the achievement of desired results, but also entails risks of introducing a critical imbalance into the current system, losing controllability and reducing its operating capacity. Meanwhile, **significant coordination problems are currently seen at the central level.**

Reforms in the law enforcement system, defence system, information security, protection of critical infrastructure and other components of the national security system are conducted in parallel and, despite obvious links (at least at the level of local communities), are barely coordinated with each other, either in functional, structural or resource aspects. Moreover, they are poorly considered in the processes of preparing constitutional changes, government decentralisation and regional development. At the national level, there is currently no unanimous understanding or vision of the structure of doctrinal, conceptual, strategic and planning documents which would define the principles and procedure of operation and development of all security structures. As a result, there is a risk of receiving non-optimal, structurally redundant, functionally insufficient and excessively cost-intensive institutions: the law enforcement system and the national security system in general.

Answers to these and many other questions were supposed to be received as a result of the Comprehensive Security and Defence Sector Review (CSDSR), which the National Security and Defence Council decided to hold back in April 2014 (see Annex 2 to this Section “Preparation of the Law Enforcement Reform...”). In addition to immediate results (model of the national security and defence sector, its components, conceptual and strategic documents), the CSDSR process was supposed to be implemented as an indispensable element of the state strategic planning system. However, due to several reasons, primarily subjective and resulting from insufficient understanding of the importance of such element as CSDSR to ensure a comprehensive approach to reforms, the whole process was in fact wrecked, the consequences of which will have (and are already having) a negative impact on the quality of reforms.

How Well Does the New Government Perform in the Following Areas? % of citizens polled														
	Well		Rather well		Not sure		Rather poorly		Poorly		No answer		Average	
	March	May	March	May	March	May	March	May	March	May	March	May	March	May
Upholding law and order	1,0	0,8	13,3	13,9	22,6	20,4	32,0	31,7	28,2	29,9	3,0	3,2	2,25	2,22
Anti-corruption	0,4	0,3	6,3	4,5	13,0	11,4	33,4	29,0	44,9	51,7	2,0	3,0	1,82	1,69
Adhering to the citizens' rights and liberties	2,0	1,6	18,8	18,4	25,9	30,6	24,8	22,2	22,7	21,0	5,9	6,2	2,50	2,55
Fighting crime	0,6	0,9	7,7	7,4	21,1	19,8	35,8	32,6	30,7	34,3	4,2	5,0	2,08	2,03

²⁰ Where “1” means no reform and “10” means successful reform. Based on surveys conducted by the sociology service of Razumkov Centre on 6-12 March 2015 and 22-27 May 2015. Each survey had over 2,000 respondents aged 18 and older, using something representative of the adult population of Ukraine by the major social and demographic criteria. The survey was held in old Ukrainian regions, excluding the Crimea and the temporarily occupied territories of Donetsk and Luhansk regions. The theoretical sample error does not exceed 2.3%. For details, see: “Citizens’ assessment of the situation in Ukraine and the progress of reforms: Press Release of the Razumkov Centre’s Sociological Service”. Razumkov Centre website, <http://www.razumkov.org.ua/ukr/index.php>.

²¹ On the scale of “1” to “5”, where “1” is very bad and “5” is very good.



International technical assistance projects and programmes implemented in Ukraine and funded by international financial organisations, the EU, and donor countries ¹			
Project (programme) purpose and goals	Total cost	Implementation time (years)	Major areas of activity
US Embassy in Ukraine (ICITAP project office in Ukraine) – MIA of Ukraine			
Expert assistance of strategic development and reforms: <ul style="list-style-type: none">• support in reform planning;• engagement of consultants with immediate experience in structural reforms in law enforcement agencies	\$2 955 000	2014-2015	expert support
Professional career development and personnel performance evaluation: <ul style="list-style-type: none">• support for implementation of the new personnel management system in the MIA, in particular the procedures of selection, promotion, rotation and dismissal, personnel motivation and evaluation systems		2014-2015	training sessions, teaching visits
Development of strategic communications: <ul style="list-style-type: none">• strengthening the MIA's capabilities for quick and high-quality media and public communication		2014-2015	training sessions
Election security: <ul style="list-style-type: none">• support for development of interdepartmental cooperation in election-related security issues;• assistance in establishment of an interdepartmental coordination centre		2014-2015	provision of equipment
Measures against corruption and internal discipline violations: <ul style="list-style-type: none">• improving the performance of personnel inspection and internal security departments by developing community cooperation models and new supervision tools for anti-corruption enforcement and improvement of the citizens' trust in the police		2014-2015	training sessions, teaching visits
Cybercrime enforcement: <ul style="list-style-type: none">• improving the effectiveness of cybercrime enforcement and specialist training capability of MIA education institutions		2013-2015	training sessions, teaching visits, equipment
Cooperation between police and the public: <ul style="list-style-type: none">• support for pilot projects in three cities for improvement of community relations, in particular by implementing problem-oriented approaches		2012-2015	training sessions, teaching visits
Training of teachers at MIA education institutions: <ul style="list-style-type: none">• assistance in development of new projects and methodologies for training law enforcement officers, incorporating cutting-edge global experience		2012-2015	training sessions, teaching visits, equipment
Criminal analysis		2012-2015	training sessions, teaching visits, equipment
Expert service development		2012-2015	training sessions, teaching visits, equipment
The USA (Global Security Reserve Fund, US Army in Europe) – MIA (National Guard of Ukraine)			
"Fearless Guardian 2015" Ukraine-USA Project: <ul style="list-style-type: none">• training and equipment of National Guard units with a total strength of 705 men for improvement of their capability to perform domestic security assignments.	\$19 000 000	2015	training and equipment of units
NATO units – MIA of Ukraine			
Expert support in security sector reforms	-	2013-2014	expert support
Programme for professional training of civilian personnel in the security and defence sector: <ul style="list-style-type: none">• professional training and education of public servants under the Programme	Separate funding of each project	2009 (end date not yet set)	training sessions and education, training visits
OSCE – MIA of Ukraine			
Support for reform of Ukrainian internal affairs agencies: <ul style="list-style-type: none">• implementation of a strategic approach to reform of internal affairs agencies;• building the capacity of the MIA education institutions to provide a proper level of higher and postgraduate education;• raising the awareness of the benefits of reforms among the public and law enforcement officers	€1 639 400	2015-2016	conferences, task group support, expert support, teaching visits and working meetings

<i>Intensifying the enforcement of human trafficking in Ukraine using information technologies:</i>	€679 600	2014-2019	development of training courses, training sessions, coach and teacher training, roundtables, teaching visits and creating a training room at the designated MIA education facility
OSCE – MIA, Ministry of Social Policy of Ukraine			
<i>Support in fighting human trafficking and cybercrime in Ukraine:</i>	€81 200	2014	training sessions, teaching visits, task group activity support, working meetings, conferences, translation of transnational criminal case materials, experience sharing, and informing foreign consular institutions in Ukraine
<i>Support for establishment of gender equality in Ukraine:</i>	€81 200	2014	support of interdepartmental working meetings, roundtables, conferences, implementation of a specialised course for trainees and district officers, assistance and validation of the training course and manual
Council of Europe with financial support by the Danish Government – Presidential Administration, Prosecutor General's Office, National Prosecutor's Office Academy, Higher Specialised Court in Civil and Criminal Cases, Supreme Court, National Judge Academy, Verkhovna Rada, MIA, Minister of Justice, the bar and attorney organisations, Verkhovna Rada Commissioner for Human Rights, Non-governmental human rights organisations, and international organisations			
<i>Support for criminal justice reform in Ukraine:</i>	€1 800 000	2013-2015	expert support, seminars, and training sessions
Council of Europe – Ministry of Social Policy of Ukraine, MIA			
<i>Prevention and suppression of violence against women and household violence in Ukraine:</i>	€1 300 000	2013-2016	expert support, seminars, and training sessions
European Union (ARUP company) – MIA, State Customer Service, and State Migration Service			
<i>Consultancy services for creation of places of detention and temporary placement of illegal migrants in Ukraine (READMIT 1)</i>	€4 900 000	2011-2015	management, technical supervision and design supervision
<i>Construction of a detention centre for illegal migrants in Donetsk Region (Zhdanivka)</i>	€7 411 146	2011-2015	management, technical supervision and design supervision
<i>Construction of a detention centre for illegal migrants in Mykolaiv Region (Martynivske)</i>	€9 851 899	2011-2015	management, technical supervision and design supervision
Romania (Romanian Gendarmerie) – MIA (National Guard of Ukraine)			
<i>Increasing the institutional capability of the National Guard of Ukraine:</i>	\$79 000	2014-2015	training

¹ Prepared based on information provided by the Communication Department of the Ministry of Internal Affairs of Ukraine and materials of the presentation “Priorities for Support by the ICITAP Programme for the MIA” (Razumkov Centre archive).



PREPARATION OF THE LAW ENFORCEMENT REFORM IN THE FRAMEWORK OF A COMPREHENSIVE REVIEW OF THE SECURITY AND DEFENCE SECTOR

General requirements pertaining to law enforcement system reform

1. Law enforcement reform must be accepted and widely supported by the participants and parties performing the reforms (law enforcement officers) as well as by the service recipients (civilians, non-governmental organisations, the business community, state institutions and government agencies other than law enforcement agencies). Therefore, the reform preparation process at various stages (not only during the discussion of proposals and results) must involve all of the aforementioned stakeholders to the extent that is necessary and reasonable.

2. A true reform cannot, and must not, be performed “from the inside out”. First, the requirements of the law enforcement system shall be formulated by the service recipients, second, the law enforcement service shall be viewed as a component of the government in general and the National Security and Defence System in particular.

Therefore, the law enforcement system reform shall be prepared and implemented as a part of a nationwide process of reform in all other areas, particularly the security and defence sector.

From this standpoint, the preparation of the law enforcement system reform shall be integrated into the **process of the Comprehensive Review of the Security and Defence System** and implemented as a part of the unified process of the sector reform.

Organisation of the Comprehensive Review of the Security and Defence Sector

The state, society and civilian participants are the main consumers of the results produced by the National Security and Defence System (services and functions). Therefore, the reform of the National Security and Defence System and the law enforcement system as its component shall be performed in the course of a nationwide process and a structure representing the interests of the state and society; they should begin with formulating the requirements pertaining to the system functions and should be concluded by supervision of the reform and system operations results.

According to formal criteria, the Comprehensive Review of the Security and Defence Sector was completed “successfully”. Based on the comprehensive review, the National Security and Defence Council of Ukraine approved the National Security Strategy of Ukraine.¹ At the same time, it is publicly known that the approved action plan was not completed on time, it is safe to say that the quality of process organisation was unsatisfactory, which was bound to affect the quality of achievement of the set goals. For instance, the respective interdepartmental task group for the Comprehensive Review was only established in November 2014 (six months after the official resolution to commence the Comprehensive Review), and the action plan and methodological recommendations for it were approved in February 2015.²

Independent experts were often engaged in the discussion of a way which should be viewed as using the community to legitimize the decisions made within the ministry. The remarks and proposals that do not affect the “essential” interests of the senior MIA officers (retention of special ranks, privileges, commercial functions, and the closed nature) would be readily taken into account. At the same time, civil activists were often shocked by the difference between the documents approved or prepared for approval and the drafts discussed.

¹ Enacted by Decree No. 287 of the President of Ukraine of May 26, 2015, www.rnbo.gov.ua/documents/396.html.

² Resolution No. 640 of the Cabinet of Ministers of Ukraine “On Establishment of the Interdepartmental Task Group for Comprehensive Review of the Defence and Security Sector of Ukraine” of 19 November 2014.

Resolution No. 139 of the Cabinet of Ministers of Ukraine “On Approval of the Action Plan and Methodological Requirements for the Comprehensive Review of the Defence and Security Sector of Ukraine” of 25 February 2015.

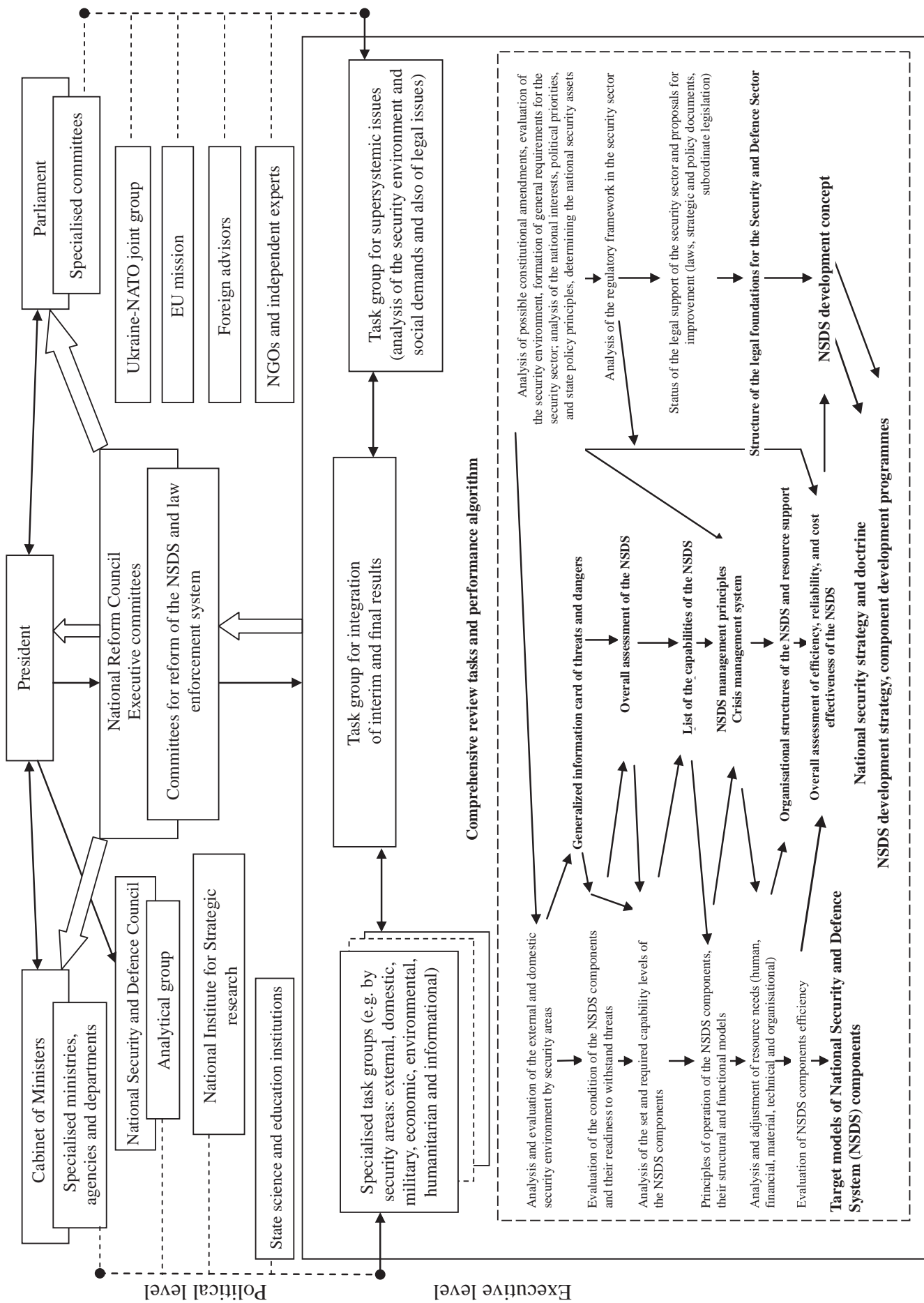
It would be expedient if the respective group (subcommittee) for preparation of the reform of law enforcement agencies was included in the National Security and Defence System reform committee, subordinated to the National Reforms Council.

3. The subcommittee shall comprise 5 to 7 persons, who shall:

- be responsible exclusively for law enforcement sector reform;
- have a reputation in the respective expert and professional circles;
- be trusted by political leadership of the state;
- be empowered with extraordinary authority (up to questioning ministers) with respective access to classified information.

4. The algorithm for preparation of the law enforcement system shall provide for consecutive achievement of the following results:

- description of the condition and trends towards changes in the external and internal security environment, list of threats and crisis situations, and evaluation of risks;
- list of social services and their quality level;
- assessment of the law enforcement system components and their performance capabilities;
- list and levels of the requisite capabilities of the law enforcement system components, their operating principles and resource requirements (human, financial, material, technical, organisational and legal), structural and functional models of the law enforcement system;
- balancing the specified law enforcement system capabilities within the National Security and Defence System model and adjusting the resource needs to the socioeconomic development forecasts;
- target model of the law enforcement system within the concept of the National Security and Defence System;
- Draft National Security Strategy (sections concerning the law enforcement system and its interaction with other components of the National Security and Defence System);
- set of documents regulating the structure, functioning, and development of the law enforcement system, and proposals for improvement of the legislative framework;
- Strategy for development of the National Security and Defence System (section concerning the law enforcement system) and the respective development programmes of its components.



4. CONCLUSIONS AND RECOMMENDATIONS

For the years of independence, Ukrainian law enforcement system, which was formed based on inherited Soviet structures, has, despite substantial transformations, preserved a number of characteristic features, yet accumulated new problems caused by the overall social and political tendencies and internal processes. The multiple reform efforts taken in the past never reached the declared goals and sometimes even had adverse consequences. Regulatory amendments, structural changes, personnel decisions and technical re-equipment were all made beyond a single-state strategy and could be described as fragmental and superficial, incapable of ensuring quality system changes in the law enforcement activities.

The current official and independent assessments of the law enforcement status may vary in details, but are uniform in their conclusions as to the evident need for radical reforms. On paper, Ukraine has a powerful, structured and sizable law enforcement system, a legal framework that regulates all aspects of its activities and a mechanism of control on the part of the government and the public. At the same time, the incompliance between the existing system and the expected model becomes more obvious.

The first reform efforts taken at the national and MIA levels, active public involvement and assistance of international experts, lessons learned from pilot projects – both positive and negative – create the preconditions required for a systemic reform of the internal affairs agencies. Currently, it is hard to forecast its prospects. Having analysed and summarised the Soviet experience, the reform steps already taken and the reform drivers we have grounds for the following conclusions and recommendations.

CONCLUSIONS

Today, Ukraine is in unique circumstances for radical transformation of its law enforcement system to introduce a European model with a focus on protecting the rights of people and citizens, observing public and state interests and maintaining law and order. Unique because along with favourable preconditions there are at the same time substantial challenges and threats.

The idea of reformation has found wide support among the Ukrainian public, political elite and international partners. Despite natural disturbing expectations of changes aggravated by past experience, law enforcers generally understand the need for reforms.

Strict resource and time constraints and the complicated and unstable security situation bring about additional load for the team of reformers that already have difficult tasks to address. Apart from objective restrictions, another significant obstacle in the way of reforms includes such subjective challenges as lack of political will, lack of system, improper coordination of nationwide reforms, inefficient use of international aid, no mechanisms for objective evaluation of outcomes and no political responsibility for failure to act up to promises and plans.

Lack of political will for real changes, especially for those measures that may affect own interests or restrict powers, is most often mentioned in analysing the reasons for reform failures. The above reason is so obvious that it is practically not objected by anyone except, of course, top officials.

Excessive staffing, inadequate funding and imperfect legislation are also among the evident reasons and faults to be rectified. However, a more detailed analysis and applying the adequacy criteria may reveal that bringing the staff quantity to “international standards”, many-fold

budget increase and making amendments to the laws are not a guarantee of the expected result.

Fundamental changes are required in the HR policy, starting from personnel recruitment and training. The existing system only makes the current problems worse. The graduates of departmental educational establishments are already integrated into a certain “corrupt culture” as bribery and extortions are a widespread practice, starting from enrolment and throughout the entire period of education. At work, they are met by mentors who often instil skills and share experience described in detail in the sections on shortcomings and problems. Such circumstances should be taken into account when upholding the idea of “reviving the mentorship institution and preserving the institutional memory”. Likewise, fundamental replacement of the existing staff with new personnel will not lead to quality changes in the system without enhancing the quality of such new personnel.

A traditional drawback in determining the functions, structure, quantity and resources provided to the force and law enforcement structures is a disrespect for the substantiation methodology based on the appropriate security level and the list of actual and expected threats, challenges and demands for services. A vivid example is the actual frustration of the Complex Inspection of the security and defence sector that should have resulted in substantiated models of the whole sector and its components (including the law enforcement system), a strategy of their functioning and development and a clear structure of regulations required. Moreover, the Complex Inspection should have become an integral element of a single and clear strategic planning process. Practical experience shows that applying a functional approach to address this task made the law enforcement agencies unable to adequately prevent the real scenarios of hazardous situations.



International organisations and partner countries provide financial, technical and consultancy support to Ukraine. To a certain extent this compensates for the deficiency of own resources and provides direct access to international experience and independent evaluation, an opportunity to get independent assessments of documents (concepts, strategies, reform plans, draft laws, etc.). The efficiency of international aid is basically restricted by insufficient readiness of the Ukrainian side for cooperation, lack of inter-departmental coordination, inconsistency, at the state level, of concepts, strategies and plans for developing the structures of the security and defence sector in general, as well as inadequate coordination and cooperation between individual international missions, initiatives and projects financed from various sources. Despite their significant drawbacks, international aid projects and public police reform initiatives are an essential contributing factor and the subject of reforms that must be integrated into the coordination system at departmental, sector and state levels.

The focus in reviving the mentorship institution must be placed on extensive involvement of foreign instructors at the current stage with subsequent delegation of this role to Ukrainian colleagues.

IAA cannot be reformed as a separate “vector”. It is part of constitutional reform, decentralisation of state governance and includes administrative and territorial structure reforms, transformation of the security and defence sector and the law enforcement system. That is why all these processes must be strictly reconciled by their results, time, executors, resources with embedding the organisational and executive structure of MIA reforms into the overall national and sector system of reform planning and management.

In practice, the National Reforms Council has a committee for law enforcement reforms, headed by the Minister of Internal Affairs, and a committee for national security and defence reforms, headed by the NSDC Secretary. The existence of two separate committees is not the reason to conclude that the law enforcement reform is structurally separated from the reform of the national security and defence sector. However, in view of the Ukrainian policy traditions, we cannot expect a proper horizontal coordination without ongoing control from the top. There are plenty of uncoordinated legal initiatives, discrepancies in strategic and conceptual national-level documents drafted by individual departments.

Appointing the current heads of departments as heads of the committees within the National Reforms Council not only poses a threat to the departments’ specific interests, but reduces the persistence and obligatory nature of reformatory efforts, as long-term goals are usually a lower priority than addressing urgent, important, everyday issues.

The key reform subjects (governmental authorities, public organisations, international partners) acknowledge the universal European principles applied in reforming the internal affairs agencies, such as demilitarisation, depoliticisation, decentralisation, the rule of law, accountability and transparency, professionalism and interaction with the public. However, the vision of the ways and

scale of implementing the declared intentions may differ substantially, especially among the government and the public. The law enforcement officials obviously have their own vision – especially where their own or corporate interests are concerned, which they will try to defend in their way.

It is still not unknown whether the law enforcers will accept or resist the expected changes. Social isolation and mutual alienation between the police and society, the lower-level staff and senior officers, along with mistrust in government, are some of the critical problems to be addressed in the course of reforms and may at the same time be a reason for a silent sabotage of reforms by law enforcers who do not trust the reformers’ good intentions. An integral element of reforms is a well-arranged internal and external communication aimed at promoting support at all levels.

Real reform needs additional finance. The traditional practice of MIA financing at 40% of its real needs, of which 90% is intended for personnel and infrastructure, makes it impossible not only to implement reforms but to ensure normal operation of the Ministry. Standard phrases in draft laws saying that no additional budget expenses are needed evidence the desire to ensure unimpeded passage of documents through the parliament committees rather than a good reason behind such conclusion. More expenditure is required, not only for MIA and other force structures. The financial needs for security and defence can only be met by re-allocating budget expenditures or at the expense of growing GDP. This is not just a dilemma of distributing budget priorities. This is also about the immediate dependence between reform prospects in security and economy.

The intentions to continue the practice of extra-budgetary funding and expanding MIA’s “commercial” function also raise concerns. Hiding behind the necessity to address one issue – resource deficiency, department heads conserve other equally serious problems – corruption, monopolisation of a substantial segment of public services and dependency on the “benefactors”. Any propositions as to charitable contributions and foundations, donations and gifts must be verified for compliance with the de-commercialisation criteria.

Another no less important issue is that the prospects of police decentralisation and creation of municipal police to a large extent depend on whether the society is ready for local governance, which is mostly not the case.¹ Unfortunately, the nationwide measures taken by the government to decentralise government control and the respective international projects for enhancing the institutional capabilities of local authorities practically have nothing to do with the municipal police.

The fact that both the government and the public are ready for active cooperation is of course a positive aspect. Involving the public in preparing, discussing and reviewing documents is fraught with additional load for the officials, but makes it possible to substantially increase the quality of documents, gain additional public backing and, most important, to reduce the risks of approving inadequate decisions. However, there is a risk that only the propositions acceptable to the management will be selected and that their contents will be substantially “edited”.

¹ See the conclusions made at the Congress of Local and Regional Authorities of the Council of Europe based on Ukraine post-monitoring: “Ukraine Post-Monitoring Summary. Draft Final Roadmap”, Monitoring Committee, CG/MON/2015(27)16, 20 March 2015, <https://wcd.coe.int/ViewDoc.jsp?id=2323857&Site=COE>.

RECOMMENDATIONS

Most public discussions regarding the progress and prospects of law enforcement reforms are generally critical. The above conclusions also contain a number of critical remarks, however their purpose is not to blame the reformers for evident faults, but a sincere intention to make an objective analysis and to provide partner assistance, to point out to the weaknesses that may have a significant adverse effect if identified late or ignored. Characterising the actions taken by today's team of reformers, it should be mentioned that a significant share of criticism is attributed to their openness and readiness for determined and non-standard decisions. We should also admit that they have the right to mistakes. The willingness to acknowledge own mistakes will prevent us from repeating and accumulating them.

Below are the key recommendations submitted for public discussion at the Roundtable of 16 April 2015 with regard to the remarks and propositions expressed by its participants.

To minimize the adverse effect that the traditional problems caused by non-productive political competition, departmental lobbying, bureaucratic counteraction, insufficient financial support and improper use of international expert and technical assistance may have on the progress of reforms, we need a practical demonstration of **political will at the highest level** and **formalised** political arrangements between the President and the Government to assume responsibility for the outcomes.

The process of reforms must be governed from a single centre – empowered and capable of ensuring a purposeful and conflict-free interaction between all stakeholders, coordination and efficient use of internal resources and external assistance, coordinated preparation, as well as reconciliation and independent assessment of the package of regulatory documents before their submission to the Verkhovna Rada.

In view of the complex current tasks of ensuring the country's performance and security addressed by NSDC and the Cabinet of Ministers of Ukraine that should from a formal perspective act as an inter-departmental centre, it would be inexpedient to entrust them with the functions of reform coordination. The most acceptable option is to **appoint the National Reforms Council as the country's single inter-departmental reform coordination centre** with appropriate extensive authority. The responsibility for law enforcement reforms should be vested in a separate sub-committee within the National Security and Defence Reform Committee, to include representatives of all stakeholders. The committee, sub-committees and work teams should be governed by experienced and politically neutral figures with extensive authority in government and expert circles (including in terms of information access).

To ensure the integrity of the Ukrainian governance system, to make the constitutional reforms nationwide and comprehensive, to decentralise power, to facilitate economic and social development and to reform the internal affairs agencies, other sectors and departments:

- The National Reforms Council (Project Office) should develop a **detailed algorithm for reforms**

in Ukraine – not as a list, but rather as a network diagram of intermediate goals to be attained based on certain measures (with defining the territories, period, responsible persons and resources) on the way to the final result – strategic goals of reforms. The functional outcome of this algorithm will be sector reform programmes, while departmental plans will be the administrative outcome and the budget will be the resource outcome;

- Special emphasis should be placed on the **compatibility of intermediate results** in respective reform sectors, **reconciled deadlines** of the expected measures and **plans of legal and financial support**. In particular, the conceptual and strategic documents developed by MIA (and other ministers and departments) should be reconciled with the new National Security Strategy;
- Finally, propositions should be made to adjust the conceptual, strategic and programme (plan) documents on the security and defence sector reforms, **to improve the existing legislation on strategic planning** (including the Budget Code) and to make amendments to the state budget.

At every step of planning and implementing reforms, **a balance must be maintained between the need for complex changes, the possibility of their simultaneous implementation and the social and political stability** (power efficiency). To that end and in view of the state strategic management principles introduced in Ukraine, it is proposed that the ministry management system includes **two separate but interrelated types of planning: functioning and development** of subordinate structures.

To fundamentally improve the situation with funding, we should entirely revise the approaches to strategic planning at all governance levels and make appropriate legislative changes. Instead of being a determinant factor, budget planning should be the final stage aimed at ensuring financial support for programmes and plans. Preserving sector allocation, convenient for the budget holder, rather than targeted distribution of the budget will not ensure proper control and responsibility for the attainment of programme goals for which the budget funds are intended.

A systemic approach to reforming the internal affairs agencies requires not only defining their place in the law enforcement system and the security and defence sector in general, but a substantiation (argumentation) of the internal reconstruction. In improving the reform programmes, **the following algorithm should be followed:**

- Determining the objects of protection and services (person, public and state institutions, business);
- Structuring and forecasting dangerous phenomena in terms of the stages of their escalation, defining their forces, drivers and range;
- Determining an exclusive list of public services that cannot be provided by any other structures except MIA;
- Assessing the existing and required capabilities to ensure protection against dangerous phenomena and to provide the services;
- Identifying the required forms of police organisation (structure and components) to realise such capabilities and all types of resources needed.



To have a time reserve for preparing strategic initiatives and creating positive conditions for their implementation, **small steps** should be taken at the initial stage of reforms aimed at improving the work of internal affairs agencies (eliminating corruption, enhancing human rights protection, ensuring openness and transparency of police activity, improving its staff level, etc.). Such steps **must be invariant to any police model**, immune from any populist motives and guarantee high positive results. Pilot projects must be technologically compatible with other measures and the overall reform strategy.

In view of tough resource constraints, it is also necessary to **clearly define the priority steps** with objectives that are in line with the approved strategy and that can be implemented within the allocated resources without jeopardizing the integrity of the strategy. The possibility of attaining (demonstrating to the public) visible results within the shortest possible time should be considered as one of the key criteria.

However, we should not hope that certain individual steps aimed at delivering fast positive changes may result in profound system transformation. This could be the case if we have **a clear strategy (roadmap) of reforms where the policy of small steps seems more logical, reasonable and understandable and has more chances to provide the expected outcomes.**

The objective to demonstrate prompt results to the public must not be attained at the expense of the time needed for preparing complex and system-based solutions. Haste in drafting conceptual documents and detailed plans of their implementation without proper expert and public discussions is as dangerous as unjustified procrastination. Especially since such discussions are one of the means to “share responsibility” with the public and to ensure their support at the stage of fulfilling the decisions made.

By promoting and supporting volunteer public involvement, we should gradually adopt an international practice of outsourcing – contractual relations with clearly formulated tasks, mutual responsibility, including financial compensation for quality completion of orders. Contractual relations may be both in the form of one-time target orders and as part of long-term agreements for analytical tasks and participation in the development of conceptual and strategic documents, which is now the responsibility of public officers and state research institutions. **NSDC, along with MIA and other ministries, could order developments to ensure analytical support of security and defence sector reforms.**

To make the process of preparation and expert reviews of draft laws uniform, there should be a “check sheet” with requirements for draft laws regulating the reformation of the internal affairs agencies and determining their prospective model.²

To counteract corruption, MIA and its subordinate structures should be gradually deprived of the right to provide fee-based services by ensuring proper and exclusively budgetary funding for the respective services.

At a legislative level, there must be clear and detailed procedures to ensure democratic public control, accountability and transparency of police, a possibility to appeal against its unlawful actions, real liability of officials for infringement of rights, freedoms and legal interests of citizens, as well as compensation to citizens for the damage caused by unlawful police actions. At the same time, the rights of police officers against unlawful administrative decisions at legislative and organisational levels must also be protected.

A special focus in improving the regulatory framework should be placed on the acquired experience of introducing new mechanisms and forms of relations between public activists and the government (creating associations of public organisations, volunteer councils, new principles for forming public councils, etc.). The positive aspects of such experience must be the basis for forming a legal framework to regulate interaction between the public and the government in general and the police in particular.

To overcome the mutual alienation between the police and the public, it is essential that the police develops a culture of civil service, the vision of society as a friendly environment, a partner in maintaining public order and preventing crimes, on the one hand, while on the other hand it is crucial to develop a positive image of the National Police in the social conscience; an image of a police officer as a defender of citizens, of their rights and freedoms against unlawful actions. In attaining this objective, public structures may play an essential role – by organising constant contacts between the police and the law-abiding (prevailing) part of society in the form of “open door” days, mentorship practice and volunteer police assistance, joint cultural programmes and so on. International partners should also focus on sharing with the Ukrainian police worldwide experience and best European practices in overcoming the alienation between the public and the police, and on enhancing the culture of police personnel.

Taking into account the above conclusions and propositions in implementing the reform plans will contribute to a gradual elimination of the current repressive model and its replacement with a European, democratic one – a demilitarised and decentralised system of legitimate public special-purpose services immune from conjuncture-based political influences and capable of protecting both the rights, freedoms and legal interests of people and public order against unlawful infringements. The services that unconditionally abide by such principles as the rule of law and accountability to the public and apply force only within the limits permitted by law.

The Position Materials used in making the Razumkov Centre Analytical Report were prepared, discussed and reviewed by Vitali GATSELIUK (OSCE Project Coordinator in Ukraine), Yevhen ZAKHAROV (Kharkiv Human Rights Protection Group), Oksana MARKIEIEVA (Institute for Strategic Studies), Oleh MARTYNENKO (Centre of Law Enforcement Activities Research) and Volodymyr ZHMINKO (independent expert).

The views and positions expressed in the materials, conclusions and recommendations do not necessarily coincide with the views of the mentioned experts and institutions.

² See: Basic Criteria for Assessing the Legislative Initiatives in Ukrainian Law Enforcement Reforms, Analytical Materials for the Roundtable on the Conceptual Approaches to MIA Reforms in the Context of the Nationwide Reform Plan, Razumkov Centre pp.14-18, www.uceps.org/upload/przh_Melnyk_militsiya_2015_8_5.pdf.

CONCEPTUAL APPROACHES TO REFORMING THE MINISTRY OF INTERNAL AFFAIRS IN THE CONTEXT OF THE NATIONAL REFORM PLAN

A Roundtable on “Conceptual Approaches to Reforming the Ministry of Internal Affairs in the Context of the National Reform Plan” was held on 16 April 2015. Among its participants were representatives of legislative and executive authorities, security agencies, academics, state and independent Ukrainian experts, as well as representatives of foreign embassies and international organisations in Ukraine.

At the Roundtable discussion, the Razumkov Centre presented its position materials prepared to summarize the findings of the Project “Law Enforcement System in Ukraine: Status, Problems, Prospects for Reform” supported by the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

The following issues were offered for discussion:

Session 1. Reform 2015: Plans, First Results, and Lessons Learned.

Session 2. Reform 2015: Feasibility in Current Social, Political, Legal, and Economic Conditions.

The most urgent matters of the discussion concerned the following:

- national experience of reforms, common traits of previous approaches and specifics of the current stage;
- positions of the key stakeholders – the government (Verkhovna Rada, President, Cabinet of Ministers, local authorities), the society (citizens, public organisations, business), and law enforcement officials – common and diverging interests;
- key political, legal, social and economic challenges and threats;
- interdepartmental coordination, interaction with public and international advisers; involvement and efficient use of external assistance; and the experience of foreign countries.

Unless indicated otherwise, below are the speeches of the Roundtable participants in the order of their appearance. The texts represent summaries of transcriptions.

MINISTRY OF INTERNAL AFFAIRS IS READY TO COOPERATE



Volodymyr FILENKO,
*Advisor to the Minister of
Internal Affairs of Ukraine*

First of all, I would like to thank you for your invitation to take part in the Roundtable. The Ministry is represented by a reliable team. We will be very attentive listeners and take notes of everything that is going on.

Let me thank you in advance for the constructive criticism that we will probably hear today, your advice and proposals.

Special thanks go to the subject chosen by the Razumkov Centre for today's Roundtable. It is highly topical not only for the Ministry, but also for our country, especially in the light of the current situation.

In a few words, let me say that the Ministry of Internal Affairs of Ukraine (MIA) is reforming its bodies based on the Concept approved by the Ukrainian Cabinet of Ministers in November 2014. I do not mean to say that our Ministry is ahead of the whole planet, but you cannot at least deny that there has been a lot of talk about MIA reforms when compared to all other central governmental bodies.

We understand that **reforming such a huge, yet old, inefficient, and at times criminal, machine as the MIA is an extremely challenging task.** That is why, the Minister and MIA executives try to rely, first of all, on public and expert opinions. Let me express

¹ Conceptual approaches to reforming the internal affairs agencies as a component of the law enforcement system and the security and defence sector of Ukraine: Analytical materials for the Roundtable on “Conceptual Approaches to Reforming the Ministry of Internal Affairs in the Context of the National Reform Plan” of 16 April 2015. – Razumkov Centre website: http://www.uceps.org/upload/przh_Melnik_militsiya_2015_8_5.pdf.



my appreciation to the Expert Council for its help in implementing this reform. I would also like to mention that the Razumkov Centre is actively involved in the Expert Council's work. I would like to express my special gratitude to Yevhen Zakharov (Chairman of the Expert Council), who is present here, and his deputy – Oleh Martynenko. We are ready for work. ■

REFORMING LAW ENFORCEMENT SYSTEM IS A CHALLENGE AND WE ARE READY TO HELP UKRAINE



Kees KLOMPENHOUWER,
*Ambassador Extraordinary and
Plenipotentiary of the Kingdom
of the Netherlands to Ukraine*

Thank you for the opportunity to welcome you at the Roundtable devoted to law enforcement reform in Ukraine. Law enforcement reform is a challenge to any country and any government, in the Netherlands, the United States, or Ukraine. It is never easy. I will not go at length about why the reform is so much needed in Ukraine, nor will I mention the results of social polling related to the trust of citizens in the law enforcement. I am sure you know it better than I do. **Ukraine is in a unique situation where the President, the Government, and the Verkhovna Rada demonstrate political will to reform law enforcement.** And this will is backed up by civil society, which exerts some pressures, and also – by broad international support. This is good news.

As it was just mentioned, we know that law enforcement reform was initiated by the Ministry of Internal Affairs in August last year. And the aim of the ministerial reform was – and is – to transform militia into police, based on European standards. Later, in February 2015, Parliament approved a bill reforming the MIA, according to which certain functions of police were assigned to corresponding ministries. In general, the ministerial reform, it seems to me, focuses on seeking the balance between changing practices to build trust from local communities, and also in strengthening the law enforcement component, decentralisation, and preservation of the vertical supervision. And I would like to add that this vertical supervision is important as means for democratic control. **Democratic control of law enforcement is essential to European standards.**

Yet, experts offer an opinion that in absence of a comprehensive approach towards the reform on the national scale, and of the MIA's specific role there is a risk of fragmentation and inconsistencies between initiatives and legislation. And this may then produce only limited positive results. To give you an example, currently there are two drafts related to law enforcement reform, registered in the Verkhovna Rada for consideration, and one is prepared by the MIA itself. Well, the good news is that it satisfies a lot of political interest, fosters

political competition but it also can be detrimental for the effectiveness of the work, when it is based only on competition. And that is why, I believe, the work of the Razumkov Centre, and also the Kharkiv Human Rights Group is very important as they insist that legislative initiatives should be based on results of experiments and calculations, be logical and comprehensive, and have clear reference to the observance of human rights and gender issues.

Indeed, political expediency can lead to building a democratic and trustworthy rule of law system. But I would like to mention here that I am concerned by recent initiatives in the Verkhovna Rada to outlaw certain forms of political ideology. This sounds like an invitation to go back to old bad practice where the rule of law system was burdened with repression of political opponents. This is definitely not the way to go, and is definitely totally against European standards. And I also believe that this tendency will divide rather than unite the nation.

Another issue, which is less fundamental but of practical importance, is that at this moment, there are a lot of initiatives to support the rule of law reform in Ukraine. We have the European Union Advisory Mission, and also member states individually have sent experts, and are providing funding for the reform process. And this calls for enhanced coordination of the efforts so as to have the best impact. Recently, the EU Advisory Mission took the initiative to assemble various member states, and I am also calling for a close cooperation between the Razumkov Centre and EU Advisory Mission so that work can be as coordinated as possible, and the impact can be maximum. ■

EXCHANGE OF IDEAS – A STEP TOWARDS ADDRESSING CHALLENGES THAT MAY PREVENT REFORMS



Mykola MARTYNYENKO,
*People's Deputy
of Ukraine, Head of
the Razumkov Centre Board*

The subject of our discussion is highly relevant for the current situation in Ukraine. **Reforming the country's law enforcement system is one of the most important areas of national reforms.** The need for reform is acknowledged by all stakeholders – citizens, politicians, and law enforcement officials themselves.

The activities of the authorities intended to protect human rights have always been subject to fair criticism by society. The reforms in this sector have been much and long talked about. Lately, there were repeated attempts of reforms that unfortunately have never been carried through. Police, security service, courts, and prosecution authorities still remain the epitome of the country's repression machine.



This affects not only the people but also the law enforcers themselves, as they serve as a barrier between the government and society. We well remember how the internal affairs authorities and the internal forces also suffered during the civil protests in late 2013-early 2014.

The current reform is carried out in unique circumstances – both from the perspective of opportunities that emerged for the country following the victory of the Revolution of Dignity, on the one hand, and restrictions caused by the war in the East of Ukraine and the economic crisis, on the other.

During 2014, a number of steps were developed and taken to create preconditions for systematic reforms in the MIA, first of all, thanks to Minister Avakov and his team. **However, the war in the East and lack of financial resources undermine the progress with reforms.**

Our discussion today is intended to highlight the conceptual problems that may threaten the implementation of rather ambitious plans for reforming the law enforcement. I hope that in the course of our discussion we will not only be able to exchange our opinions on the above issues, but will, through common efforts, try to take one more step towards their solution.

In conclusion, I would like to express my sincere gratitude to the sponsor of our meeting – the Minister of Foreign Affairs of the Kingdom of the Netherlands represented by the Ambassador Kees Klompenhouwer. ■

IT IS ESSENTIAL THAT HUMAN RIGHTS ARE OBSERVED IN INTERNAL AFFAIRS AGENCIES²



Yevhen ZAKHAROV,
Director of Kharkiv Human Rights Protection Group

I would like to dedicate my report to human rights issues. It represents a small part of the reform but, I believe, it is important nonetheless. People will decide whether the reforms are being implemented or not specifically by the situation surrounding human rights, by how the police is changing in terms of respect for human rights. I am absolutely sure of that.

One of the main reasons for the negative attitude towards and the low level of trust in the police is torture of detainees at internal affairs' facilities. Illegal violence is unfortunately applied en masse and systematically. I recall the results of the research that our organisation – Kharkiv Human Rights Protection Group – held together with the Institute of Social Research in Kharkiv. In 2004,



it was established that the number of victims of illegal police violence amounted to over 1 million people per year. We repeated this research in 2009, 2010, and 2011. It transpired that when a civilian was the Minister of Internal Affairs, the level of illegal violence was much lower, but since 2010, it has started to rise. 2011 saw the level of 2004 – 984 thousand victims of illegal violence.

It should be noted that although the new Criminal Procedure Code contains many measures preventing illegal violence, people have learnt to bypass them, and often its provisions are massively violated during detention and interrogation; detainees are tortured and maltreated (in some cases, the beatings result in the death of detainees).

On the other hand, a major problem is the inefficient investigation of complaints against the illegal actions of police officers. This must be done by prosecutors, whose work on this matter has been inefficient. These functions are not performed well. When a person files a complaint with the MIA, as a rule, they currently receive a response that the facts have not been confirmed.

In view of the above, the *Strategy for Development of Internal Affairs Agencies* gives special consideration to the observance and protection of human rights. In particular, it is planned to introduce detailed procedures for detention of a person, to create a single automated system for visitors of internal affairs facilities, and to introduce a single e-protocol, to contain information on all the actions of employees of internal affairs agencies regarding the detainees. Individual regulations should be developed and implemented, to govern the procedure of detention by internal affairs agencies.

It is also necessary, *first*, to change the practice of internal investigations in terms of ensuring public involvement. *Second*, to ensure access of complainants to the results of an investigation, at the very least. Things just cannot be left where they are today. Incidentally, the changing of this practice is not dependent on finance. This can be done without the money.

Overall, the activities of internal affairs agencies must serve the people and communities, as contemplated in the Strategy. ■

² E. Zakharov set forth the ideas of this report in detail in a special article, called “*Reform of Internal Affairs Agencies and Human Rights*”, contained in this Journal.



ONLY POLITICAL WILL IS REQUIRED TO STOP THE POLICE FROM VIOLATING HUMAN RIGHTS



Vitaliy KUPRIY,
*Deputy Head of the
Verkhovna Rada of
Ukraine Committee on
Legislative Support of Law
Enforcement Activities*

First, I would like to explain to all those present what is happening now. As we, the deputies, have not seen any bills, neither from the Government nor from the President, regarding police reform, creation of a state bureau of investigation, etc. since December 2014, we have started to proceed with this matter ourselves and propose our own bills, prepared in cooperation with the public.

One of the first bills was the bill “On National Police” by Y. Lutsenko, registered as far back as January. I co-authored another – “On Police and Police Activities”, to which deputies from different factions contributed. This bill was registered at the beginning of February. Then we had the first and, unfortunately, the last meeting with representatives of the MIA in our special-purpose Committee. We spoke of our initiatives but emphasized that it would be right if the MIA, the Government, developed their vision not only verbally, but in the form of a bill as well. My colleagues and I expressed the wish to have both our opinions and the results of the public poll to be taken into account. Then we would withdraw our bill – in order to avoid a conflict. However, we talked and nothing happened. Since then, we have not seen either E. Zguladze, or A. Avakov, or anyone from the MIA at our Committee. This is troubling. Now we will have three bills – and what to do with them?

I hope that after public discussions, the representatives of the MIA will come to us. I hope they will offer something for constructive cooperation.

Second, I am worried about the present situation in the law enforcement system. For instance, I am in charge of the working group that works on rehabilitation of political prisoners. I must say that these questions, despite the accumulation of many respective facts, still remain unresolved.

And there is more. The day before yesterday, there was a session of the Supreme Economic Court of Ukraine, where the case of one entrepreneur was considered. Some public representatives came to the court, interested in protecting his rights. But the police did not let them through – only around 14 selected people were allowed to attend the court session. People found the decision of the court to be unlawful, favouring one of the oligarchs. They expressed their indignation, and this resulted in them being manhandled to the ground. 14 people were arrested. I am a human rights activist,

I head the human rights group of Dnipropetrovsk region. I participated in protests against court rulings and against the previous government. Nothing like this ever happened to us. All those arrested were held in a regional internal affairs facility. I talked to A. Gerashchenko in person and he told me that nothing serious had happened, that they would have their details taken down, they would be identified and released. However, four people were detained and taken to a temporary holding facility. I lost contact with these people. There was a girl – weighing 46 kg and 1.56 m tall. It was probably she who had done something bad to our law enforcers, who were wearing helmets and did not have any identification signs?! In other words, as they beat up students on Maidan Square and they continue to do so now. I now have information that the prosecutor’s office is pressing the MIA to fabricate the evidence in this case. People are being held in prisons. This is just a single episode. And I have 49 of them.

This all happens because there is no political will. I believe that an instruction from “above” comes to block any manifestations of intolerance, non-conformity, public opinion, and freedom of expression. Something needs to be done urgently; we need to demand that our authorities put things right and stop violating human rights. ■

A SINGLE REFORM CENTRE IS REQUIRED



Oksana MARKIEIEVA,
*Chief Advisor of “New Ukraine”
Institute for Strategic Studies*

The MIA has been going through reform for many years now. The reforms started as far back as the mid-1990s, when the internal affairs system had to react to a surge of organised crime.

At first, there was a programme for development of the MIA; the issue of reformation per se was not on the agenda, it was a question of system-wide development. Respective working groups were created. Over time, from 2005, the issue became more critical. Groups and committees began to be established, which developed certain reform frameworks, where the reform of internal affairs agencies was one of the segments, one of the components of reforming the law enforcement system, the system of criminal justice. However, in time they came back to the practice of self-reformation: in 2010-2012, there were attempts to present departmental frameworks for reforming the MIA. Eventually, all of this led to the fact that a sufficient number of advanced experts gained the knowledge on how precisely to reform the police. It can be said that expert communities already have too much knowledge. There is a lot of knowledge; there are serious experts. Moreover, there is still a circle of people in the MIA, who possess this sacred knowledge. It can be said that there is **an understanding of the way the reform should proceed**.

First of all, it is demilitarisation, depoliticisation and decentralisation. The principle of supremacy of law, transparency and cooperation with the public is a must. However, not all politicians understand what these words actually stand for. I can say that serious research has been dedicated to this problem in the past, in particular a study performed by the Centre for Political and Legal Reforms. It can be said that in the political structure there were also centres that oversaw the question of reforming the Ministry of Internal Affairs at different times. Very often it was the MIA itself, or the office of the National Security and Defence Council of Ukraine, as well as special-purpose committees.

What can be said about the present moment? We talk of a lack of political will. In fact, the will to reform the MIA was proclaimed three times in very serious documents – the Coalition Agreement, the Government's Action Programme and the President's Strategy 2020. Notably, in some cases the reform is outlined, in other ones – it resembles a motto. The scary thing is that our constitutional terms determine that the political questions (reform of the MIA and of the internal policy in general) are concentrated along the Parliamentary Coalition – Coalition Government axis. Technically, the political initiative remains with the presidential centre and, respectively, the National Security and Defence Council of Ukraine.

As it has been mentioned before, we see no initiatives that are produced by this centre. We don't see the First Deputy Prime Minister, who would take care of these issues in the Government. Therefore, the MIA has to fill this vacuum, to come up with the initiative. It's a good thing that these initiatives are seen as highly professional.

There is a well-established vision on how to provide structural reform of the Ministry. First of all, it is a reform of the police, separating the law enforcement investigation into a separate service that could become a separate department. Accordingly, the national police has its own gradation. In fact, the MIA must stop being a police ministry. It should follow the European model, where the civilian MIA has many functions related to internal security, internal safety policy and the police functions represent only one of the segments.

It is defined so in the Conceptual Approaches, presented to us. Combining by the MIA of the maximum number of internal security functions looks appropriate from the point of view of both optimisation of the system of government agencies and saving money spent on the office. But the most important thing, which has been left unsaid, is the promotion of a single internal policy and strategy. A civilian MIA should become a point that will allow the chaotically placed departments, which have their own bases, little centres for provision of administrative services, to have common numbers, indicators that will be used to develop both the common policy and recommendations. For instance, to create a Rescue Service 112, which it has not been possible to create for a long time as it was caught between the Ministry of Emergency Situations and the MIA. Therefore, the Ministry must become a point for promoting this policy and play a very serious role in the Government.

Naturally, the civilian administration of such a Ministry would enable an efficient fight against corruption and would create respective supervisory and controlling services. Now the Ministry is in the midst of a post-revolutionary period and it has to keep the situation from slipping into chaos. There are serious budgeting problems. The old approaches are alive and kicking, which allow the Ministry to be used as a focal point for functions and

policies, and services to the people, while these functions have to be separate. But there is nothing to be done – the money of non-budgetary funds is used to maintain the office, the Ministry, and the employees. There is nothing you can do about that. The old approaches should not be used to develop the service and to organise the activities of the police. You cannot pay them UAH 2,500 and expect them to accept three times the pressure; these are dissatisfied people, dissatisfied superiors, and dissatisfied families that need feeding.

Today, we really need a single centre for reforms. The Government's Secretariat must have a separate office of a responsible Deputy Prime Minister, who would supervise these departments, including the issues of law enforcement system reform. ■

BROAD PARTICIPATION OF THE PUBLIC IN THE DISCUSSION OF DECISIONS IS A PLEDGE OF THEIR QUALITY



Olexander BANCHUK,
Expert of the Centre for
Political and Legal Reforms

I would like to draw attention to two aspects in the context of conceptual approaches to reforming the internal affairs agencies.

The first – regarding participation of the public in this process. This is very important not only from the point of view of participation (process for the sake of the process) but in order to increase the quality of decisions.

The Government's three bills, proposed for consideration by the Parliament regarding MIA reform, specifically violate this principle. I don't know any representatives of the public (general or highly specialised), who have seen these bills. We have already seen them (except for the bill "On the Police") on the Parliament's website. The day before yesterday, our expert posted an article in the TSN blog called "MIA Reform: More Information Notes, Paid Services and No Decentralisation". We saw that more than 50% of the text of this bill is just a copy of Georgian law! It doesn't fit into our system of decentralisation of administrative services. If they had consulted the public, this bill could have been improved, and we deem it wrong that the MIA failed to show it to anybody.

The second bill is about traffic safety. The reaction to it is a very popular topic today, as, in fact, it cancels the presumption of innocence. Had there been consultations with the public – it could have been avoided. And **now what's left for us is to criticise it; we have no other way to stop the process.**

The third bill is "On Internal Affairs Agencies". Only some experts had access to its development; the broad public did not. The result is that the bill cements the

system, centralises, and further politicises it. If we speak about European integration, let's remember that there are no such laws in European countries. Such laws exist in three post-Soviet countries: Belarus, Kazakhstan and Kyrgyzstan. Even in Russia, they haven't come up with the idea of such a law. Is it a means of European integration through Customs Union standards? I don't know.

The second. The materials presented here contain one conclusion, which I think is very important: around 90% of the people and 82% of experts approve of the idea of creating a full-fledged local police. The bills and all our discussions do not see any local police. And we must, I believe, respond to this public demand. Let's imagine that four bills are adopted. It will then become impossible to form the local police and "bite away" some authority from the national level. There will be a law on the national police – and the urban communities will have no reason to argue that they need a local police. Most experts and people think that neighbourhood police inspectors may be one of the elements of a future local police. Therefore, the bill, in my opinion, must state that in the future, upon completion of administrative and legal reform, the local police must be established. There will be no decentralisation without it. ■

IT IS IMPORTANT TO TAKE PRACTICAL STEPS, HOWEVER SMALL THEY MAY BE



Andriy CHERNOUSOV,
Leading Expert
of Kharkiv Institute
of Social Research

First of all, I would like to express my gratitude for being asked to participate in developing starting conditions for MIA reform. It was our pleasure to make what we call a "field study" – a survey of both civilians and policemen.

We can take our time in discussing depoliticisation, militarisation, etc., but the first thing that we see in the "field", when we survey people, policemen, experts, is that from 70% to 95% of policemen of different categories (length of service, posts, etc.) want reforms and are ready for them. Not to mention the population, 90% of whom want total reform of everything. So, **both society and the police are ready for reform.** I believe that this is the first time in Ukrainian history, when it will be accepted. Moreover, society even demands that and we, as NGO representatives, demand this from the Ministry. There are no barriers – you just have to start and do it.

We speak a lot about different frameworks, approaches, etc. Sometimes, the most important things get lost in all that. For instance, the police functions (or "militia", as it is now called). My colleagues and I analysed the basic element of the police's administrative activities – they need 52 hours every regular 24 hour-period to complete all their 56 of 57 functions. With what efficiency can they do that?

We see that 10-15 of these functions can be easily taken away – supervision, record-keeping, other things that are not directly associated with the activities of the police. The same applies to the State Automobile Inspection (SAI) – up to 60 functions. In order to put a commercial banner across a road, permission is required from the SAI; an almost completely separate department has been created for that. There are many examples like that.

We believe that the most important thing is an inventory of police functions. This will lead to what structures we will have that guard the public peace – local, national, or administrative. The society must see what the police does, what their functions are. I think that even if I ask the experts about the functions of, say, the SAI's Technical Department, few will give me an answer.

I support the opinion that activities of the police must be public-oriented. All that they do every day, 24/7, as they say, is for the people. This is a requirement, a normal model that functions in European countries. The police provides services to the people. I also agree that instead of just talking, we should take small steps too. Waiting for bills, strategies, etc. means the time passes and people see no changes taking place. Therefore, it is important that we take at least small steps in different areas that will in future make the reform itself a possibility. ■

THERE WILL BE NO DECENTRALISATION WITHOUT FULL-FLEDGED LOCAL POLICE



Olexander SERGIENKO,
Director of "Urban Institute"
Analytical Research Centre

At first glance, it seems strange to combine MIA reforms and addressing the city problems, but I assure you these two things are directly related. This is because the issues of traffic jams, illegal removal of greenery, unauthorised seizure of land plots, illegal construction and many others, including decibel levels at night, as determined by the Administrative Offences Code, cannot be handled without an enforcement authority.

The course taken by the President, the Prime Minister and the Government towards decentralisation in a broad sense (not in a narrow sense limited to the decentralisation of MIA bodies) – delegating maximum powers to the regional, district, and local levels as per the European local government regulations – may just fail. If local authorities have no enforcement unit, any decentralisation will prove useless. For **laws are met only if there is an armed police officer standing behind an unarmed judge.** Then everybody knows: if you disobey the judge you will have to deal with that heavy-looking guy.

There is only one way to solve this problem – creating a full-fledged police, called municipal or public or civil, to be the only player and enforcer on local fields of civil order. The bar must be set high. Therefore, such police must be subordinated to local authorities rather than MIA. Its functions and powers should be described in detail – which articles of the Criminal and Administrative Codes are to be delegated to the scope of its responsibility.

I have already heard the Ministry's viewpoint. It was this week that we had a discussion about MIA reforms and one of the newly appointed advisers to the Minister expressed his position: Those cities that have money (Kyiv, Kharkiv, Odesa) – let them create their own small municipal police units to impose fines and to issue slips, and everything will be all right. But you can't run with the hare and hunt with the hounds. In many countries – Great Britain, Germany, the USA – local police plays first fiddle in the orchestra of civil order. I understand that the Ministry is in no way interested in delegating part of its resources, funds or budget. But I think there is no other way out. This is the task to be addressed by political parties rather than the public. These radical, yet in my opinion necessary, changes must be made.

Of course, **you cannot create local police without making changes to local government laws.** However, there is already a package of decentralisation laws (I am one of the experts working with the Ministry of Regional Development) that provides for a model of interaction between the government and local authorities similar to that existing in France. State regional and district administrations, as well those of Kyiv and Sevastopol are entrusted with supervision and coordination of local authorities. All other powers are vested in local authorities. In districts and regions, Kyiv and Sevastopol, executive authorities are established to execute the resolutions of local boards.

As far as budgeting is concerned: Since MIA expenditures are allocated as a separate line, nothing prevents this amount from being reduced, for example, from 18 to 8 billion, and transferring 10 billion to the regions and districts in proportion to their population. This is a purely technical task.

As to the Local Police Law, it should be mentioned that, without an urgent restructuring of this monster [MIA] and dividing the power monopoly, like in civilised countries, there will be no decentralisation. This is because the mayor and head of a regional council will have no enforcement body to ensure execution of resolutions passed by the regional council or the executive committee.

As to the issue of electivity of local police executives, this is an ideal arrangement working in the USA, but unfortunately in our country it will be too politically biased. Therefore, we must look for other mechanisms for appointing the heads of internal affairs authorities. I suggest the following indicator: when our election commissions include the representatives of district police departments, meaning the level of trust of political parties and society in the police is such that they can be entrusted with counting the votes at elections, then the heads of district, city and regional departments may be elected. But not earlier. ■

THE COUNTRY HAS NO RESOURCES FOR CONTINUAL CORRECTION OF MISTAKES



Mykola SINGUROVSKYI,
*Director of
Military Programmes of
the Razumkov Centre*

I have a few words to add to what has already been said. First of all, regarding political will. Today, unfortunately, it is primarily limited to declarations, and if certain actions are taken, they are mostly aimed at supporting corporate or personal interests. **There are many public initiatives, initiatives offered by ministries, individual departments, etc. However, it is a mere attempt to realise own ambitions or to demonstrate loyalty to the existing regime – as if ready of changes.**

There are no initiatives that have been consistently worked through to demonstrate actual readiness for change. Let me explain why. Even the ideas expressed today are restrictedly constructive. Thus, we have heard that the main thing is protecting human rights. That is indeed the main thing. But is a person the only object of protection for the law enforcement system in general and for the police in particular? Probably not. There are also public and governmental institutions; there are businesses – big, medium and small. Each has its own interests and rights to be protected. And all that must be balanced. It is about the balance between the rights and interests of all the above subjects and their protection. And if we miss out any of them, the system will be incomplete, which will require completing it at every stage. Constant correction of mistakes can be afforded by countries with rich resources. Ukraine does not and is not going to have such resources soon. That is why it is **better to correct mistakes on a piece of paper, at the preliminary stage of preparing propositions, with the involvement of all necessary intellectual potential** – not only the government, but the public as well. Visioning the entire system will help define the road map with a list of required resources.

Reforms are like building a house, and in any house half of the second floor is the ceiling of the first floor. If we proceed building the second floor and decide to erect something that cannot bear the floor or the ceiling, the first floor will have to be rebuilt. In Ukraine, this scenario has lasted for 23 years already – we are still not higher than the first floor ceiling.

When we argue about whether the police has enough or not enough functions or whether it is to be divided into structural elements, let us ask ourselves: functions for what? There is no point talking about functions in

a general sense. If it is about protection functions, we should clearly understand – whom to protect, from what to protect and with what to protect. **Until we formulate a full list of objects to protect and threats to protect from and until we determine a list of services to be offered by the law enforcement system, the dispute about a better system model will be ill-founded.** We cannot tell to what extent the system offered will meet our demands, whom and from what it will protect, what level of protection and services it will offer and how much it will cost. Consequently, making a decision on the advantage or quality of any given alternative will be politically or emotionally biased. This may be the case when starting a private business, but not in building a country.

If we look through the current “reforms” process, we can conclude that this is the old, bureaucratic system. We have grown up in it, we have got used to it, and we are trying to work in it – by the same rules and procedures (though somewhat changed due to the public sector). This may lead – and is, as it seems, leading – to switching the reform process to a manual mode again. And this marks the end of reforms. In a manual mode, the bureaucratic system will not reform itself.

Speaking about municipal police, I agree with most of the above arguments. There is, however, one “but”. Whom should such police work for? If it is for territorial communities, the question arises – Do we have any? In most decentralisation proposals, a “community” implies a territory rather than people living in such territory. So, is it the territory that the municipal police is going to protect? Moreover, the quality of most communities is such that it is they who must be formed, let alone their municipal police. Of course, there are positive examples, but they unfortunately do not evidence adequate maturity of the civil society and local communities, in particular, throughout Ukraine. By the time they mature, creating municipal police will entail the risk that it will turn into a brigade for protecting “local regimes”. The practice of “private armies” created by oligarchs is not admissible for municipal police.

However, it does not mean that we should not talk about local police – **the processes of enhancing the maturity of communities and creating municipal police must go hand in hand.** This is another challenge not only for the present expert community, but for all public and especially state organisations – provided the government is really concerned about power decentralisation. ■

Roundtable, 16 April 2015



IF WE WANT TO REFORM THE POLICE, WE SHOULD WORK TOGETHER*

Yevhen ZAKHAROV,
Director of Kharkiv Human Rights Protection Group

I do not represent MIA, I am a public activist, and everything we do, we do on a voluntary basis. From this perspective, let me respond to the criticism voiced here and at the same time touch on some general problems.

According to one of the responses to the Draft Law “On Police and Police Activity”, reforms involve not only preparing draft laws, but real steps that change the system of relations within the Ministry and between the Ministry and the outer world. Only after everything is prepared and done, these changes must be documented legally. I think this principle is absolutely right. **The expediency and validity of draft laws are to be discussed when real steps are involved.**

Personally, I did not take part in preparing these two draft laws mentioned here – MIA functions and road traffic. I, too, saw them only at the stage of their submission to the Cabinet of Ministers.

I was involved in preparing the Draft Laws “On Police” and “On Internal Affairs Agencies”. Let me tell you the following. All these four draft laws appeared because new patrol police cannot, regardless of how active the process is, be created without changing the legal framework. We have a situation where there is a certain design of patrol-guard service and traffic police reforms, their merger, and a complete traffic police transformation, while the “window of opportunities” is so small that it is desirable that this law be approved in April. If not, the draft will not be implemented as it is not clear what the patrol officers already employed should be taught. If this law is not approved, patrol police will not start working in April as planned. And in 2015, the draft will not be further developed in Odesa, Lviv, Kyiv, Dnipropetrovsk, Khmelnytsky and Chernivtsi. Funds are sought to finance all that, including foreign donors. The rush about it all is to a certain extent justified. I know for sure that the draft laws regarding road traffic were finished the night before their submission. Of course, there may be mistakes. But I think that to respond this way – to print nationwide articles about “MIA – a monster that remains” – is to beat a person running on their legs. This must not be done, in my opinion. You can come to the Committee, you can raise a question or express criticism; everything can be changed.

The Draft Law “On Internal Affairs Agencies”, which was discarded as unnecessary, really has many contradictions. Because of the rush, the Parliament received a wrong version, not the version prepared for submission. MIA knows this. We said we would replace it – at the stage of reading by the committees.

* Session Chair’s response to discussion participants’ statements.

As to the necessity of such Law, this issue was discussed. A question arises – why make a law about the Ministry if there is a regulation of the Cabinet on central executive authorities? The necessity arose because, according to the reform design, MIA must change so that it really needs individual legal regulation. The civil Ministry will not now be the police Ministry. The Ministry that comprises five executive authorities is a civil Minister, and the system of relations between them – all that must be carefully regulated, especially because MIA reserves such important levers of influence as internal security and ensuring and maintaining databases – all that remains with the Ministry. That is why all rules must be stipulated by the law and that, in my opinion, is necessary. The fact that other countries have no such laws must not prevent our reforms.

I, myself, have many criticisms about this work. Especially as I am one of the executors. Yet, I think, all this must be viewed as follows: **we all are in one boat, we want to reform our “militia” and turn it into a civil police. We want to have good laws** – so we should try working together. And not react as if we have enemies here.

As to the local police. It should be mentioned that the local police concept differs among various political forces and various influence groups. Generally, MIA has considered and approved this concept. If the question is whether the local police will only have the functions of an institution to execute decisions of local authorities and to maintain public order, that's one thing. It looks like the Polish guard or Czech local police.

A disputable issue is about subordination. Those representing local authorities want a police representative to be entirely subordinated to them. However, first of all, there must be double subordination – to MIA and to local authorities, on the one hand. And second, local police must adhere to the standards developed by MIA.

As regards financing, it is absolutely clear that even strong local authorities cannot finance it on their own, though there must be a certain contribution on their part. This question has to be discussed.

As to other functions, it was said here that local police should have district police officers. This is a controversial issue. District police can have them, but their functions must be revised to exclude the functions of criminal crime solving. Today, there is a target number of crimes to be solved by each district police officer for a month. If there are district police officers in the local police, there must be no targets, as the criminal domain must be the responsibility of the national police. I think no one would argue with this.

The MIA Draft Law “On National Police” says nothing about local police, as there must be an individual law. However, it was MIA that submitted the issue to the Cabinet of Ministers for resolution. This should be coordinated. I think there must be a certain provision, at least one article about it in the Draft Law “On National Police”.

As to the maturity of communities, there are only judgements. Some think there is a community, others think there is not. It is really a challenging issue. Without doubt, there is a community, but the problem lies in its quality, maturity, ability to abide by the law, and its reaction in various hot situations. Actually, there are already local “armies” without any local police law. Those who live in Kharkiv, Dnipropetrovsk and other cities know this. We have no way out; this issue needs to be addressed. **We must deal with the matter of establishing local police.** ■

REFORMS REQUIRE RADICAL CHANGES



Volodymyr ZHMINKO,
*Visiting Research Fellow at
the Razumkov Centre*

As an observer and as one being immediately involved in the ongoing processes, I've come to certain conclusions and want to share them with you.

First, it should be noted that there is **no coordination in reform efforts**. Either among the public or among the key players. The day before yesterday, the National Public Platform held a constituent meeting on MIA reforms that revealed certain progress in this area. The meeting was held for the public and concerned representatives of the Ministry and departments to share in a discussion.

When you see how draft laws are prepared and developed, you notice that they lack comprehensiveness. Practically, each draft law is developed individually without regard for the system of existing laws or realities. When developing draft laws, you see that they are made to fit existing laws. We cannot offer anything new because the current laws do not allow it. A question arises: What are we building and how are we reforming? Are we trying to make minor changes and leave the system as it is or do we want to make something new? If we make some minor repairs to the old system, this is one thing. If we are to build something new, let us think how to do this and how to document it legally, and about what laws are to be changed. We lack such comprehensiveness. Each draft law is an attempt of our system to remain unchanged or to change as little as possible. Reforms require fundamental changes. Our society demands it.

Practically all reforms, both past and present, have the same direction – from top to bottom. We are talking about MIA reforms, but we miss out police reforms at the bottom level. What was done for the past years? Reforming MIA and satisfying its needs, but when



reforms went as far as district departments, everything was done by a left-over principle. At the above mentioned National Platform constituent meeting, our colleagues from Lviv shared their experience that has already proved itself well – bottom to top reforms. Society needs must be satisfied first by providing the law enforcement services to maintain public order as required by society. Then go up. Today, the number of police officers in the country exceeds international standards 1.5-fold: we have 450 police officers vs. the international practice of 200 police officers per 100,000 people. At the bottom level – we have 125-135 police officers per 100,000 people (according to our Lviv colleagues). If we increase this number two-fold, this will satisfy society's needs for police services. First we need to provide for the lower tier, and only then construct the superstructure at regional and central levels – to see what can be delegated to them by a left-over principle. This proposal is supported by the public.

The reforming processes are to a large extent supported by the international community. However, there are two challenges here. First: It has often been said that experience of other countries is “thrown” onto us. They say that we should apply the Polish experience, the Georgian experience and so on. It is a totally erroneous approach. **What may work well in one environment, might prove inadequate in other**, which is mostly the case. We must analyse this experience and select what we need, adapt it to our national conditions, our mentality and our system.

The other challenge concerning international assistance is that **we must never forget that any international help pursues its own interests.** I'd like to cite international experts: “Help, levers, sanctions and conditions – these are the measures applied by the international community to protect and realise its own interests”. That is why, when we accept international help, we should also discern what it will lead to and what will be the outcome. International help must first be targeted and second, systematised and coordinated. Unfortunately, international efforts also lack coordination. Various organisations offer their help unsystematically. To be more specific, there is a system, but there is no central body to accept, coordinate, approve, and direct it as may be necessary. We need to take it all into account in our reform efforts. ■

Roundtable, 16 April 2015



THE MAIN THING IN REFORMS IS COMPREHENSIVENESS AND COOPERATION WITH THE PUBLIC



Taras GATALYAK,
*Human Rights Defender,
Activist at OPORA Civil Network*

First of all, I would like to draw your attention to the comprehensive nature of reforms. The Razumkov Centre's expert document mentions, in particular, the coordination – the reforms of the law enforcement agencies and the security and defence sector that must be carried out as a complex, which is very important. Experts suggest creating a National Reform Council as a single, interdepartmental reform coordination centre. This is a crucial system issue. The document also points out that the expert community considers that the coordination functions should be delegated to such National Council. These functions must not remain with the National Security and Defence Council of Ukraine or the Government. Next, a quality revision of the security and defence sector must become a single platform for sector reforms. Why do we have discussions now whether it is expedient to create municipal police or not? Obviously, a quality analysis **must be made regarding the expediency of creating municipal police in view of all possible risks.**

An important issue is financing. Before carrying out reforms, both Poland and Georgia created national reform funds. Such a fund was national, transparent and controlled by the public and well-known people. It is not the Firtash-Akhmetov fund that is being suggested for creation, but a public fund that will build trust in the country and demonstrate the country's willingness for immediate reforms. Unfortunately, we do not have such a fund at the moment. Perhaps, after the donor conference to be held on 28 April such a fund will be established.

MIA reforms are still chaotic, non-systematic, and have a political even PR character on the part of the Minister A. Avakov. I initiated the Lviv pilot police reform project as early as June 2014. We saw no reforms, so we had to act at least somehow. The developed Strategy, including as a result of the Lviv pilot project, was implemented quickly within about a month without thorough analysis of the MIA problems. Of course it is based on good, quality things, the model of building MIA as a European model that will include the departments of national police, national guard, frontier service and so on. Now we are discussing whether MIA should have guards or not.

There is also no coordination within MIA. Our pilot project in Lviv was of no interest to MIA. It was performed by public activists. The experts that we have found are representatives of the mid-tier police (to the point of bottom to top reforms) and members of the National Platform Coordination Council. They have specific propositions that will, I think, be implemented with time.

The Lviv pilot project also gave us serious analytical work, unprecedented for the entire public security sector – analysing the criminal situation and criminal threats. Now we are cooperating with the Polish Internal Security Platform that places considerable focus on this very problem. In this context, I fear the liquidation of the Organised Crime Control Department which, in my opinion, is premature. We cannot foretell how the MIA system will develop, but are already going to liquidate the Organised Crime Control Department! And it had a very valuable analytical unit – “Scorpion”, and its findings are unique for the country.

Now we have turned to the parliament committees and will work on implementing the criminal analysis methods across all security agencies, which is the basis for national security and terrorism control. **All current methods, techniques, modules and products must be used as soon as possible.**

This concerns cooperation between the public and MIA. The Ministry’s expert council made a number of proposals, concerning, in particular, the observance of human rights and ensuring access by applicants to the results of functional audits, bribe prevention and rehabilitation of mobile groups for human rights observance that functioned until 2010. The initiatives were rejected, but the Strategy and the Lviv pilot project were used by the Ministry exclusively for PR purposes during the last days before the parliamentary election. And, unfortunately, that is disturbing. ■

WE ARE HERE TO HELP UKRAINE TO BECOME A GOOD PARTNER



Martin LINHART,
*Adviser on Security Sector
of Ukraine Reforming,
NATO Liaison Office in Ukraine*

I have been working here in Ukraine with the Office of NATO for seven months only, so I am far from saying that I understand all the problems which Ukraine is facing but allow me to say just two observations: one concerning the coordination and another – communication.

I will start with the issue of communication. I had a chance to speak to several police officers – or members of militia – and they told me that they have no information about the reform. They are the subject of the reform, and they do not know what will happen. So, for them, it is difficult to identify with the reform, with the process they are going through. And they feel frustration and some worries, and they do not know if their work is or will be welcome in the future. It means that **the issue of internal communication – if the insiders are the subject of the reform and have a limited access to information – is underestimated.** If the people should identify with

the reform, they should know about it, and they should be informed about it.

And the second issue – coordination. I would focus only on the MIA. In autumn, in the end of October, it was already approved by the Cabinet of Ministers that the reform of the Ministry will comprise five components: the Police, the National Guard, Border Guard Service, migration service, and state emergency service. But I have to say that since then, I have not witnessed even a single step towards coordination of all these five agencies within the Ministry. These agencies are building their strategies for development in isolation and without any coordination from the Ministry. Therefore, **I think, the Ministry should not focus only on the police.**

Even the National Guard and state border guards have law enforcement functions. But there are many possibilities when in the future, these agencies will interact, there will be a scene of accident – emergency service, paramedics, police, the National Guard will be in one place. And, I think, that is necessary that these **agencies will communicate among each other. Therefore, the Ministry should start developing a comprehensive system of coordination between these agencies.**

So, these were just two of my observations, but I agree that problems are much more complex. One last thing worth mentioning – the aim of foreign advisors and foreign partners in Ukraine. We are here to help Ukraine to become a good partner – not to create problems. This is, possibly, one of the biggest aims. ■

SUCCESSFUL REFORMS REQUIRE COMMUNICATION



Oleh MARTYSENKO,
*Director of the Centre of Law
Enforcement Activities Research*

Proceeding with the conceptual approaches to MIA reforms, I’d like to focus on such an important aspect as communication. First of all, with regard to the policy of MIA that, like any other ministry, does not maintain open communication with the public, admit its faults or accept public proposals. **Any state structure is rather conservative.**

We should make MIA recognise the policy of transparency as one of the key information policies and internal procedures. And it must be the responsibility not only of the Communication Department, but any department or service as part of its policy. It is not by chance that the National Platform for MIA reforms includes such working teams as Information Policy and Public Audit. The public audit conducted in the Lviv region in March revealed the resources at the disposal of the Lviv police to reform and to improve its forms of

³ The election was held on 26 October 2014 – Ed.

public relations. Strange as it may seem, but the battalions formed by the Lviv region for ATO are least provided for – and they keep silent. Why? Because it is a common practice among police officers – they report any shortages to their superiors, but will never tell the public: “We can’t cope, please help”. At the same time, in the West and the USA, this gave rise to community policing. The police resorted to the public for help not because they decided to become kind, but because they were simply cornered with suits pertaining to cruel treatment and they themselves understood that they were not coping with so much crime. As a way out, they made a political statement: the police cannot maintain order; it needs the public’s help. It was a revolutionary communication policy that was akin to political suicide for the Minister of Internal Affairs, on the one hand, but on the other it meant the birth of a new police that started to reform.

Our situation is somewhat similar. **MIA tries to reform its information policy.** But if we are talking about the media coverage of reform innovations, I don’t understand either why MIA did not explain that liquidating the Organised Crime Control Department did not imply dismissal of its specialists or destruction of its analytical base, the Sokol unit, etc. It implies transformation of these units into a criminal investigation system, with liquidation of the general elite that the Organised Crime Control Department had as a structure. All valuable staff, databases, units – all that will be retained by MIA. However, the Ministry does not speak much about that. If someone treats MIA only based on its information statements, they will have a distorted vision. That is why we must focus on the system of communications – both with the public and within the Ministry itself.

For several years, we have been discussing a project of electronic documents, signatures, etc. If this approach (which of course requires substantial financial resources) were adopted by MIA, we would have a two-thirds reduction of bureaucratic procedures and employees, which is important from a MIA funding perspective. The electronic document flow does not only help to arrange work efficiently, but adds an anti-corruption component, as it is very easy to track anyone who enters the system, works with documents, or makes amendments. It is not a slip of paper that can be crossed out or corrected. But all this lies ahead. That is why I’m asking both donors and reform developers not to omit this component. ■

Roundtable, 16 April 2015



PEOPLE IN THE MINISTRY TRYING TO DO SOMETHING NOW NEED OUR SUPPORT



Anastasiya LEUKHINA,
*Police Community
Relations Advisor,
International Criminal
Investigative Training
Assistance Program (ICITAP),
the United States
Department of Justice*

Let me add some optimism to our discussion. MIA is always to blame, just in case. It has got used to it, and so have we.

I’ve been working with MIA for about eight years in various formats, and I clearly see all its drawbacks and faults. But for the first time in eight years I see more opportunities to cooperate with the Ministry, to influence what’s going on. For the first time there is public access to the Ministry’s staff and documents. This is important to note. We all appreciate each other’s criticism. It is crucial for developing and implementing quality strategies. However, we should have respect and value what we are given in the form of a new dose of transparency. This is the first thesis.

The second thesis: **it seems that when discussing reforms we often focus on documents.** I understand that the legislation quality is very important, just like the quality of instructions. However, we should also take into account what’s going in the field. The functions of district police officers do not prevent *community policing* – communicating with the public and building healthy relations with the community. But for some reason, it is not the case. **We can develop progressive draft laws, but if we do not pay attention to the “field”, such laws will remain progressive on paper only.**

I was actively involved in working with the new patrol guard service. Let us talk about that too – along with discussing the quality of documents. For the last three months, we developed a new model for selecting police officers, which is now being tested. We developed a new police training programme and held the first competitive selection. Out of 33,000 people, 2,000 had to be removed, and it was difficult. As regards control – non-governmental organisations could take part in selecting such people and be present at the interviews. The most interesting discussions – on what a new police officer must be like – were held by the commissions that consisted of the Ministry representatives, psychologists, representatives of non-governmental organisations, and international agencies. Not only on paper – how these people must work in the field, who is suited and who is not.

We should also see the good things going on. The people in the Ministry trying to do something now need our support. ■

UKRAINIAN POLICE IN THE EYES OF CITIZENS: ASSESSMENT OF STATUS, PROBLEMS AND REFORM PROSPECTS

Monitoring of public opinion – a component of the Razumkov Centre's research in the law enforcement field, started in 2004.¹ Results of sociological studies help to determine the dynamics of Ukrainian citizens' assessments, to find out their views on the law enforcement reform in general, and police reform, in particular.

In current conditions, this topic gains paramount importance. MIA divisions participate in military operations in the East of the country, together with other defence and law enforcement agencies stand up against terrorist and sabotage activity waged against Ukraine by Russia's intelligence service, ensure public order, people's protection and safety.

Fighting in Donbas, on the one hand, presents dangerous challenges and threats, which law enforcement agencies have to stand up to, and on the other – reveals a set of accumulated as well as newly emerging problems in the system of internal affairs agencies (IAA). The overall indicator of the severity of these problems is a critically low level of public trust in people wearing police uniforms.

Clearly, today's situation (despite all complications and crisis developments) requires an immediate system-wide reform of Ukrainian police as a key component of the national security system. This is also rather convincingly supported by the results of sociological surveys presented below.²

During the survey, the respondents determined the level of trust in Ukrainian police in general and in its separate structural divisions, characterised the situation related to ensuring people's safety, expressed their attitude to different ways and areas of IAA reform.

Summarised results of the study and separate comparisons with previous monitoring data provide the basis for the following observations and conclusions.

1. Trust in Police and Readiness to Help It

1.1. The level of society's trust in police is the basic criterion for assessment of its work, as well as a component of its legitimacy in the eyes of the people. Survey results from recent years (August 2012-March 2015) show that **the majority of people have a different degree of distrust in police.** The ratio between those who do not trust police (do not trust at all and "rather distrust"), and those who (completely and "rather") trust it is negative: from -33% in August 2012 to -58% in December 2014.

The highest indicators of distrust were documented in July 2013, December 2013 and December 2014. It can be assumed that this is related to dramatic events,

which involved law enforcement agencies, in particular: *Vradiivka* events at the end of June - beginning of July 2013;³ illegal use of force by Berkut special division against Maidan participants at the end of November 2013 and the division's staff trial in autumn of 2014.⁴

According to survey results in May 2015, slightly over 2% of citizens express complete trust in police, another 22% – "rather" trust it. Thus, the level of general trust in police is currently at approximately 25%: from 22% in the West of the country to 27% in the Centre. No trust (at all and "rather distrust") in police was noted by 64% of citizens in the South and up to 71% – in the East⁵ (Table and Diagram "To what extent do you trust the police?").

¹ See: Control over Law Enforcement Agencies of Ukraine: Civic, but not Democratic. Analytical report by the Razumkov Centre. – National Security and Defence, 2004, No.4, p.2-38.

² Results of surveys conducted by the sociological service of the Razumkov Centre from August 2002 to March 2015. The latest study was done on 6-12 March 2015 in all regions of Ukraine, except the AR of Crimea. Surveyed respondents: 2,009, aged from 18 y.o. Theoretical sampling error – 2.3%.

Surveys quoted here were conducted in all regions of Ukraine, incl. Kyiv (since April 2014 – with the exception of the AR of Crimea). They are representative of adult population of Ukraine by main socio-demographic indicators. Theoretical sampling error does not exceed 2.3%.

Namely, in the studies conducted on 12-18 September 2014 and 16-21 January 2015, 2,017 and 2,012 respondents were surveyed.

The following regional division is used: **West:** Volyn, Zakarpattia, Ivano-Frankivsk, Lviv, Rivne, Ternopil, Chernivtsi region; **South:** AR of Crimea, Mykolayiv, Odesa, Kherson regions; **East:** Dnipropetrovsk, Zaporizhzhya, Kharkiv, Donetsk, Luhansk regions; **Centre:** city of Kyiv, Vinnytsia, Zhytomyr, Kyiv, Kirovohrad, Poltava, Sumy, Khmelnytskyi, Cherkasy, Chernihiv regions (before 2014, South also included the AR of Crimea).

³ On 27 June 2013, with participation of staff of the local district police department, a gang rape and an attempted murder of a resident of urban-type locality Vradiivka, Mykolayiv region, took place. Police attempts to deny obvious facts (including the attempts to forge documents and present false eyewitness testimony) caused active protests of local residents and significant public outcry.

⁴ In September-December 2014, the notorious trial of Berkut servicemen suspected of shooting 39 Maidan participants took place. In particular, on 19 September, Kyiv Pechersk Court released from custody Berkut squadron commander, who disappeared in October, while being under house arrest. We can assume that these events have revived society's memories of the role of police during Maidan events. It should be noted that the trial of Berkut servicemen, who remained in custody, is still ongoing.

⁵ Here and further in the text, figures are rounded to whole numbers; figures accurate to a tenth are presented in tables and diagrams after the text.



Citizens demonstrate a critically low level of trust not only in police in general, but also in its governing institutions and local units. Thus, according to January 2015 survey results, only slightly over 1% of citizens expressed their complete trust in the Minister of Internal Affairs (general level of trust – 19%), in heads of their regional MIA administration, – approximately 2% and 17%, respectively. These numbers were the highest regarding district police officers in the district where respondents live, – 4% and 29%, respectively.

There were noticeable regional differences. Thus, compared to the Centre and the East, in the West and South people have slightly more trust in police in general and in its structural divisions. While in the West and in the South cities (villages) there were 34% and 39% of respondents, who trust the police to a different degree, respectively, in the Centre and in the East – there were 25% and 22%, respectively. The most noticeable was the difference in the attitude to district police officers. While in the West and in the South the share of those, who trust, and those, who do not trust their district police officer, was almost the same (in the West – 40% and 37%, in the South – 43% and 39%), in the Centre and in the East – the mistrust prevailed (Table “*Do you trust the Ukrainian police and its appointed representatives?*”).

Thus, we can conclude that local level IAA have a comparatively higher level of people’s trust.

As regards police trust level, very telling is the people’s response to a hypothetical situation – meeting a policeman at night in a dark street. Results of September 2014 survey showed that equal shares of citizens (27% each) would perceive a policeman in this situation as a safety guarantee and as danger, as he can “find fault with something”. Over a third of respondents (37%) chose the “neither” option. **So, only slightly over a quarter of people see a policeman as a person, who can help and protect, – i.e. perform functions assigned to him by the state.**

This said, in the West, a policeman is more often viewed as a safety guarantee (32% vs. 24% of those, who see danger in him), in the Centre and in the East of the country, these shares were almost equal, and in the South – the respondents view a policeman more as danger (33%), than a safety guarantee (27%).

There are also certain age differences – younger respondents (from 18 to 49 y.o.) tend to view a policeman as danger more often. Assessments of people aged 50-59 y.o. were equal, and among the oldest respondents (60 y.o. and over) positive attitude to a man in uniform is markedly predominant (34% vs. 20%) (Diagrams “*Imagine a situation: at night in an empty street...*”).

1.2. Clearly, critical attitude to police is the main reason for a rather low readiness of people to help IAA. Most often, the respondents express their readiness for, theoretically speaking, “indirect” help: serving as a witness (37%), reporting suspicious persons (27%), reporting a committed crime (35%), or the one that is being prepared (26%). People are less willing to engage in active direct help: only 17% are ready to prevent crimes and offences committed in their presence, 13% – to help detain criminals, 11% – to patrol streets together with police, 4% – to provide their vehicle for police needs. Readiness for active actions in all regions is equal to the general national indicator. Only in the West and in the South of Ukraine the respondents expressed their readiness to help police much more often, in the form of serving as a witness or informing police about crimes – committed or being prepared.

Almost a quarter (23%) of citizens are not ready to help police under any circumstances (from 18% in the West to 30% – in the East) (Diagram and Table “*If necessary, are you ready...?*”).

2. Assessment of Police Performance

2.1. People give rather critical assessment of IAA work. According to results of a January 2015 survey, the majority of respondents stated that the following tasks were “not very well” or “poorly” executed by law enforcement staff:

- detection and exposure of crimes (79%);
- ensuring protection of property from criminal trespassing (78%);
- providing social and legal assistance to people (76%);
- ensuring people’s personal safety (76%);
- preventing crimes and stopping them (76%);
- ensuring road safety (72%);
- maintenance of public order (71%).

Assessments of people from the West and the South are slightly more positive: 25% of people from the West and 19% of people from the South are convinced that police does a good job of safeguarding people and ensuring public order. People from the East are more critical: the relative majority of respondents (from 32% to 41%) are sure that police executes these tasks “poorly” (Table and Diagrams “*How well do law enforcement agencies execute...?*”).

On the overall, these assessments correlate with results of the previous study (September 2014) – then, on a five-point scale, the respondents assessed performance of local police (on the level of city and district, where they live) at 3 points in general, and some aspects of police work – even lower. Guarding of government representatives by police received the highest score (3.7 points), and its anti-corruption measures in government agencies and structures – the lowest (2.3 points) (Table “*How would you rate the police performance in your city...?*”).

The critical attitude to police is vividly illustrated by the fact that the majority of people are convinced that:

- while investigating a crime, an average district police station head, instead of abiding by the law, will follow the orders of his seniors (in June 2006, 53% of respondents believed so, in September 2014 – 60%);
- an average investigating officer will dismiss a criminal case, if he is offered a big sum of money (in June 2006 – 47% of respondents, in September 2014 – 55%).

(Tables “*How will an average...?*”).

2.2. It should be noted that, generally, people’s contacts with police are infrequent. 80% of respondents note that lately they have not had any contact with police (within a year, as of September 2014). However, other respondents, who have come in contact with police, have mixed impressions. On the one hand, half of respondents were dissatisfied with these contacts to a different degree. The same number of people were dissatisfied with promptness of police actions. On the other hand, the majority of respondents noted that police staff treated them with respect, did not use force and did not demand money or gifts (Tables “*Have you been in contact with police...?*” and “*Remembering your last encounter...?*”).

2.3. Despite their own limited experience of contacting with police, the majority of respondents completely or “rather” disagreed that police staff:

- execute their duties honestly and in full (62%);
- treat victims well (64%);
- respect human rights (69%);
- do not support corruption (74%).

Also, the majority of respondents believe that police staff have the support of government – national (58% of respondents agree or “rather” agree with this statement) and local (59%), as well as the support of local community (61%).

There were no significant differences in assessments depending on the region (Tables “*To what extent do you agree with the following statements?*”).

3. Assessment of Safety

3.1. Results of latest surveys show that almost a quarter of citizens note deterioration of safety in their residential district, mostly so – residents of the South (35%) and the East (26%).⁶ In the West, this opinion is supported only by every tenth resident (Diagram “*How did the level of safety change in your district...?*”).

Among the most common safety problems in respondents’ communities are the following: speeding (58% of respondents noted that this problem occurs “very often” and “often”); offences committed under the influence of alcohol (56%); drunk driving (55%); as well as police corruption (55%) (Table “*How often do these issues occur in your locality?*”).

Attention is drawn to significant discrepancies in assessment of police corruption by citizens and experts on the one hand, and police staff themselves, – on the other. Thus, occurrence of corruption in police (“very often” and “often”) is noted by 55% of citizens, 92% of experts, and only by 28% of IAA staff.⁷

3.2. An indirect criterion for assessing the state of public safety is citizens’ personal feeling of an existing threat. As it turned out, they are mostly afraid to become a victim of: offence in a public place (42%); road traffic incident (38%); fraud or any crime (37% each); street robbery (33%); and physical abuse (32%) (Table “*To what extent do you feel that there is a threat of...?*”).

People feel the greatest degree of safety primarily in their apartment (house) – 83% of respondents, and in their apartment block (yard) – 76%. At the same time, a rather significant share of respondents do not feel safe in these places as well (15% and 19%, respectively). Public places turn out to be seen as more dangerous by respondents – more than every fourth respondent feels threatened in their district (26%) and in public transport (27%). While each third (34%) views districts or localities they often visit as dangerous (Table “*How safe do you feel...?*”).

The feeling of safety/danger significantly depends on the time of day, place of residence and age. Thus, people feel a different level of safety in the streets of their locality depending on the time of day: 90% of respondents think that the safest is daytime (6.00-17.00) and evening (17.00-22.00) – 76%. During night time

(after 22.00), equal shares of respondents (47%, each) feel safe and unsafe.

City and village residents also had significant differences in their feeling of safety. Thus, if during daytime, both, 90% of city and village residents feel safe, in the evening and during night time, the picture is very different: 73% and 38% of city residents, respectively, feel safe at this time; among village residents – 82% and 63%, respectively.

Regarding age differences, during daytime almost 90% of people of all ages feel safe to a different degree. But at night, 51% of young people (18-29 y.o.) feel safe, 42% – unsafe, while among the oldest age group (60 y.o. and over) these indicators are 41% and 48%, respectively (Diagram and Tables “*How safe do you feel in your locality?*”).

4. Attitude to Police Reform

4.1. The majority of citizens view police reform as very or “rather” relevant (in January 2015 – 66%; from 75% in the West to 48% in the South) (Diagram “*Is it relevant to reform police forces now?*”).

In general, 83% of respondents think that **police must be transformed from a punitive into a service body, which will serve people’s interests**. Also, the vast majority agree or “rather” agree that first of all:

- police must provide a more prompt reaction to people’s appeals (95%);
- treatment of people by police staff must be significantly improved (94%);
- procedures of appealing to police and completion of paperwork must be simplified (93%);
- police work has to become public (91%);
- responsibility of police staff for violations they commit has to be increased (90%).

Also, it is very important to change the system for selecting and training staff (88%), as well as create an independent commission for investigating complaints against the actions of police staff (85%).

People expressed least support for such potential changes as renaming militia into police (24%), increasing the number of police staff (26%), increasing or reducing police powers (30% and 33%, respectively) (Table “*To what extent do you agree with the following statements...?*”).

4.2. One of the main problems today is labour remuneration at IAA. In this context, rather telling were answers about the size of salary, with which people would be ready to join police forces (or would recommend this action to their children or relatives). 28% of respondents selected option “not for any money”; 21% – could not give an answer. Among those, who selected an amount, the relative majority (21%) indicated the amount between UAH 6.5-13 thousand, which dramatically exceeds the current level of salaries at IAA (Diagrams and Table “*With what monthly salary would you agree...?*”).

4.3. Regarding prospects of establishing local police, the absolute majority of citizens (90%) agreed to a different degree that it has to be oriented to the needs

⁶ It should be noted that starting from April 2014, surveys of residents in the occupied territories were not conducted.

⁷ More information about results of expert surveys and IAA staff surveys see in articles “*Police Reform in Ukraine: Expert Assessments*” and “*Reform of Ukrainian IAA: Assessments and Ideas by Police Staff*”, contained in this journal.



of local community, 87% – that it has to report to the community not less than once a year, 86% – that it is the community that has to assess police performance (Tables “*To what extent do you agree with the following statements...?*”).

At the same time, citizens’ shared diverging views regarding the idea that **local police must receive its financing from local taxes**. This idea was most often supported by residents in the East – 53%; there were significantly less supporters of this financing option in the West and in the Centre – 39% and 38%, respectively.

There is no single opinion also regarding **local police subordination**. Only a relative majority (40%) of citizens think that it must have double subordination (in some issues – to local government bodies, in others – to the MIA of Ukraine). Every fifth respondent (21%) supported police subordination only to MIA, 18% – to local government (Diagram “*Which model of local police subordination...?*”).

The majority (61%) of citizens think that **local police must include**, first of all, district police officers; 40% – support this idea of patrol post divisions. Inclusion of other divisions in local police got much less support (although, this can be due to the lack of awareness of respondents about their work – the question was complicated for 30% of respondents) (Diagram “*Which of the following IAA divisions...?*”).

Clearly, the question of **appointing local police staff to certain positions by the community** was also rather difficult. The majority of respondents supported none of the options; 33% of respondents supported each of them: appointing heads of police administrations (departments) and district police officers; 21% – heads of divisions (SAI, PPS, investigation). Almost every fourth respondent (24%) was against the idea of police staff being appointed by the community (Diagram “*Police staff for which of the following positions should be appointed by the community?*”).

Specifying the form of community control of police performance, the majority of respondents (59%) noted regular reporting of police to the community, 36% – participation of NGO representatives in investigating complaints against actions of police staff, 29% – taking into account results of regular surveys of population for assessing police performance (Table “*In what way must community control the police?*”).

5. Sources of Information and the Level of People’s Awareness

The abovementioned range of attitudes and assessments of citizens will not be complete without answering the question, what sources of information and in what way form people’s attitude to police, their vision of directions and prospects for reforming the law enforcement system in Ukraine.

Survey results indicate that people get their information about the work of police primarily through three main channels: life stories of friends, relatives, acquaintances (59%), TV news (50%) and TV shows on criminal topics (39%). Of course, experiences of people from one’s immediate environment are a rather convincing argument, which obviously influences the respondent’s ideas, but it is also obvious that media plays an important role in forming people’s attitude to police.

Notably less respondents name the following sources of information: personal observations of police actions without direct contact (21%), Internet news (17%),

informal communication with police staff (16%), films, TV shows about police (16%), etc.

Attention is drawn to the fact that personal experience takes the last place in this hierarchy. Only a small share of respondents (4%) evaluate actions of police staff based on their own experience of working at law enforcement agencies or experience of communication with police staff during their work.

There were noticeable regional differences. In the Centre, South and East, most respondents (51%, 62% and 67%, respectively) used information from their immediate environment (acquaintances, friends, relatives), in the West – mostly (63%) from TV news. At the same time, people in the East, more often than in other regions, named personal observations of police actions without direct contact (Table “*From which sources do you mainly get information...?*”).

It should be added that only over 2% of respondents work or have worked at law enforcement agencies (police, courts), and 4% have experience of civil service. Similarly, small shares of respondents had formal contacts with law enforcement representatives – only every hundredth respondent (1%) said he was held criminally, and 7% – administratively liable (including fines for violating road traffic rules) (Diagrams “*Do you work or have you ever worked...?*”, “*Have you ever been held...?*”).

So people’s ideas about the work of police and, correspondingly, their attitude to law enforcement agencies are formed mostly indirectly – on the basis of information from their immediate environment and media.

CONCLUSIONS

The level of society’s trust in police is critically low, – which gives grounds to speak about the crisis of its legitimacy. Assessments of police performance are predominantly negative. The majority of respondents think that police staff inadequately ensure people’s personal safety and protect their possessions from criminal trespassing, prevent and expose crimes, and also inadequately protect public order. They doubt that police staff perform their duties honestly, respect human rights, treat victims well. The respondents express strong disbelief that police staff do not support corruption.

Alarming are people’s assessments of their level of personal and public safety. Most respondents noted that the situation in this area is not changing, or is changing for the worse. The greatest concern is road safety, offences committed under the influence of alcohol, corruption in the IAA system. Very often respondents feel the threat of becoming a victim of offence in a public place, road traffic incident, fraud.

The majority of people support police reform. In their opinion, the reform must increase the promptness of police response, improve their treatment of people, eliminate the red tape. Also, respondents think that the work of police has to be made public, its responsibility has to be increased, and staff selection procedures should be improved. Police has to report to the community and its work is to be centred around local residents’ interests. In general, police has to transform into a service agency that ensures people’s interests.



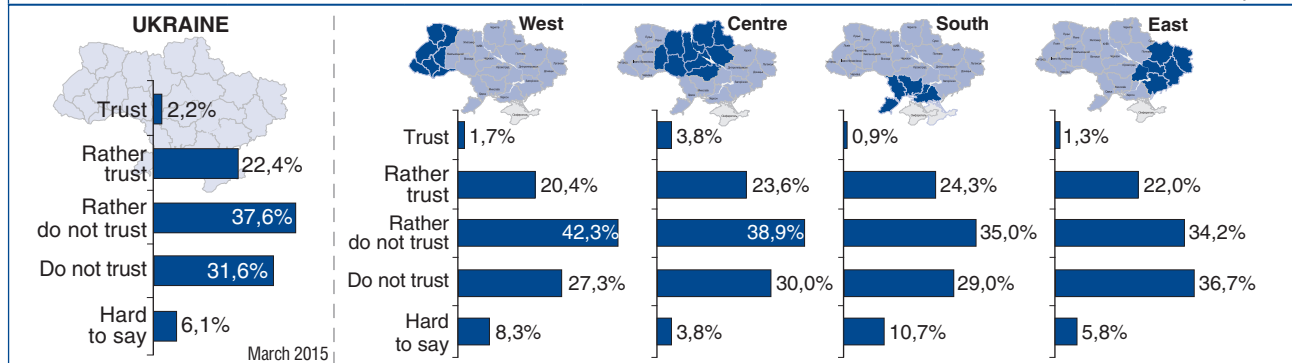
TRUST IN POLICE AND READINESS TO HELP IT

To what extent do you trust the police?
% of citizens polled

	Trust	Rather trust	Rather do not trust	Do not trust	Hard to say	Balance*
August 2012	3,2	27,0	31,5	31,4	7,0	-32,7
May 2013	3,2	19,5	30,2	39,8	7,3	-47,3
July 2013	2,0	16,7	28,3	46,4	6,6	-56,0
December 2013	3,1	18,9	29,9	40,4	7,8	-48,3
April 2014	2,5	23,2	38,3	28,4	7,5	-41,0
May 2014	2,4	21,6	31,1	37,0	7,9	-44,1
September 2014	4,1	22,0	36,1	30,5	7,4	-40,5
November 2014	2,0	20,6	45,4	25,1	6,9	-47,9
December 2014	1,1	15,3	39,1	35,1	9,6	-57,8
January 2015	2,9	18,5	38,1	30,3	10,2	-47,0
March 2015	2,2	22,4	37,6	31,6	6,1	-44,6

* Difference of the sum of answers "Trust" and "Rather trust" and the sum of answers "Rather do not trust" and "Do not trust".

January 2015



Do you trust the Ukrainian police and its appointed representatives?
% of citizens polled

	Trust	Rather trust	Rather do not trust	Do not trust	Hard to say	Balance*
Minister of Internal Affairs	1,3	17,9	36,6	29,7	14,4	-47,1
Ukrainian police in general	2,1	21,3	39,4	27,4	9,9	-43,4
Head of your regional MIA of Ukraine administration	1,6	15,8	35,0	25,4	22,3	-43,0
Police in your region	1,7	20,4	36,6	26,3	15,0	-40,8
Police in your town (village, township)	3,3	24,0	33,6	24,4	14,8	-30,7
Your district police officer	4,0	24,9	24,8	20,8	25,6	-16,7

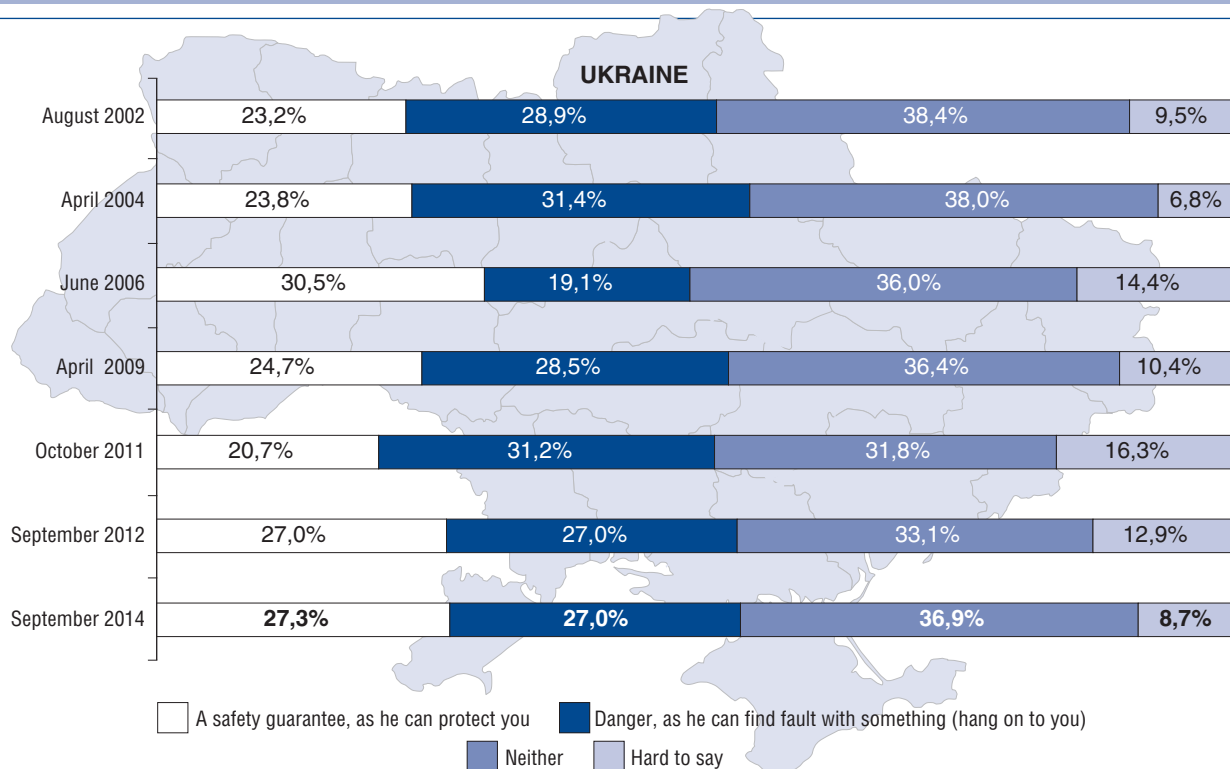
* Difference of the sum of answers "Trust" and "Rather trust" and the sum of answers "Rather do not trust" and "Do not trust".

Minister of Internal Affairs					Police in your region				
	West	Centre	South	East		West	Centre	South	East
Trust	3,1	0,4	0,5	1,6	Trust	3,3	1,3	0,9	1,6
Rather trust	22,1	17,8	23,3	13,9	Rather trust	25,4	16,7	31,2	17,7
Rather do not trust	41,1	46,3	34,9	24,8	Rather do not trust	40,6	46,6	31,6	25,7
Do not trust	21,6	20,4	26,0	45,0	Do not trust	21,6	18,9	22,8	37,7
Hard to say	12,1	15,1	15,3	14,7	Hard to say	9,0	16,5	13,5	17,3
Ukrainian police in general					Police in your town (village, township)				
Trust	4,0	2,2	0,5	1,5	Trust	6,2	2,6	1,9	2,6
Rather trust	23,5	19,5	31,6	18,6	Rather trust	28,1	21,9	37,2	19,3
Rather do not trust	43,7	47,5	35,8	29,8	Rather do not trust	34,3	41,4	28,8	26,9
Do not trust	21,4	19,6	20,5	40,8	Do not trust	19,5	18,9	21,9	33,5
Hard to say	7,4	11,2	11,6	9,4	Hard to say	11,9	15,1	10,2	17,7
Head of your regional MIA of Ukraine administration					Your district police officer				
Trust	2,9	1,0	0,9	1,6	Trust	7,6	2,6	2,3	3,6
Rather trust	20,2	12,8	27,3	12,6	Rather trust	32,3	24,0	40,3	16,4
Rather do not trust	37,3	44,9	31,9	24,5	Rather do not trust	20,2	30,4	17,6	24,2
Do not trust	21,1	18,2	21,3	36,6	Do not trust	16,4	15,7	21,3	28,3
Hard to say	18,5	23,1	18,5	24,7	Hard to say	23,5	27,2	18,5	27,5

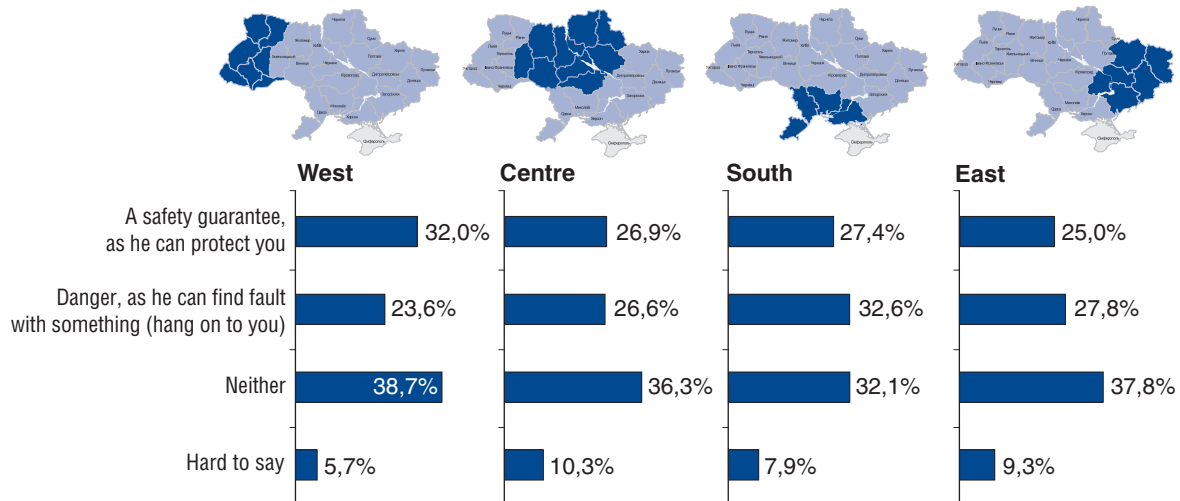
January 2015



Imagine a situation: at night in an empty street, you see a policeman. You view him as...?
% of citizens polled

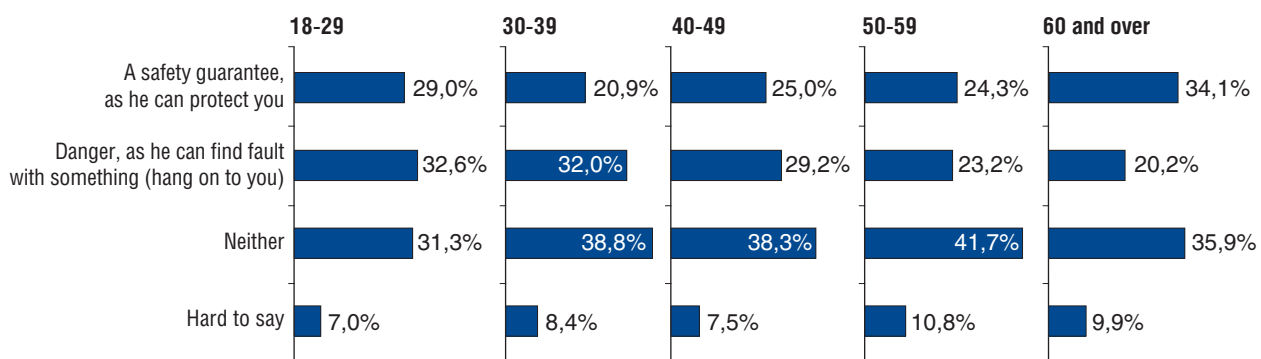


REGIONS



September 2014

AGE







September 2014

**If necessary, are you ready to help police staff?***
% of citizens polled

September 2014

REGIONS

	West	Centre	South	East
				
Serve as a witness or attesting witness, if necessary	39,8	34,8	40,0	35,4
Report a crime that has been committed	43,5	29,7	43,3	31,6
Report suspicious persons or a suspicious situation on a certain territory or in a certain place	31,3	26,8	32,6	21,8
Report a crime that is being prepared	31,1	22,2	30,7	24,2
Prevent crimes and offences being committed in your presence	22,2	19,1	16,7	13,1
Help detain criminals	12,0	14,6	13,0	12,4
Regularly take part in assessment of police performance	14,1	12,2	15,3	11,0
Take part in patrolling streets together with police staff	12,7	12,3	9,8	8,2
Collect and provide to police staff information that is significant for ensuring public order and the rule of law	14,8	11,2	9,3	7,1
Provide your vehicle for police needs	3,8	4,6	3,7	2,2
Help in fitting out police	2,2	2,2	2,3	1,7
Other types of help	4,3	3,2	8,8	7,1
Not ready to help under any circumstances	17,5	21,6	19,1	30,1
Hard to say	12,4	11,4	10,2	10,1

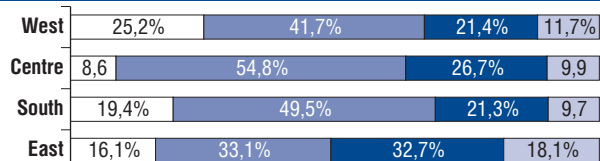
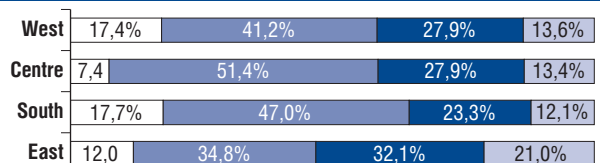
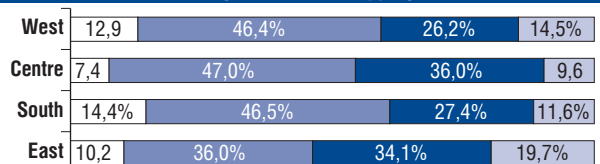
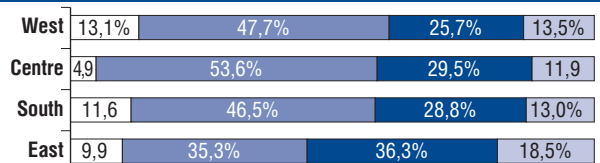
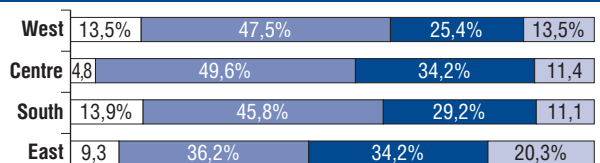
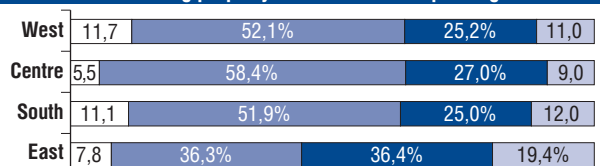
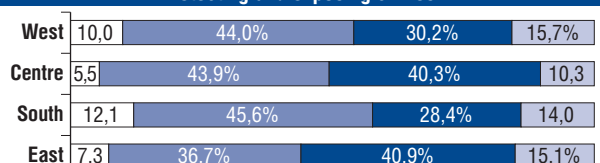
* Respondents were asked to mark all acceptable options.



ASSESSMENT OF POLICE PERFORMANCE

How well do law enforcement agencies execute the following tasks?
% of citizens polled

	Well	Not very well	Poorly	Hard to say
Guarding and maintaining public order	15,8	44,1	27,1	13,1
Ensuring road safety	12,2	43,1	28,8	15,9
Preventing crimes and stopping them	10,2	43,1	32,4	14,3
Participating in provision of social and legal assistance to people	9,1	45,4	31,0	14,6
Ensuring people's personal safety, protection of their rights and freedoms	9,1	44,2	31,8	14,9
Protecting property from criminal trespassing	8,2	48,8	29,6	13,3
Detecting and exposing crimes	7,7	41,6	37,1	13,5

Guarding and maintaining public order**Ensuring road safety****Preventing crimes and stopping them****Participating in provision of social and legal assistance to people****Ensuring people's personal safety, protection of their rights and freedoms****Protecting property from criminal trespassing****Detecting and exposing crimes**

Execute well Execute poorly
Execute not very well Hard to say

January 2015

How would you rate the police performance in your city (in rural communities – your district) in each of the following sectors?*
average score

	UKRAINE	West	Centre	South	East
Guarding representatives of public authorities and ensuring their safety	3,7	3,7	3,8	3,7	3,7
Guarding and maintaining public order	3,1	3,2	3,0	3,2	3,0
Police performance in your city (in rural communities – your district) in general	3,0	3,0	2,9	3,1	2,9
Ensuring people's personal safety, protection of their rights and freedoms	2,9	3,1	2,9	3,1	2,9
Actions against violations of road traffic rules, ensuring road safety	2,9	3,0	3,0	2,9	2,8
Actions against street crime	2,9	3,0	2,9	2,9	2,9
Preventing crimes and stopping them	2,8	2,9	2,8	3,0	2,7
Exposure of crimes	2,7	2,8	2,7	2,7	2,7
Anti-bribery actions, anti-corruption work in government bodies and other state agencies	2,3	2,2	2,4	2,3	2,2

* On a five-point scale from 1 to 5, where "1" is the lowest score, and "5" – the highest.

September 2014

How will an average district police station head act, if while investigating a criminal case, he receives orders from his seniors to commit illegal actions?
% of citizens polled

	June 2006	October 2011	September 2012	September 2014
Will abide by the law	11,4	9,4	7,9	9,2
Will follow the orders of his seniors	53,0	61,6	61,5	60,1
Will verbally agree with his seniors, but will try to avoid executing the order	8,7	7,2	6,7	9,9
Hard to say	26,8	21,8	23,8	20,8

How will an average investigating officer act, if he is offered a big sum of money to dismiss a criminal case?
% of citizens polled

	June 2006	October 2011	September 2012	September 2014
Will continue with the case	9,7	8,9	8,8	9,0
Will take the money and dismiss the case	47,2	56,9	55,4	55,2
Will take the money and will not dismiss the case	9,4	8,6	6,9	11,1
Hard to say	33,8	25,6	28,8	24,7



Have you been in contact with police for the following reasons in the past 12 months?*

% of citizens polled

To process some documents	5,4
Police stopped you in the street for some reason (document check, etc.)	5,0
You, your relatives or acquaintances were a victim of a crime	4,4
You turned to police to get help or advice (for example, for directions)	2,0
You gave testimony	1,9
You, your relatives or acquaintances were a suspect of a crime	1,8
You reported a traffic accident	1,6
Police staff came to your home, while conducting some investigation	1,6
You were asked to come to a district police department (subdepartment, administration) by police staff conducting some investigation	1,5
You reported someone's need for medical assistance	1,4
You reported an alarm that went off	1,3
You reported a crime	1,2
You reported a suspicious person or occurrence	1,2
You complained about the noise or loud music	1,2
Other	1,8
No contact	80,0

* Respondents were asked to mark all acceptable options.

September 2014

Remembering your last encounter with police, ...

% of those, who have been in contact with police in the past year

	Agree	Rather agree	Rather disagree	Disagree	Hard to say
Police staff listened to you attentively	16,2	43,6	23,4	10,3	6,4
Police staff treated you with respect	14,9	40,7	23,0	12,0	9,4
You were completely satisfied	12,9	29,8	25,0	25,2	7,1
Police staff explained, what they were doing and why	11,3	31,7	29,2	19,1	8,7
Police staff acted promptly	9,3	31,2	30,4	18,1	11,0
Police staff hinted that you have to give them money or presents	7,3	18,7	20,0	40,6	13,4
Police staff used force, when this was not necessary	2,9	8,4	21,2	54,3	13,3

September 2014

To what extent do you agree with the following statements?

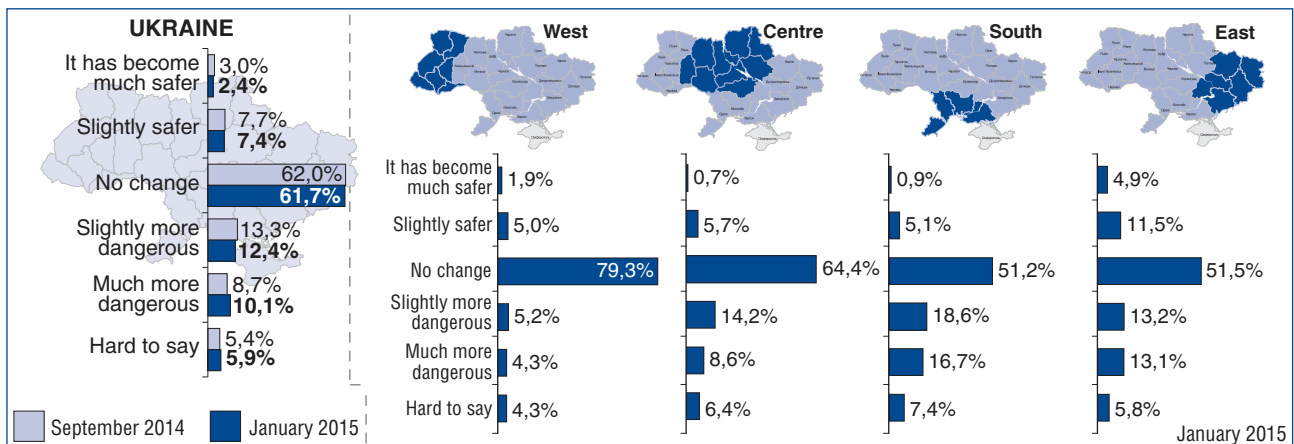
% of citizens polled

					Agree	Rather agree	Rather disagree	Disagree	Hard to say
Police staff have the support of the central government					19,3	45,8	12,4	3,1	19,3
Police staff have the support of local government					18,1	48,9	10,3	3,6	19,1
Police staff work together with local government					15,0	41,3	15,2	5,8	22,8
Police staff have the support of local community (people)					3,4	25,0	36,3	16,0	19,2
Police staff execute their duties honestly and in full					2,9	24,9	42,7	19,7	9,8
Police staff do not support corruption					2,5	9,2	38,6	35,8	13,9
Police staff treat victims well					2,2	24,8	39,6	17,4	15,9
Police staff respect human rights					2,1	27,2	42,1	17,7	10,8
Police staff have the support of the central government					Police staff execute their duties honestly and in full				
	West	Centre	South	East		West	Centre	South	East
Agree	10,5	21,7	32,4	18,2	Agree	1,7	4,2	3,3	2,3
Rather agree	53,3	39,4	43,5	48,4	Rather agree	19,1	27,2	23,7	26,2
Rather disagree	8,6	14,8	8,3	13,7	Rather disagree	49,6	36,1	46,0	44,2
Disagree	4,8	2,3	2,3	3,2	Disagree	19,1	20,0	20,9	19,3
Hard to say	22,7	21,7	13,4	16,6	Hard to say	10,5	12,5	6,0	7,9
Police staff have the support of local government					Police staff do not support corruption				
Agree	9,8	17,9	32,6	18,9	Agree	1,4	3,5	3,7	2,0
Rather agree	53,6	41,5	43,3	55,2	Rather agree	8,4	11,0	8,3	8,3
Rather disagree	8,1	12,6	7,9	9,9	Rather disagree	42,5	34,6	40,3	39,7
Disagree	5,5	3,5	2,3	2,9	Disagree	35,8	36,4	36,1	35,0
Hard to say	23,0	24,5	14,0	13,1	Hard to say	11,9	14,5	11,6	15,0
Police staff work together with local government					Police staff treat victims well				
Agree	9,5	15,2	18,6	16,9	Agree	1,7	3,8	3,3	0,7
Rather agree	45,6	36,4	44,7	42,5	Rather agree	22,7	22,9	26,5	27,7
Rather disagree	13,8	15,4	14,4	16,0	Rather disagree	36,8	39,1	38,6	42,2
Disagree	7,2	6,7	3,7	4,6	Disagree	18,1	18,3	17,7	15,9
Hard to say	23,9	26,3	18,6	20,0	Hard to say	20,8	15,9	14,0	13,5
Police staff have the support of local community (people)					Police staff respect human rights				
Agree	2,1	3,8	8,4	2,3	Agree	1,9	3,3	2,8	1,0
Rather agree	24,1	26,3	24,2	24,5	Rather agree	24,6	27,8	28,8	27,6
Rather disagree	34,1	34,0	33,5	40,7	Rather disagree	41,5	38,7	42,3	45,9
Disagree	14,3	14,9	16,7	17,8	Disagree	18,4	18,4	16,7	17,0
Hard to say	25,3	21,0	17,2	14,7	Hard to say	13,6	11,7	9,3	8,5



ASSESSMENT OF SAFETY

How did the level of safety change in your district in the past 12 months?
% of citizens polled



How often do these issues occur in your locality?
% of citizens polled

	Very often	Often	Rarely	Never	Hard to say
Speeding	18,7	39,6	25,1	9,7	6,9
Police corruption	18,4	36,5	19,7	8,4	17,1
Drunk driving	14,0	40,5	29,6	8,3	7,5
Offences committed under the influence of alcohol	13,6	42,0	28,5	8,5	7,3
Illegal trading	13,0	28,1	24,6	14,7	19,6
Disturbing the peace in the evening and at night	12,0	30,4	36,5	17,2	3,9
Hooliganism	10,2	31,9	38,0	14,8	5,2
Illegal use of force by police staff	8,9	25,6	25,1	14,0	26,4
Drug-related crime	6,3	24,6	32,6	19,2	17,3
Pickpocketing	5,0	26,6	36,8	23,5	8,2
Apartment burglary	5,0	24,2	41,9	20,8	8,0
Car burglary	3,7	21,3	32,1	23,7	19,2
Burglary, robbery	3,5	18,9	37,1	29,2	11,2
Car theft	3,1	17,9	33,0	27,8	18,2
Violent crime	2,3	16,3	41,0	29,0	11,3

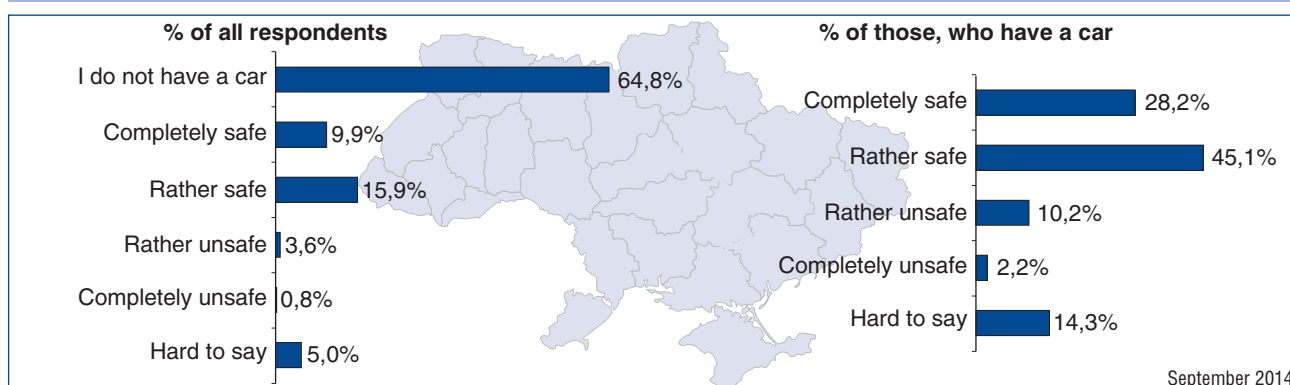
September 2014

How safe do you feel...?
% of citizens polled

	Safe	Rather safe	Rather unsafe	Unsafe	Hard to say
In your apartment (house)	39,9	43,4	12,4	2,4	1,9
In your apartment block (yard)	33,3	42,8	16,8	2,6	4,4
In your district	25,8	45,2	22,7	3,1	3,2
In public transport	21,1	43,4	23,1	3,6	8,8
In other districts or localities, which you visit often	18,1	38,0	29,3	4,8	9,8

September 2014

How safe do you feel in your car?

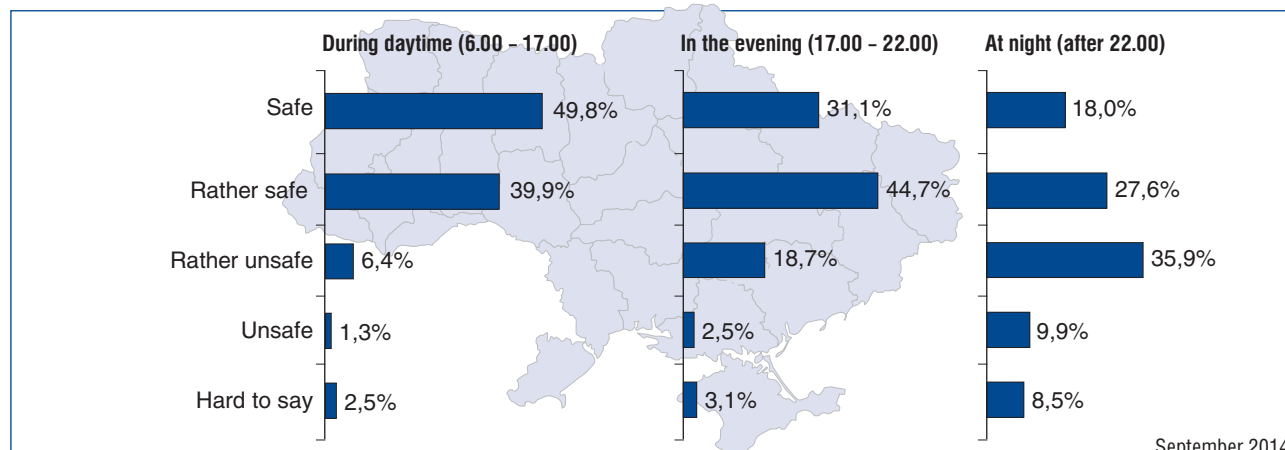


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How safe do you feel in your locality?

% of citizens polled



September 2014

During daytime (6.00 – 17.00)

	TYPE OF LOCALITY		AGE				
	City	Village	18-29 y.o.	30-39 y.o.	40-49 y.o.	50-59 y.o.	60 y.o. and older
Safe	43,5	64,0	55,3	48,9	50,2	48,3	46,9
Rather safe	46,2	25,9	37,2	39,7	39,6	39,4	42,8
Rather unsafe	7,0	5,3	4,6	5,7	6,3	6,7	8,3
Unsafe	1,0	1,9	1,1	1,9	1,2	1,7	0,8
Hard to say	2,3	2,9	1,8	3,8	2,7	3,9	1,2

In the evening (17.00 – 22.00)

	TYPE OF LOCALITY		AGE				
	City	Village	18-29 y.o.	30-39 y.o.	40-49 y.o.	50-59 y.o.	60 y.o. and older
Safe	25,2	44,1	35,4	31,7	30,5	31,3	27,1
Rather safe	47,8	37,8	45,0	47,2	44,6	41,0	45,1
Rather unsafe	21,9	11,5	15,3	16,3	18,6	21,6	21,3
Unsafe	2,2	3,0	2,1	1,9	3,0	2,5	3,1
Hard to say	2,9	3,5	2,3	3,0	3,3	3,6	3,5

At night (after 22.00)

	TYPE OF LOCALITY		AGE				
	City	Village	18-29 y.o.	30-39 y.o.	40-49 y.o.	50-59 y.o.	60 y.o. and older
Safe	13,8	27,4	22,8	16,0	18,7	18,2	14,5
Rather safe	24,0	35,7	28,3	28,3	27,7	28,5	26,1
Rather unsafe	41,5	23,7	32,2	39,4	39,5	32,3	37,1
Unsafe	11,9	5,3	9,8	9,0	7,8	11,0	11,0
Hard to say	8,8	7,9	6,8	7,3	6,3	9,9	11,2

To what extent do you feel there is a threat of...?

% of citizens polled

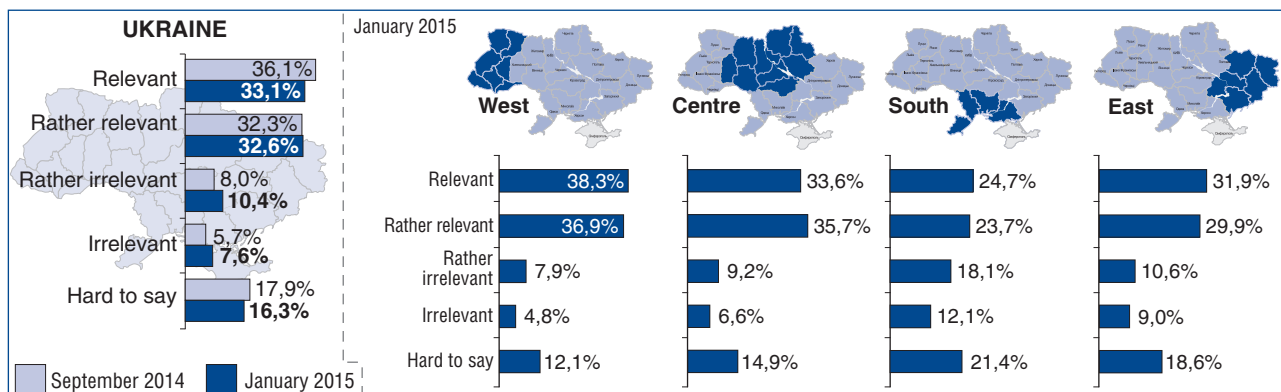
	Strongly feel the threat	Rather feel the threat	Rather do not feel the threat	Do not feel the threat at all	Hard to say
... becoming a victim of offence in a street or a public place	6,4	35,4	34,4	15,1	8,7
... becoming a victim of a road traffic accident	4,1	33,5	31,7	14,1	16,6
... becoming a victim of fraud	3,8	33,1	39,8	16,4	6,8
... becoming a victim of street burglary or robbery	3,5	29,4	40,2	19,4	7,5
... becoming a victim of any other crime	3,4	33,2	35,8	14,1	13,5
... house burglary	3,3	23,9	43,4	22,8	6,6
... becoming a victim of physical violence coming from strangers	3,1	28,9	38,8	17,8	11,3
... car burglary	2,2	12,7	25,1	32,7	27,3
... car theft	2,1	12,6	25,1	34,1	26,1

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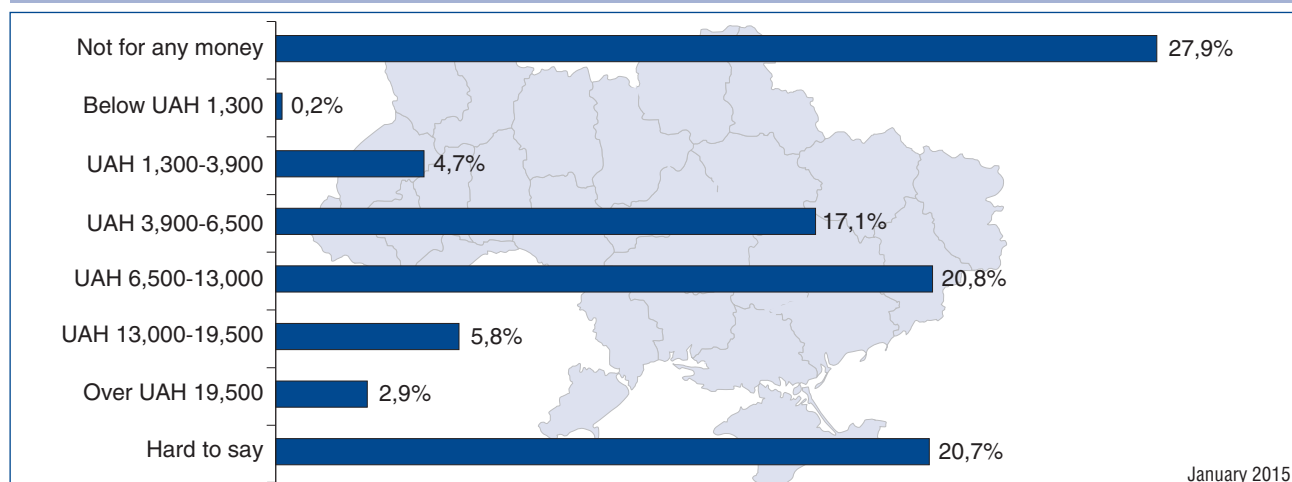


ATTITUDE TO REFORM OF INTERNAL AFFAIRS AGENCIES

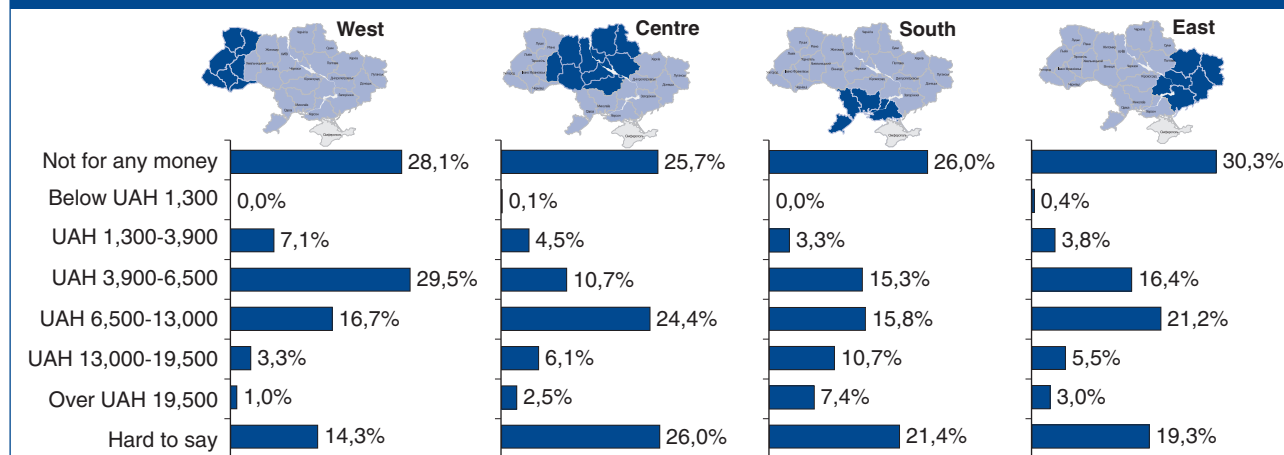
Is it relevant to reform police forces now?
% of citizens polled



With what monthly salary would you agree
(or would you recommend to your children or relatives) to join police forces?
% of citizens polled



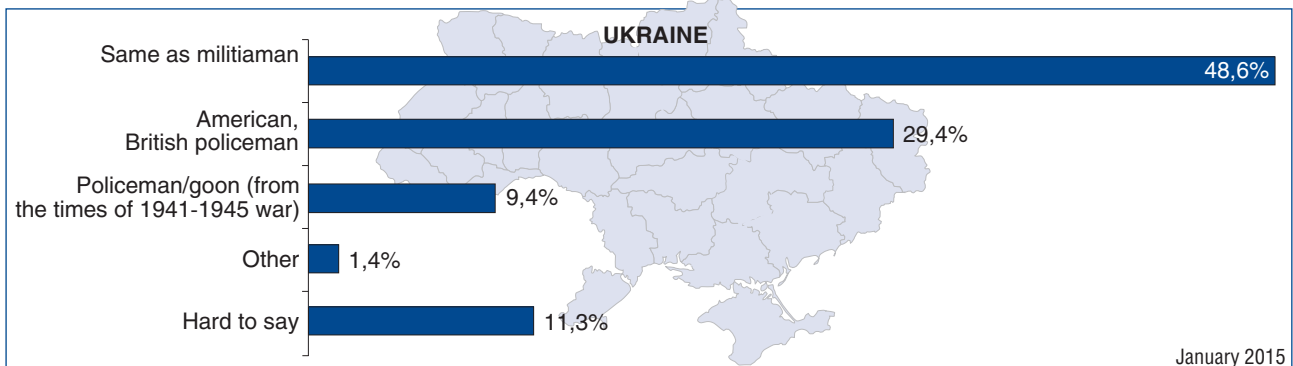
REGIONS



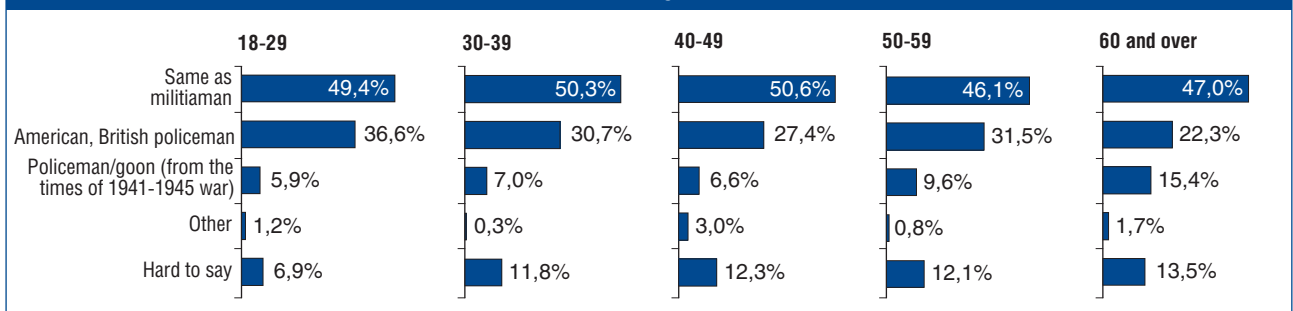
	AGE					GENDER	
	18-29 y.o.	30-39 y.o.	40-49 y.o.	50-59 y.o.	60 y.o. and older	Female	Male
Not for any money	25,8	29,4	26,4	28,7	28,9	28,1	27,6
Below UAH 1,300	0,7	0,0	0,0	0,0	0,2	0,1	0,3
UAH 1,300-3,900	4,7	4,5	4,5	4,5	4,8	5,2	4,1
UAH 3,900-6,500	17,3	16,6	20,1	17,2	15,2	16,1	18,2
UAH 6,500-13,000	23,9	25,4	18,9	20,0	16,9	19,8	22,1
UAH 13,000-19,500	8,0	4,5	8,7	5,4	3,4	5,3	6,4
Over UAH 19,500	3,1	3,7	3,9	2,5	1,5	2,6	3,2
Hard to say	16,5	15,8	17,4	21,7	29,1	22,9	18,2



What associations do you have with the word “policeman”?
% of citizens polled



AGE



To what extent do you agree with the following statements?
% of citizens polled

	Agree	Rather agree	Rather disagree	Disagree	Hard to say
Police must provide a more prompt reaction to people's appeals	68,5	26,3	1,2	0,4	3,6
Treatment of people by police staff must be significantly improved, as well as their level of tolerance and culture while communicating with people	68,1	26,1	1,7	0,7	3,4
Responsibility of police staff for violations has to be increased	64,9	25,3	2,6	0,7	6,4
Procedures of appealing to police and completion of paperwork must be simplified	63,5	29,3	1,6	0,8	4,9
Police must be transformed from a punitive into a service body, which serves people's interests	58,7	24,1	4,3	2,8	10,1
People must have more information about the work of police, it should be made public	58,2	32,5	3,8	1,6	3,9
Police system of selecting and training staff must be changed	56,2	31,3	2,7	1,6	8,2
An independent external commission for investigation of complaints regarding the work of police staff must be created	56,0	29,4	2,8	1,9	9,9
Equipment and provision of police staff must be improved	42,7	35,1	6,5	3,8	11,9
Police staff should have better social security	37,5	36,2	8,0	3,5	14,8
The entire police staff must be replaced	34,7	27,2	16,9	10,4	10,8
Salary of a police employee must be raised to the average salary of a police employee in a European country	24,6	35,6	14,7	9,8	15,4
The number of police staff must be decreased	22,5	20,6	18,9	16,9	21,1
A part of police staff must be replaced	15,3	26,2	25,7	20,8	12,1
Police powers must be reduced	14,5	18,4	20,4	17,1	29,7
Police powers must be expanded	13,9	16,2	21,2	21,3	27,4
Militia must be renamed into police	9,6	13,9	15,7	34,1	26,8
The number of police staff must be increased	9,2	16,5	22,7	30,8	20,8

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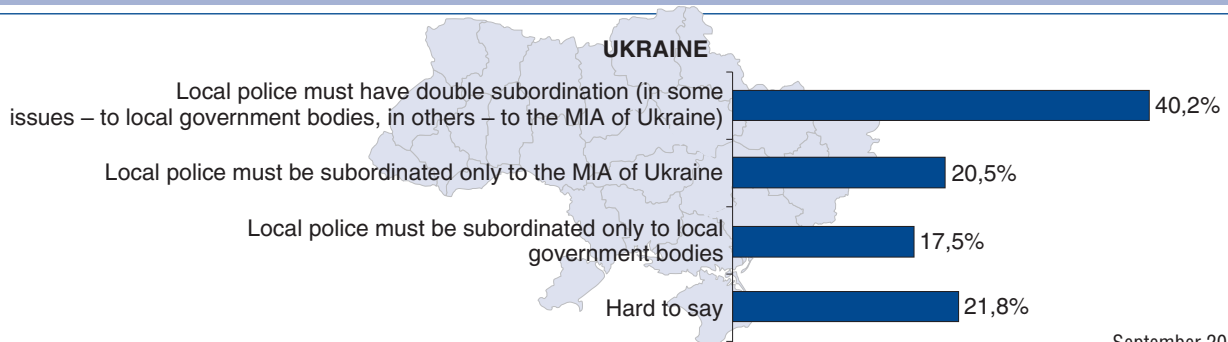


To what extent do you agree with the following statements?
% of citizens polled

					Agree	Rather agree	Rather disagree	Disagree	Hard to say
Local police has to be oriented to local community needs					53,8	36,3	2,2	1,0	6,7
Local police has to report to the community not less than once a year					52,9	34,2	3,2	1,2	8,4
Local police performance has to be assessed by the community (people)					48,8	37,6	3,3	1,8	8,5
Local police must receive its financing from local taxes					17,3	27,1	12,6	13,6	29,4
Local police has to be oriented to local community needs					Local police performance has to be assessed by the community (people)				
	West	Centre	South	East		West	Centre	South	East
Agree	54,1	50,9	60,6	54,3	Agree	49,0	42,5	54,4	53,2
Rather agree	35,6	36,1	33,8	37,6	Rather agree	37,1	38,1	32,6	38,8
Rather disagree	1,2	3,8	3,2	1,0	Rather disagree	2,2	5,5	5,6	1,0
Disagree	0,7	0,3	0,9	1,9	Disagree	1,0	2,2	3,7	1,4
Hard to say	8,4	8,9	1,4	5,2	Hard to say	10,8	11,7	3,7	5,5
Local police has to report to the community not less than once a year					Local police must receive its financing from local taxes				
	West	Centre	South	East		West	Centre	South	East
Agree	52,4	46,7	69,3	54,4	Agree	14,8	15,8	21,9	18,7
Rather agree	33,5	37,4	22,3	35,4	Rather agree	23,9	22,5	24,7	34,2
Rather disagree	2,6	5,1	3,3	1,7	Rather disagree	14,6	14,2	11,6	10,2
Disagree	1,0	0,9	1,4	1,6	Disagree	10,5	15,8	12,6	13,8
Hard to say	10,5	10,0	3,7	6,9	Hard to say	36,3	31,7	29,3	23,0

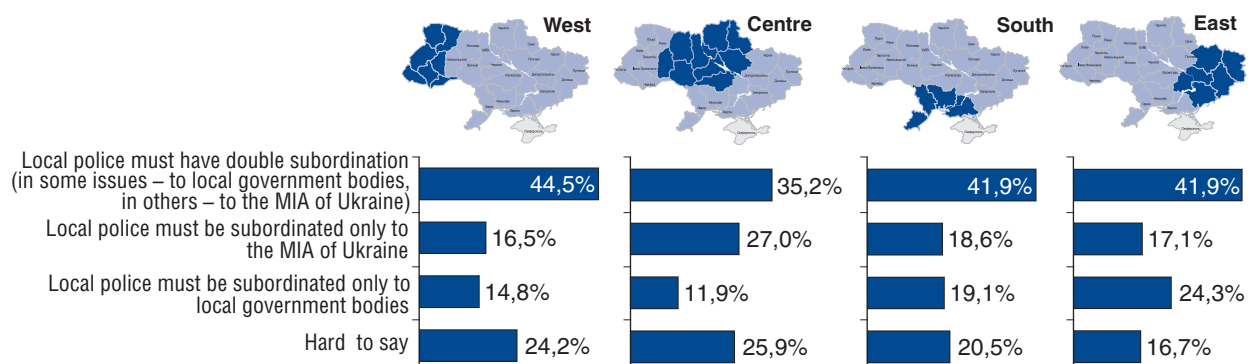
September 2014

Which model of local police subordination do you think is the most appropriate?
% of citizens polled



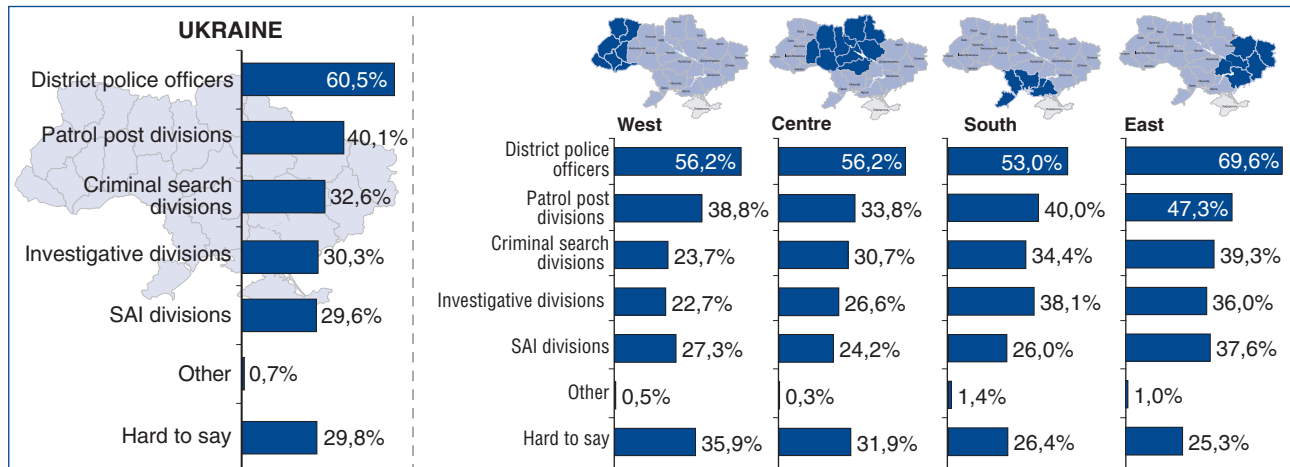
September 2014

REGIONS





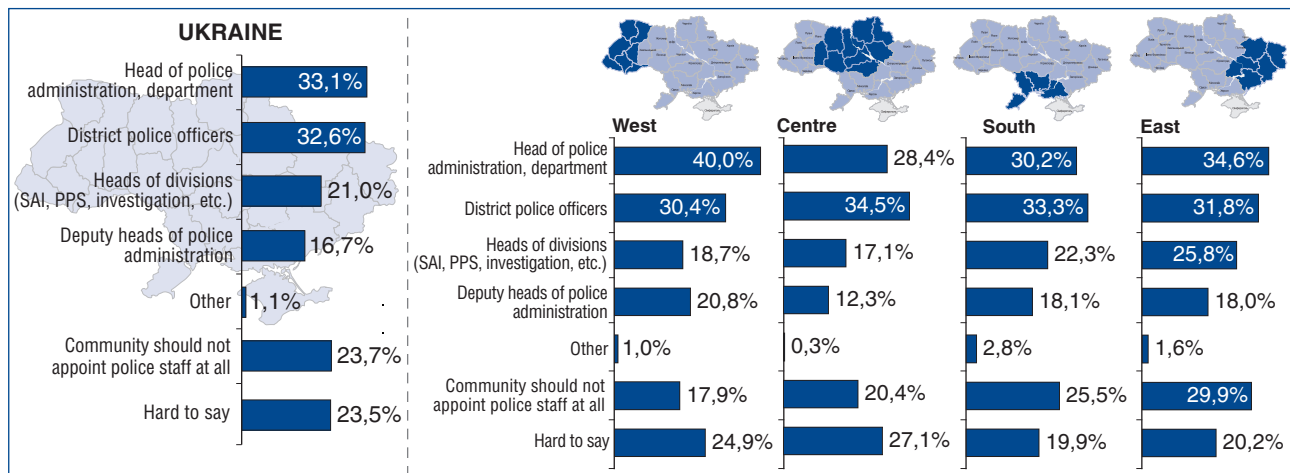
Which of the following IAA divisions are to be included in the local police?*
% of citizens polled



* Respondents were asked to mark all acceptable options.

September 2014

Police staff for which of the following positions should be appointed by the community?*
% of citizens polled



* Respondents were asked to mark all acceptable options.

September 2014

From which sources do you mainly get information on the work of police?*
% of citizens polled

	UKRAINE	West	Centre	South	East
Police must regularly report to the local community on its work	58,9	56,2	54,8	69,8	61,2
Representatives of NGOs have to take part in investigating complaints against the actions of police staff	36,4	33,7	33,2	44,7	38,8
Assessment of police performance must be done taking into account the results of regular surveys of population	29,4	27,8	23,6	36,7	33,9
Authorised representatives of NGOs must have a possibility to monitor the work of district departments and police administrations (for example, visit at any time with the purpose of monitoring observance of rights of detained and brought in persons)	27,3	33,5	22,9	26,9	28,0
Community has to participate in appointing staff for certain positions in the police	17,6	18,7	11,8	24,2	20,9
Members of NGOs have to execute regular monitoring of police work in the streets	13,7	13,6	12,2	27,4	11,0
Other	0,7	0,7	0,9	1,9	0,3
None	3,7	4,3	5,1	0,0	3,0
Hard to say	7,6	8,9	8,8	5,1	6,6

* Respondents were asked to mark all acceptable options.

September 2014



SOURCES OF INFORMATION AND THE LEVEL OF PEOPLE'S AWARENESS

From which sources do you mainly get information on the work of police?*

% of citizens polled

	UKRAINE	West	Centre	South	East
Life stories of friends, relatives, acquaintances	58,8	56,9	50,9	61,6	66,9
TV news	50,0	63,4	47,2	48,4	45,2
TV shows on criminal topics	38,5	35,2	44,8	49,1	31,0
Personal observations of police actions without direct contact	21,0	20,3	16,4	16,3	27,4
Internet news	16,7	19,6	15,2	22,8	14,7
Informal communication with police staff, their stories about work	16,2	14,4	13,4	18,6	19,2
Films, TV shows about police	15,8	10,8	17,1	21,9	15,8
News in magazines and newspapers	15,0	16,3	17,1	14,4	12,5
Personal experience of appealing to police	12,9	12,9	11,6	12,5	14,4
Official information provided by law enforcement agencies (for example, by the PR centre)	10,1	5,7	8,8	17,2	11,7
Radio news	7,1	9,6	11,0	6,0	2,3
Personal experience of working at law enforcement agencies or experience of communication with police staff during their work	4,2	3,1	5,2	6,0	3,3
Other	0,8	0,5	1,0	0,9	0,7
Hard to say	2,0	4,5	1,9	1,9	0,7

* Respondents were asked to mark up to five acceptable options.

September 2014

Do you work or have you ever worked in the following government agencies?

% of citizens polled

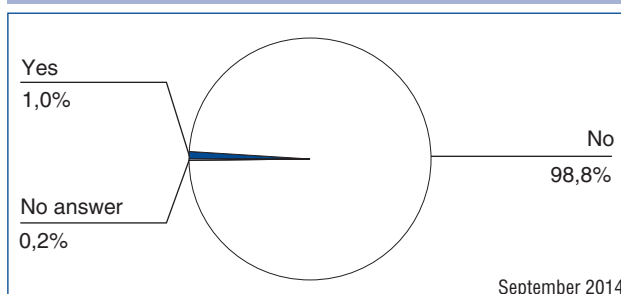


* Respondents were asked to mark all acceptable options.

Have you ever been held...

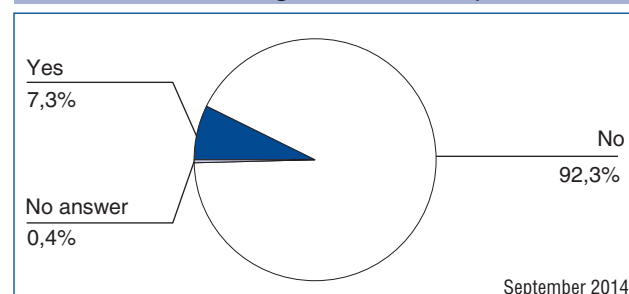
% of citizens polled

criminally liable?



September 2014

administratively liable (including fines for violating road traffic rules)?



September 2014

REFORM OF UKRAINIAN IAA: ASSESSMENTS AND IDEAS BY POLICE STAFF¹

In the framework of the project “Law Enforcement System in Ukraine: Status, Problems Prospects for Reform”, we conducted a survey of IAA staff, the goal of which was to receive, *first of all*, the respondents’ assessments of the crime rate, the police work, financial and logistical support of IAA operation, working conditions and remuneration of IAA staff. *Second*, ideas of police staff regarding relevant and top-priority areas for IAA reform, in particular: changes in police size, structure, range of powers, introducing the civilian control over police and police reporting to the society.

KEY CONCLUSIONS

1. Crime Rate and Assessment of Police Performance

- Police staff note that to some extent all types of offences are present. The five most common ones are “apartment burglary”, “car burglary”, “drug-related crime”, “offences committed under the influence of alcohol”; “pickpocketing”.
- Attention is drawn to the fact that the vast majority of police staff deny the frequent occurrence of such offences as “illegal use of force by policemen” and “police corruption”. Only 4% and 28% of respondents, respectively, recognised the presence of these offences.

Instead, most respondents stated that police staff: treat victims well; respect human rights; execute their duties honestly and in full; do not support corruption.

- The majority of police staff are satisfied with the work of such services as police stations, criminal search, PPS. A slightly smaller number of respondents also expressed their satisfaction with the work of SAI, investigation agencies and district police officers.
- Most respondents agreed that in order to evaluate the work of police, one is to use, first of all, assessments by police staff themselves of the work of commanding staff and the IAA as well

as citizens’ assessments. In third place came the use of statistical data. Among them, the most important for assessment of police performance were the rates of exposure and investigation of the following crimes: crimes committed by organised groups and criminal organisations; robbery and larceny; violent crime; crime related to drug distribution.

- The respondents’ attitude to civilian control of police work on the national level (as it is now) was rather negative, as they approved that the assessment of police performance has to include only the results of citizens’ surveys, – this was supported by slightly over a half of respondents. All other forms of engaging citizens, communities, public organisations in controlling the work of police were supported by a low number of respondents.

At the same time, the respondents admitted the relevance and legitimacy of community and citizen control of local police.

- The vast majority of police staff expect the following types of help from citizens: collection and provision of information; reporting crimes (committed or such that are being prepared), suspicious persons or suspicious situations; serving, if necessary, as a witness or attesting witness.

Abbreviations and acronyms: *violent crime* – wilful murder, intentional grave bodily injury, rape; *MIA* – Ministry of Internal Affairs of Ukraine; *MDMIA* – Main Department of the MIA; *IAA* – Internal Affairs Agencies; *SAI* – State Automobile Inspection of the MIA; *PPS* – Patrol Post Service of Ukrainian police.

¹ Study conducted by Kharkiv Institute of Social Research (<http://khisr.kharkov.ua>) ordered by the Razumkov Centre in the framework of implementing project “Law Enforcement System in Ukraine: Status, Problems, Prospects for Reforming”, implemented with support of the Foreign Affairs Ministry of the Kingdom of the Netherlands (MATRA Programme).

Sociological survey of police staff conducted in February 2015. Using *face-to-face* interview method, 313 police staff were surveyed in Odesa, Kyiv and Kharkiv region, according to a specially calculated sample. We used probability sample, stratified according to *MDMIA structure* in the region (management apparatus and divisions subordinated to MDMIA; city administration; city and district authorities). Selection of respondents at the final stage was done maintaining the quotas according to the length of service (up to two years, 24 years, 59 years, 10-14, 15-19 years, 20 years and more).



The majority of respondents also supported regular evaluation of police performance by citizens; help in fitting out and joint street patrolling. About a half supported regular reporting to the local community, a third – participation of community in appointing police staff to certain positions. The smallest share of respondents supported participation of NGO representatives in investigating complaints against actions of police staff, allowing designated NGO representatives to execute regular monitoring of work of district police stations, and monitoring of police work in the streets.

2. Working Conditions and Remuneration

- The majority of respondents do not think that either national or local government, or local communities, support police staff.
- Police staff are best provided with service weapons; generally satisfactory is their provision with premises and access to necessary databases within the framework of their corresponding working authority. At the same time, less than two-thirds of police staff are provided with means of communication, special active defence and protection gear. Unsatisfactory is the situation with access to forensic tools for collection and analysis of evidence, possibility to order the necessary expert examination and to use police vehicles; critical – the situation with supply of combustible and lubrication materials and office appliances.
- Only 12% of respondents can work less than 56 hours per week. Others work overtime, incl., 5% of them noted that they work over 98 hours per week.
- The vast majority (88%) of police staff do not think that their salary is adequate for supporting a normal level of life; only 1% find it adequate.

In addition, only 27% of respondents are familiar with the structure of their salary; 41% – reported cases of delayed salary payments; 41% – are convinced they do not receive their salary in full; 87% – are convinced they do not receive compensations for overtimes.

- The income of the majority of police staff families is either only enough for food (53%), or is not enough even for that (22%).

Only every fifth policeman has his own housing – and only 3% among housing owners received it through their service in IAA. There are reasons to believe that the majority (about 70%) of police staff need housing.

- Only 37% of respondents do not plan to resign from IAA. At the same time, almost a quarter (23%), plan to resign: either this year (9%), or in the upcoming 2-4 years (13%). 38% – do not plan to resign at the moment.

3. Attitude to Reform

- The majority of police staff support the idea of reforming internal affairs agencies. Only 16% of respondents think that this issue is not relevant. There is a distinctive correlation between the respondents' support of IAA reform and the level of their satisfaction with working conditions: the lower the level of satisfaction is – the stronger is the support for reform.
- Police staff express the greatest degree of support for changes aimed at improving working conditions and remuneration.

Determining the level of financial support necessary for people to be willing to join police forces, the relative majority (42%) of respondents named the sum of UAH 6,500-13,000. Almost every third respondent is convinced that the adequate sum is UAH 13,000-19,500. The salary, currently provided to an entry-level policeman (up to UAH 3,900), is considered adequate by less than 2% of respondents.

At the same time, the majority of respondents do not support such possible changes as reduction of powers and number of police staff; increasing the responsibility of police staff for violations; replacement of the entire police staff.

On a separate note, only 39% of respondents, to a certain extent, supported changing the name from militia to police; 43% did not support this idea; 19% – could not make a decision regarding this issue.

4. Ideas on Creating Local Police

- The majority of respondents think that local police has to include district police officers and patrol units; slightly less than half of respondents also included SAI units. Criminal search divisions, investigative divisions and "other" divisions were noted only by a quarter of respondents.
- The majority of respondents agree that local police has to be oriented at community needs and report to it not less than once a year; the majority also agrees to assessment of local police performance by the community and its financing from the local budget.

At the same time, the majority of respondents think it most advisable that the local police should be subordinate only to the MIA of Ukraine; double subordination (MIA and local government) was supported only by every fourth respondent; subordination to local government – only by every eighth respondent.

- A third of respondents do not support the idea of giving citizens power to appoint police staff to any positions.

Among those who support such powers of the community, the majority think that the community should appoint the head of the [local] police administration (department); appointing by the community of deputy heads of administration, heads of divisions and district police officers was supported by third and less respondents from the number of those, who agreed to giving the community the abovementioned powers.

1. Crime Rate: Assessment of Offence Occurrence

Questions related to assessing the crime rate were important for the study. The data we received can be viewed as an alternative to official police performance indicators and serve as evidence of occurrence of different offence types.

Respondents were asked to evaluate crime rate in the area where they work. As seen from the Table and Diagram “*Assessment of Offence Occurrence*”, the five most common offences are: apartment burglary – 83% (sum of answers “occur often” and “occur very often”); car burglary – 73%; drug-related crime – 70%; offences committed under the influence of alcohol – 70%, pickpocketing – 68%.²

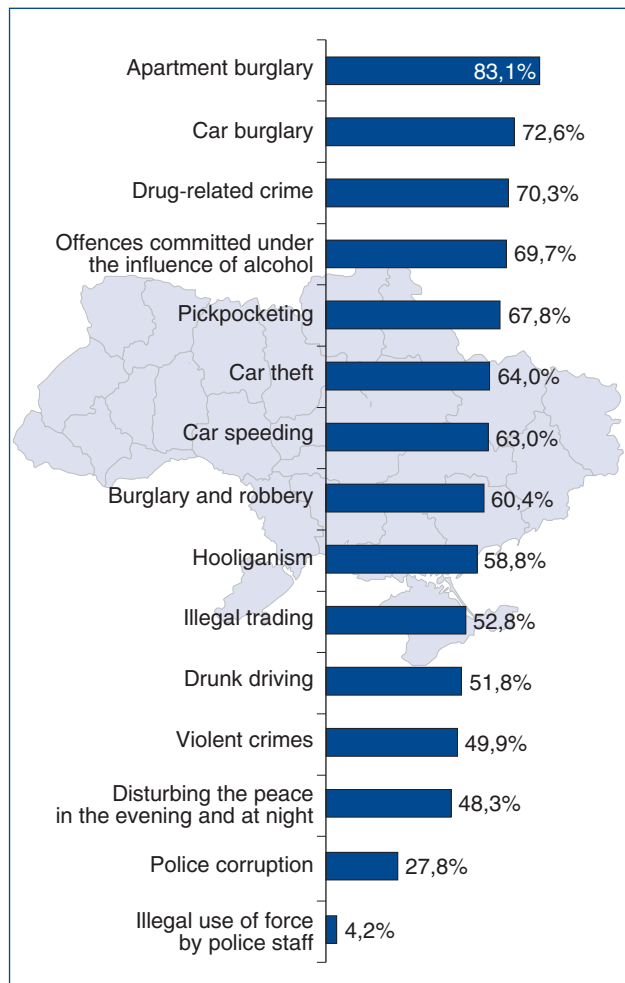
The least common offence, in the opinion of respondents, is the illegal use of force by policemen: only 4% of respondents noted that this problem exists, over a half (53%) said it does not, almost a quarter – admitted that it occurs infrequently.

Regarding police corruption, over a quarter (28%) of respondents denied existence of this issue, almost the same share – admit that it occurs more or less often (sum of answers “occur often” and “occur very often”), 23% – say it occurs infrequently.

Noteworthy is the fact that while responding to the question on “illegal use of force by policemen” and on “police corruption”, a significant number of respondents either chose “hard to answer” option, or refused to answer – 18% and 21%, respectively.

Regional Characteristics. Comparing crime rate assessments in three regions indicates certain differences. Thus, Kyiv respondents more often than their Odesa and Kharkiv colleagues noted occurrence of such offences as “apartment burglary” (90%) (note that in all three regions

Assessment of Offence Occurrence*,
% of police staff polled



* Sum of answers “occur often” and “occur very often”.

Assessment of Offence Occurrence,
% of police staff polled

	Occur very often	Occur often	Occur infrequently	Never	Hard to say/ no answer
Apartment burglary	34,5	48,6	14,7	1,3	0,9
Car burglary	30,4	42,2	21,7	3,2	2,6
Car speeding	27,5	35,5	25,9	5,4	5,8
Drug-related crime	27,2	43,1	23,0	2,6	4,2
Pickpocketing	25,6	42,2	25,9	4,5	1,9
Illegal trading	24,6	28,1	32,6	8,6	7,0
Offences committed under the influence of alcohol	24,3	45,4	22,7	4,8	2,9
Burglary and robbery	24,3	36,1	34,5	4,2	0,9
Car theft	22,7	40,3	29,7	5,4	1,9
Hooliganism	15,0	43,8	33,5	4,2	3,5
Disturbing the peace in the evening and at night	14,1	34,2	36,7	11,8	3,2
Drunk driving	12,8	39,0	35,8	4,8	7,6
Police corruption	12,8	15,0	23,3	27,8	21,1
Violent crimes	9,3	40,6	36,7	8,6	4,8
Illegal use of force by police staff	1,0	3,2	24,3	53,4	18,2

² Here and further in the text, figures are rounded to whole numbers; figures accurate to a tenth are presented in tables and diagrams.



this offence takes the first place by the rate of occurrence), “car burglary” (81%), “drug-related crime” (78%), “car theft” (75%) and “disturbing the peace in the evening and at night” (57%).

In Kharkiv region, compared to others, police staff mentioned offences committed under the influence of alcohol (75%), illegal trading (59%) and police corruption (33%) as the most widespread ones.

Burglary, robbery (69%) and hooliganism (66%) are comparatively more widespread in Odesa region.

In general, police corruption is denied by respondents from all three regions, but the majority of those denying it are in Kyiv region (61%). Kharkiv police staff more often than their colleagues from other regions denied occurrence of illegal use of force by policemen, – 82% of respondents said that this problem does not exist or there are few instances of its occurrence.

Crime in Regional Centres and Other Region Localities: Comparison

According to the survey, some offences occur more often in region centres than in other regional localities. Thus, in regional centres more often occur:

- car burglary – 90% vs. 61% in the region;
- burglary and robbery – 88% vs. 45%;
- pickpocketing – 87% vs. 54%;
- car theft – 76% vs. 55%;
- hooliganism – 74% vs. 49%;
- violent crime – 69% vs. 37% in the region.

Answering the question about “police corruption”, 43% of respondents in regional centres noted high rate of this offence, while for police staff working in regions this number was only 18%.

**Assessment of Offence Occurrence,
% of police staff polled**

	Kyiv region		Kharkiv region		Odesa region	
	Problem exists*	Problem is insignificant or does not exist**	Problem exists*	Problem is insignificant or does not exist**	Problem exists*	Problem is insignificant or does not exist**
Apartment burglary	90,0	10,0	77,3	22,7	84,2	15,8
Car burglary	81,0	19,0	66,6	32,4	74,0	25,0
Drug-related crime	78,0	19,0	71,0	27,1	65,4	31,7
Car theft	75,0	24,0	57,4	42,6	60,0	40,0
Pickpocketing	68,0	31,0	67,9	31,2	68,7	29,4
Offences committed under the influence of alcohol	67,0	32,0	75,0	23,1	69,3	28,7
Car speeding	66,0	31,0	59,2	35,2	60,4	34,6
Burglary and robbery	57,6	41,4	56,0	44,1	68,9	31,1
Disturbing the peace in the evening and at night	57,2	42,9	43,0	53,7	49,0	51,0
Hooliganism	56,0	43,0	57,8	39,5	65,7	32,4
Illegal trading	52,6	42,4	59,2	35,2	48,6	45,5
Violent crimes	52,0	44,0	51,4	48,6	52,0	43,1
Drunk driving	50,6	45,5	53,8	39,6	54,5	39,6
Police corruption	19,4	61,3	33,0	49,6	31,3	45,1
Illegal use of force by police staff	5,0	77,0	5,5	75,2	2,0	82,4

	Region		Regional centre	
	Problem exists*	Problem is insignificant or does not exist**	Problem exists*	Problem is insignificant or does not exist**
Apartment burglary	80,2	19,8	87,9	11,3
Drug-related crime	71,3	26,1	79,5	16,7
Offences committed under the influence of alcohol	64,0	33,8	78,9	20,3
Car burglary	61,3	38,1	90,1	8,4
Car speeding	55,7	38,0	73,7	23,3
Car theft	54,5	45,4	76,3	22,9
Pickpocketing	53,7	45,2	87,2	11,3
Drunk driving	52,8	45,4	61,9	36,7
Hooliganism	49,2	48,6	73,5	25,0
Burglary and robbery	44,9	50,1	87,8	17,4
Illegal trading	44,8	47,2	64,6	33,1
Disturbing the peace in the evening and at night	44,3	53,4	55,8	43,5
Violent crimes	36,8	61,5	69,0	26,5
Police corruption	17,5	54,3	42,7	48,8
Illegal use of force by police staff	3,4	73,5	5,3	84,2

* Sum of answers “occur often” and “occur very often”.

** Sum of answers “occur infrequently” and “never” occurs.

Note: tables do not include the “hard to answer” option.

2. Assessment of the Work of Police Staff and Certain Police Divisions

Work of Police Staff. Respondents' assessments of police staff were rather complimentary. Thus, the majority of them agreed to a certain extent that police staff mostly:

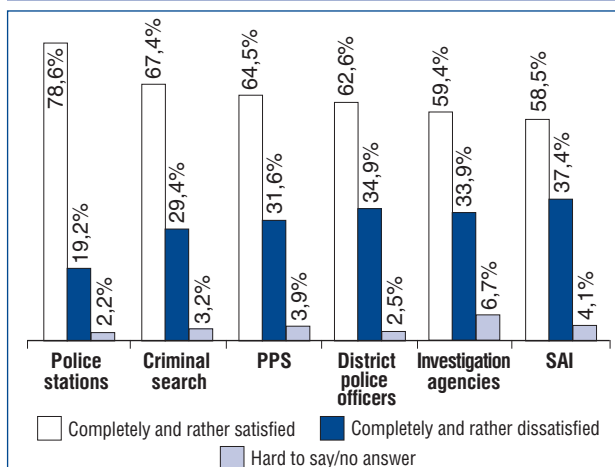
- treat victims well – 89% vs. 10% of those, who disagreed with this statement;
- respect human rights – 86% vs. 13%, respectively;
- execute their duties honestly and in full – 81% vs. 17%, respectively.

Notably, significantly less respondents agreed with the statement that “police staff mostly do not support corruption” – 67% vs. 27% of those, who did not agree with this statement (Table and Diagram “*To what extent do you support the statement that police staff mostly...?*”).

The breakdown of answers to questions regarding characteristics of police staff by regions showed that the most exemplary image of police officers was among Kyiv respondents. Thus, among them 93% and 90% respectively are convinced that police staff mostly treat victims well and respect human rights, while for their Kharkiv colleagues these numbers are 85% and 84%, respectively, for Odesa – 88% and 85%, respectively.

Assessment of the Work of Divisions. As seen from Diagram “*Satisfaction of police staff with the work of different divisions*”, the respondents are most satisfied with the work of police stations – 79% (sum of answers “completely satisfied” and “rather satisfied”). Second is criminal search (67%), third – PPS (65%).

Satisfaction of police staff with the work of different divisions, % of police staff polled



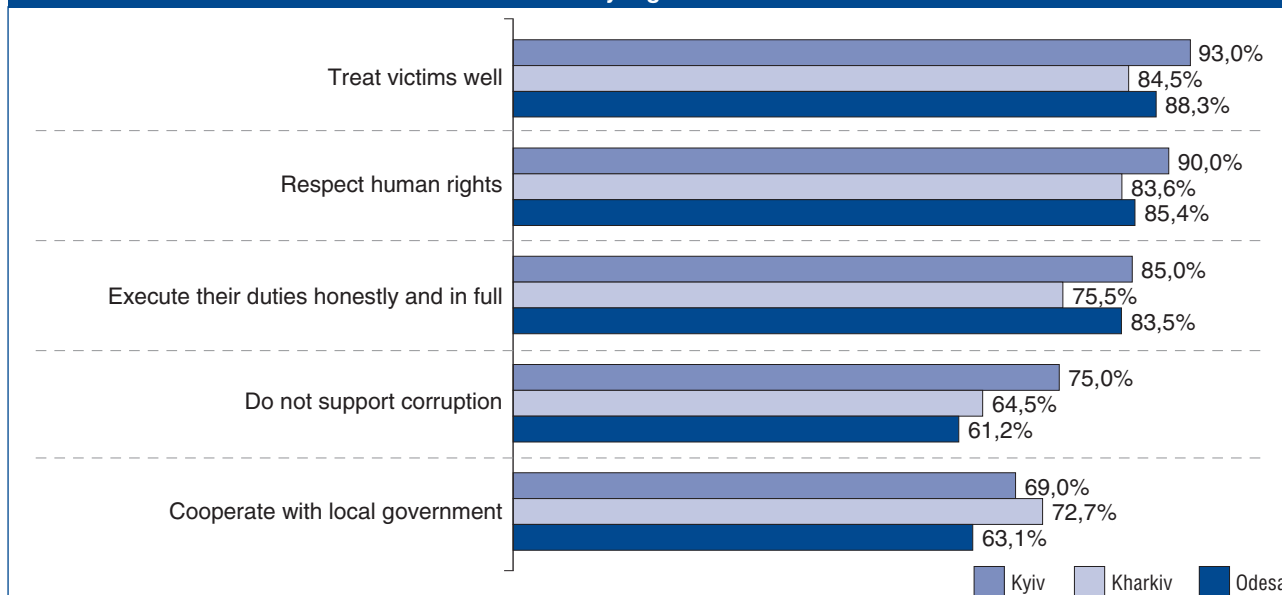
At the same time, a significant number of respondents are not satisfied with the work of SAI (37%), district police officers (35%), investigation agencies (34%).

There were no significant regional differences in these assessments. Police staff of all three regions (from 84% in Kyiv region to 75% – in Odesa) are satisfied with the work of police stations. Kyiv region respondents were more satisfied with the work of criminal search division – 80%, compared with Kharkiv (65%) and Odesa (60%) regions. In Odesa region, we noted a slightly higher level of dissatisfaction with the work of SAI (43% vs. 38% in Kharkiv and 31% in Kyiv region).

To which extent do you support the statement that police staff mostly...? % of police staff polled

	Agree	Rather agree	Rather disagree	Disagree	Hard to say/no answer
Treat victims well	40,3	48,2	8,3	1,9	1,3
Respect human rights	35,1	51,1	10,9	1,9	1,0
Execute their duties honestly and in full	33,9	47,3	15,0	1,9	1,9
Do not support corruption	33,9	32,9	19,5	7,3	6,4
Cooperate with local government	31,3	37,1	17,9	9,9	3,8

by regions*



* Sum of answers “agree” and “rather agree”.



Satisfaction of police staff with the work of different divisions in regions, % of police staff polled

	Kyiv	Kharkiv	Odesa
Police station			
Completely and rather satisfied	84,0	78,2	74,5
Completely and rather dissatisfied	15,0	19,1	23,5
Hard to answer	1,0	2,7	2,0
Criminal search			
Completely and rather satisfied	79,8	64,5	59,8
Completely and rather dissatisfied	19,2	31,0	38,3
Hard to answer	1,0	4,5	2,0
PPS			
Completely and rather satisfied	65,6	66,4	62,8
Completely and rather dissatisfied	32,4	30,0	33,3
Hard to answer	2,0	3,6	3,9
SAI			
Completely and rather satisfied	65,0	58,2	52,9
Completely and rather dissatisfied	31,0	38,2	43,2
Hard to answer	4,0	3,6	3,9
District police officers			
Completely and rather satisfied	64,7	67,2	56,8
Completely and rather dissatisfied	32,4	30,9	42,2
Hard to answer	3,0	1,9	1,0
Investigation agencies			
Completely and rather satisfied	60,2	59,0	67,6
Completely and rather dissatisfied	37,8	38,1	30,3
Hard to answer	2,0	2,9	2,1

Comparison by the type of settlement also did not show any significant differences, with the exception of the fact that regional police staff are more satisfied with the work of district police officers than their colleagues in regional centres – 70% vs. 53%, respectively.

Satisfaction of police staff with the work of different divisions in the regional centre and in the region, % of police staff polled

	Region	Regional centre
Police station		
Completely and rather satisfied	81,5	75,2
Completely and rather dissatisfied	16,3	23,3
Hard to answer	2,2	1,5
District police officers		
Completely and rather satisfied	70,2	53,1
Completely and rather dissatisfied	27,5	45,4
Hard to answer	2,3	1,5
PPS		
Completely and rather satisfied	68,3	60,2
Completely and rather dissatisfied	27,7	37,6
Hard to answer	4,0	2,2
Criminal search		
Completely and rather satisfied	67,7	60,1
Completely and rather dissatisfied	29,7	37,6
Hard to answer	2,6	2,3
Investigation agencies		
Completely and rather satisfied	63,4	60,3
Completely and rather dissatisfied	34,3	37,3
Hard to answer	2,3	2,4
SAI		
Completely and rather satisfied	60,6	56,4
Completely and rather dissatisfied	34,9	40,6
Hard to answer	4,5	3,0

It turned out that **assessments of the work of divisions were to some extent influenced by respondents' length of service**: the longer their service was, the more often police staff gave negative assessments of the work of their division. Thus, among those, who served less than two years, 12% gave a negative assessment of police station work, while among respondents serving five or more years – 23-26%. Such correlation is apparent in assessments of the work of all divisions. Particular attention is drawn to the fact that every second policeman serving 15 or more years has provided a negative assessment of the work of district police officers, investigation agencies and criminal search; over half (53%) of respondents serving 20 or more years have expressed their dissatisfaction with the work of PPS.

Attitude to Methods of Assessing Police Performance. From Table “*Attitude to different methods of police performance assessment*” one can see that respondents would rather prefer such method as taking into account the results of police staff surveys regarding “the work of commanding staff and the staff at the IAA, where they work”, – 71% of respondents to some extent agreed to using this method. 68% – thought surveying citizens was important. The least support was expressed for the use of statistical data as an assessment method – 65%, among which only 27% of respondents completely agreed. Over a quarter of respondents (26%) did not support or rather did not support the use of statistical data for assessment of police performance.

There were no significant regional differences in these issues. Kyiv region respondents were more likely to support the use of statistical data and staff surveys as key methods for assessment of police performance results (these options were chosen by 72% of respondents each). Among Odesa region respondents the police staff surveys took the first place (73%), among Kharkiv – citizens' surveys (70%). However, in general, all three methods were recognised by most respondents as important.

As seen from Table “*Assessment of importance of using statistical data...*”, among all statistical indicators, the respondents singled out the exposure and investigation of the following types of crime as most important for police performance assessment:




- crimes committed by organised groups and criminal organisations (“very important” – 74%);
- robbery and larceny (72%);
- violent crimes (72%);
- drug distribution (71%).

Respondents expressed significantly less support for statistical indicators related to preventive measures – from 50% (measures for preventing violations of road safety) to 40% (individual preventive measures for persons on file at the IAA).

There were no significant regional differences in respondents' attitudes to the use of statistical data.



Satisfaction of police staff with the work of different divisions depending on the length of their service, % of police staff polled						
Police station						
	Less than 2 years	2-4 years	5-9 years	10-14 years	15-19 years	20 years and more
Completely and rather satisfied	88,0	92,2	72,0	76,5	80,3	71,9
Completely and rather dissatisfied	12,0	7,8	25,8	23,5	14,3	25,0
Hard to say	0,0	0,0	2,2	0,0	5,4	3,1
SAI						
Completely and rather satisfied	64,0	66,7	58,0	56,9	57,1	56,3
Completely and rather dissatisfied	24,0	31,3	39,8	39,2	39,3	40,6
Hard to say	12,0	2,0	2,2	3,9	3,6	3,1
Criminal search						
Completely and rather satisfied	72,0	84,3	68,8	64,7	61,8	50,0
Completely and rather dissatisfied	16,0	11,8	29,0	35,3	38,2	50,0
Hard to say	12,0	3,9	2,2	0,0	0,0	0,0
District police officers						
Completely and rather satisfied	72,0	80,4	61,3	70,5	45,5	46,9
Completely and rather dissatisfied	28,0	17,6	36,6	29,5	50,9	50,0
Hard to say	0,0	2,0	2,1	0,0	3,6	3,1
Investigation agencies						
Completely and rather satisfied	76,0	74,5	66,3	64,0	46,2	42,8
Completely and rather dissatisfied	20,0	23,5	32,6	36,0	50,0	53,6
Hard to say	4,0	2,0	1,1	0,0	3,8	3,6
PPS						
Completely and rather satisfied	64,0	80,4	70,9	66,0	53,6	40,7
Completely and rather dissatisfied	36,0	15,7	29,1	32,0	37,5	53,1
Hard to say	0,0	3,9	0,0	2,0	8,9	6,2

Attitude to different methods of police performance assessment, % of police staff polled					
	Agree	Rather agree	Rather disagree	Disagree	Hard to say/ no answer
Results of police staff surveys regarding the work of commanding and regular staff at the IAA, where they work	34,8	36,1	17,6	5,8	5,7
	70,9		23,4		
Results of population surveys regarding the work of an IAA	25,9	42,2	12,8	11,2	7,9
	68,1		24,0		
Statistical data on performance results by main areas of police work	27,2	38,0	13,1	13,1	8,6
	65,2		26,2		
by regions					
Results of police staff surveys regarding the work of commanding and regular staff at the IAA, where they work	 Kyiv	 Kharkiv		 Odesa	
	72,0	68,8		72,8	
Results of population surveys regarding the work of an IAA	69,0	69,9		69,0	
Statistical data on performance results by main areas of police work	72,0	61,5		65,0	



**Assessment of importance of using statistical data by the main spheres of activity,
% of police staff polled**

	Very important	Important	Not important	Hard to say/ no answer
Exposure and investigation of				
...crimes committed by organised groups and criminal organisations	74,4	19,8	2,9	2,9
...robbery and larceny	72,2	23,6	2,9	1,3
...violent crimes	71,9	23,0	2,2	2,9
...crimes related to drug distribution	70,9	23,0	3,2	2,9
...human trafficking cases	66,5	24,9	5,4	2,2
...corruption crimes	64,2	27,2	6,1	2,5
...apartment burglaries	61,0	34,2	3,6	1,3
...large-scale fraudulent transactions	58,8	33,9	5,4	2,9
...car theft	57,5	35,1	4,5	2,9
Exposure and investigation of crimes in the economic sphere, which caused significant damage	50,2	40,6	6,1	3,2
Measures for preventing violations of road safety	50,2	36,4	9,6	3,8
Special operations aimed at detecting and preventing crime	49,8	36,7	9,6	3,6
Preventive measures regarding minors	47,9	39,9	8,9	3,2
Individual preventive measures for persons on file at the IAA	40,3	44,7	11,5	3,6

3. Assessment of Working Conditions and Labour Remuneration in Police

Government and/or Community Support. As seen from Table “To what extent do you agree that police staff are generally supported by...?”, over half of respondents completely or rather disagree that police staff are generally supported by government and/or community, in particular:

- national government – 64% vs. 28% of those, who think that the national government supports police staff;
- community – 57% vs. 37%, respectively;
- local government – 55% vs. 38%, respectively.

Financial and Technical Provision. Survey results demonstrate that from all necessary means and possibilities, police is only well fitted out with service weapons, which

was noted by 94% of respondents (incl., “good” – 71%, “satisfactory” – 23%) (Diagram “How good is the logistics system...?”).

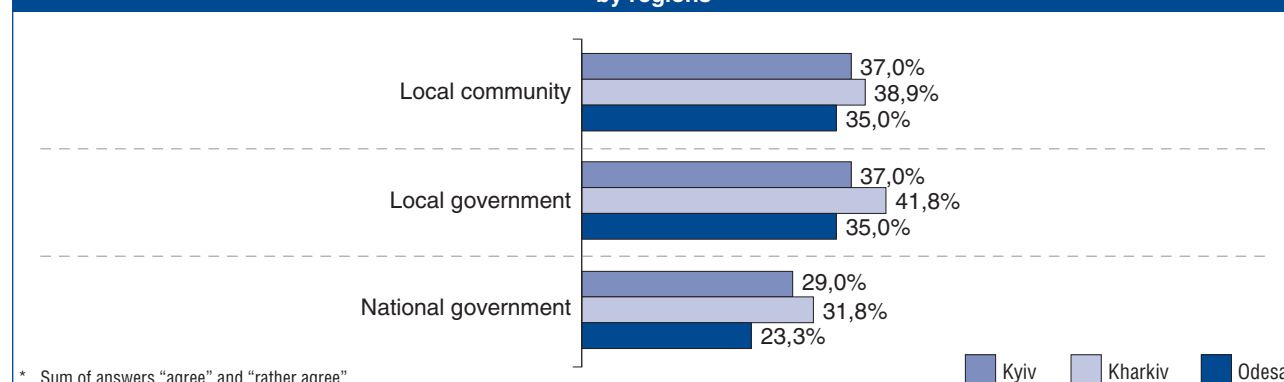
In general, provision with the following can be considered satisfactory:

- premises – 67% (incl., 29% – “good” and 38% – “satisfactory”);
- access to necessary databases in the framework of corresponding working authority – 64% (28% and 36%);
- means of communication – 60% (29% and 31%);
- special active defence gear – 58% (28% and 30%);
- special protection gear – 57% (incl., 25% – “good” and 31% – “satisfactory”).

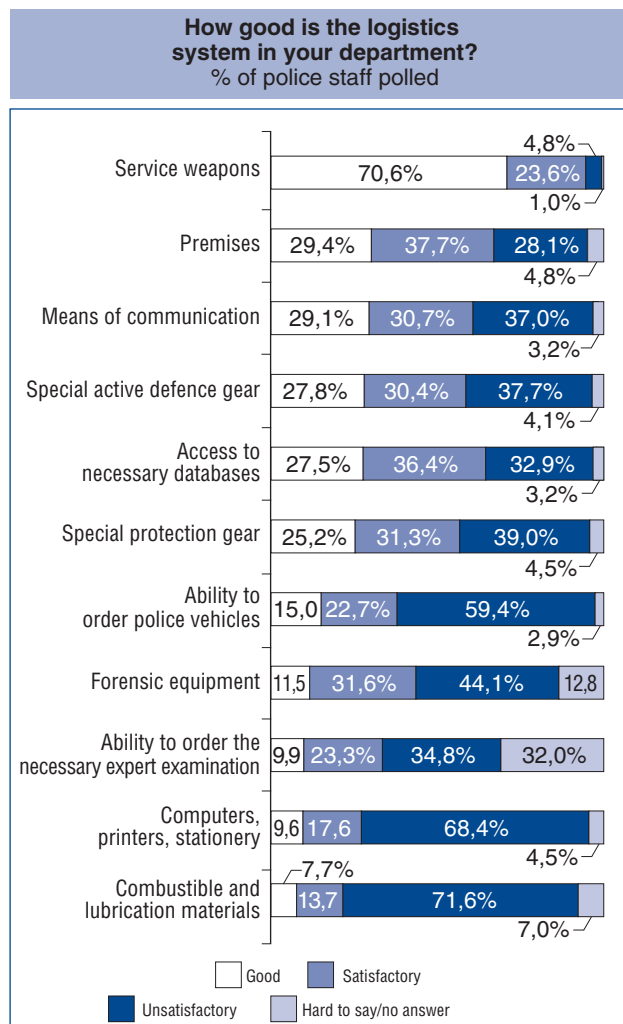
**To what extent do you agree that police staff are generally supported by...?
% of police staff polled**

	Agree	Rather agree	Rather disagree	Disagree	Hard to say/ no answer
Local community	15,3	21,4	31,3	25,2	6,7
Local government	14,7	23,3	28,8	26,5	6,7
National government	11,2	16,9	31,9	32,3	7,7

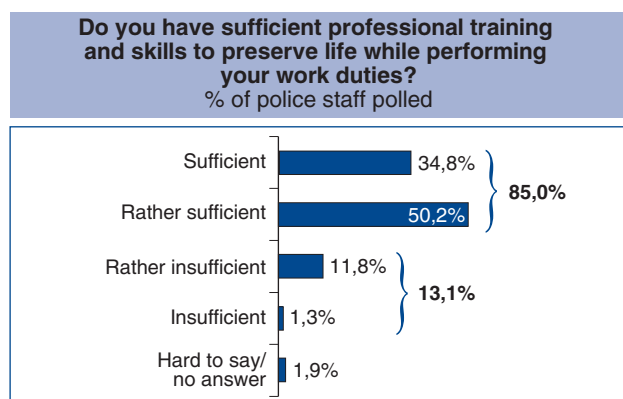
by regions*



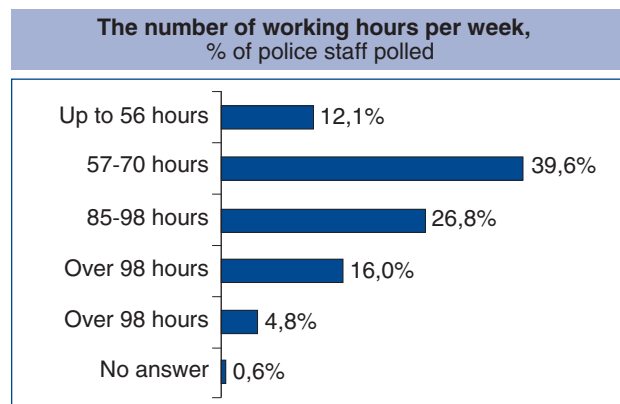
Worse is the situation with access to using forensic equipment for collection and analysis of evidence (44% of respondents described it as unsatisfactory), possibility to order the necessary expert examination (35%). Critical is the situation with the possibility to use police vehicles (unsatisfactory – 59%) and, especially, with provision of police with office appliances (68%), as well as combustible and lubrication materials (72%).



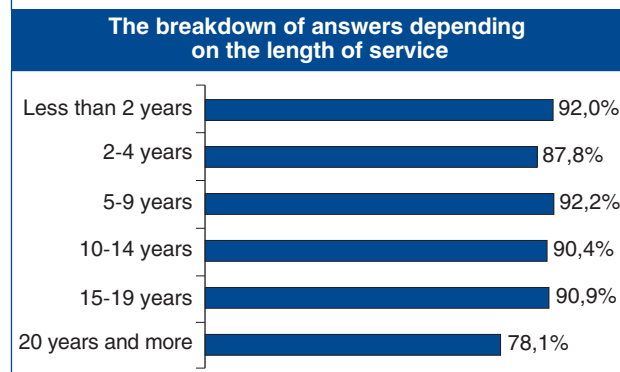
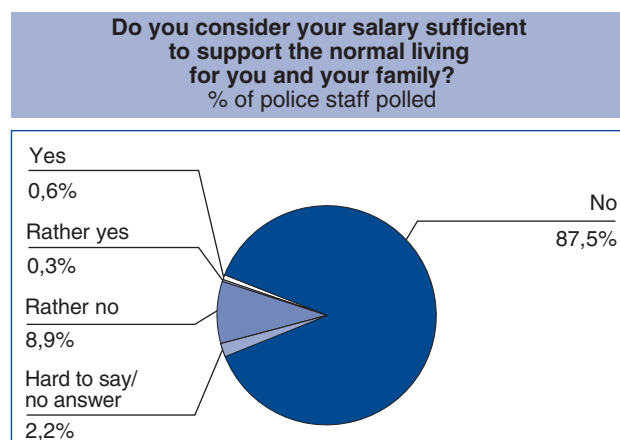
The Level of Professional Training and Competencies in Terms of Preserving Life while Performing Work Duties. The majority (85%) of police staff think that they are sufficiently (35%) or rather sufficiently (50%) prepared in order to preserve their life while performing work duties. But every seventh respondents (13%) thinks that his training level is insufficient.



Work Day Duration. As seen from Diagram “The number of working hours per week”, only 12% of respondents noted they have a possibility to work under 56 hours per week (i.e., this can mean an 8-hour work day in a five-day working week). The rest of respondents work overtime: relative majority (40%) – up to 70 hours per week; 27% – up to 84 hours; 16% – up to 98 hours, and 5% – over 98 hours per week (or over 14 hours per day without a day off).



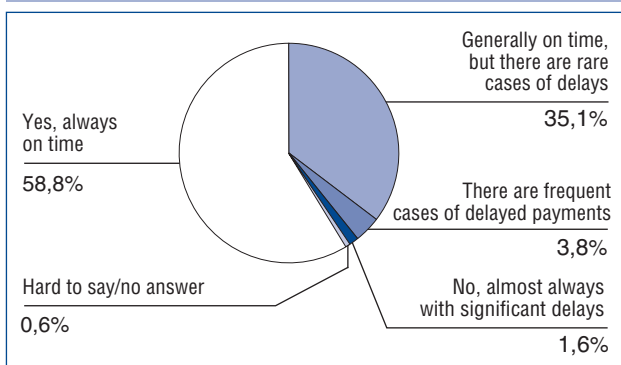
Labour Remuneration. The survey detected that the vast majority (97%) of police staff think that their salary is either “completely inadequate” (88%), or “rather inadequate” (9%), for supporting a normal standard of life for them and their family. The salary was only evaluated as adequate by 1% of respondents (Diagram “Do you consider your salary...?”).³



³ Among police staff in Kyiv region, the share of those, who think that their salary is completely inadequate, is slightly smaller – 83%, while among their Kharkiv and Odesa colleagues, this number is larger: 92% and 93%, respectively. It should also be noted that only among staff, whose length of service is 20 years and more, the number of those, who view their salary as completely inadequate, is smaller – 80%. But this is, evidently, related to the fact that some of them already receive pension, and some have senior positions, and thus are slightly more satisfied with their income.

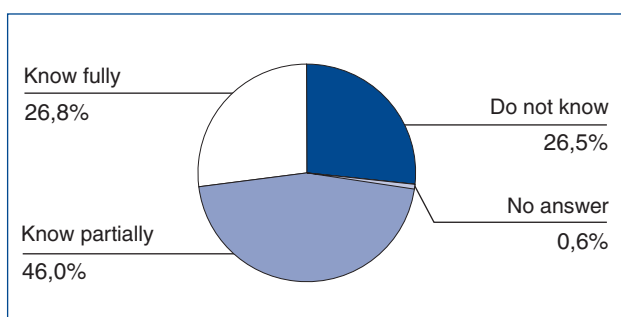
The majority (59%) of respondents noted that they always receive their salary on time, but the rest of respondents noted delays: 35% – rare cases; 4% – frequent cases; about 2% said that almost all the time their salary was paid with a significant delay (Diagram “Do you receive your salary on time?”).⁴

Do you receive your salary on time?
% of police staff polled



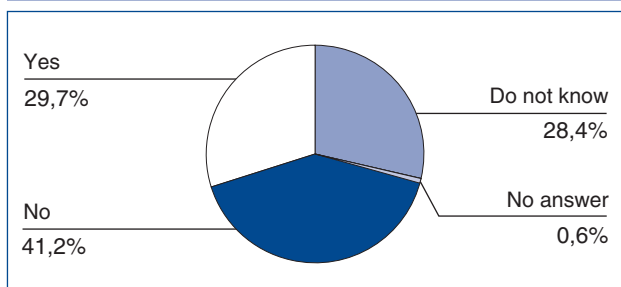
Notably, police staff often do not know, of which items their salary consists. Thus, only 27% of police staff said they are completely familiar with the structure of their salary; 46% – are partially familiar. However, a significant share of respondents (27%) do not know, why they are being paid this exact salary (Diagram “Do you know what component...?”).

Do you know what components your salary consists of?
% of police staff polled



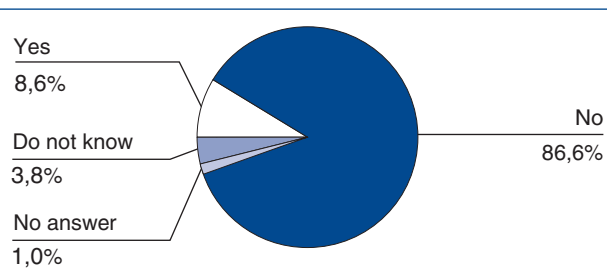
Correspondingly, only less than third of respondents (30%) are sure that they receive their salary in full. Instead, 41% – are convinced in the opposite, and 29% of respondents – simply do not know, whether their salary is being paid to them in full or not⁵ (Diagram “Is your salary being paid to you in full...?”).

Is your salary being paid to you in full, including all appropriate bonuses?
% of police staff polled



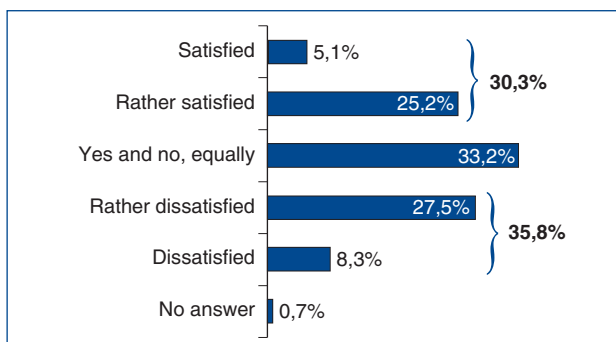
In addition, 87% of respondents are convinced they do not receive a compensation for overtimes, another 9% – do not know, whether they receive it (Diagram “Do you receive a compensation...?”).

Do you receive a compensation for overtimes?
% of police staff polled



General Evaluation of Working Conditions. As seen from Diagram “To what extent are you satisfied with your working conditions?”, only 5% of respondents expressed their complete satisfaction with working conditions, another 25% – are “rather satisfied”. A different degree of dissatisfaction with their working conditions was expressed by 36%, a third – said their working conditions were tolerable (“yes and no, equally”).

To what extent are you satisfied with your working conditions?
% of police staff polled



⁴ Rare cases of salary delays occur more often in Kyiv region – 41% of Kyiv region respondents noted this fact; among their Kharkiv colleagues this option was marked by 32% of respondents; among Odesa region respondents – 33%.

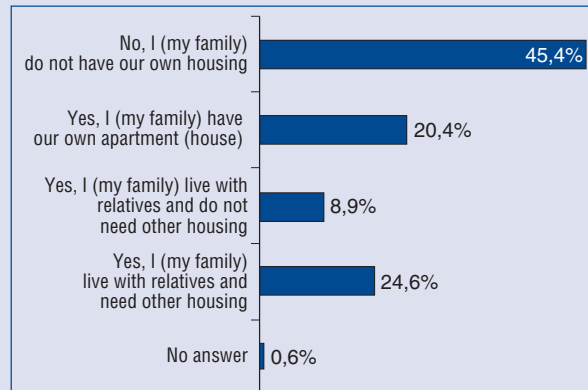
⁵ It should be noted that the biggest share of respondents, who are sure they receive their salary in full, is among Kyiv respondents (37%); the biggest share of those, who are convinced in the opposite – among their Kharkiv colleagues (55%).

LIVING CONDITIONS OF POLICE STAFF AND THEIR FAMILIES

Housing Availability. As seen from Diagram “Do you or does your family have your own housing?”, only 20% of respondents gave a positive answer to this question. Instead, 45% – do not have their own housing, another 25% – live together with relatives and need separate housing. Only 9% of respondents noted that they live together with relatives and do not need their own housing.

Thus, currently, approximately 70% of police staff are in need of housing.

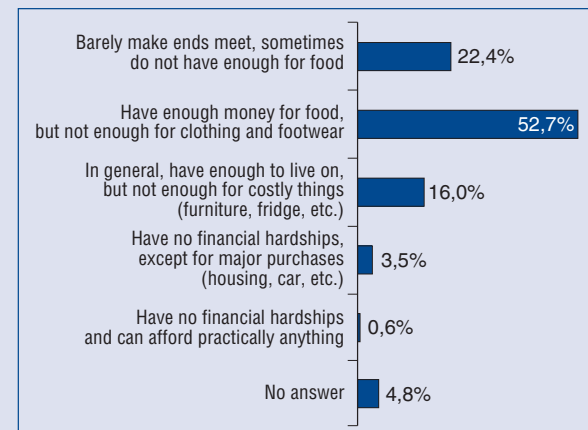
Do you or does your family have your own housing? % of police staff polled



Also, among those, who have their own housing, practically no one received it as a result of their service at IAA. Thus, about over a half (53%) of housing owners indicated that they inherited it, 26% – purchased with the help of parents or relatives, only 8% purchased housing with their own funds (incl., with credit funding), – and only 3% received housing from the MIA.

Assessment of Financial Situation of Families. Judging by respondents’ answers about the financial standing of their families, one can conclude that the vast majority (75%) of police staff families are almost on the brink of survival: they either have “enough money for food, but not enough for clothing and footwear” (53%), or they “barely make ends meet” and “sometimes do not have enough for food” (22%).

Assessment of financial situation, % of police staff polled

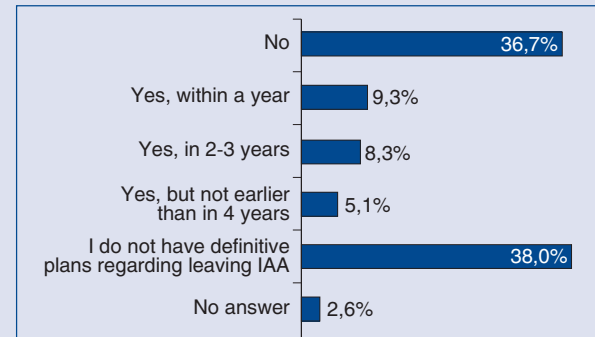


Slightly better provided are families of about 20% of respondents, who indicated that they have “enough to live on, but not enough for costly things” or that they “experience no financial hardships, except for major purchases”.

INTENTIONS TO RESIGN FROM IAA

As seen from Diagram “Are you going to resign from IAA?”, only 37% of respondents do not have plans to resign. Almost the same share (38%) – do not have a definitive plan for resigning. Almost a quarter (23%) plan to quit IAA within 14 years.

Are you going to resign from IAA? % of police staff polled

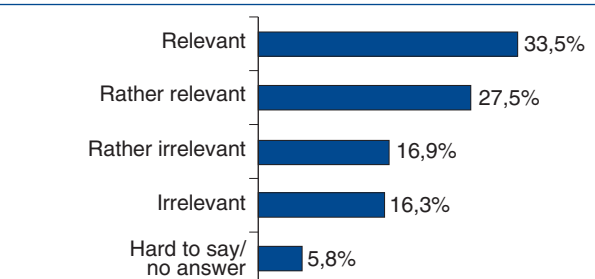


4. Relevance of Reforming Police and Attitude to Certain Potential Changes

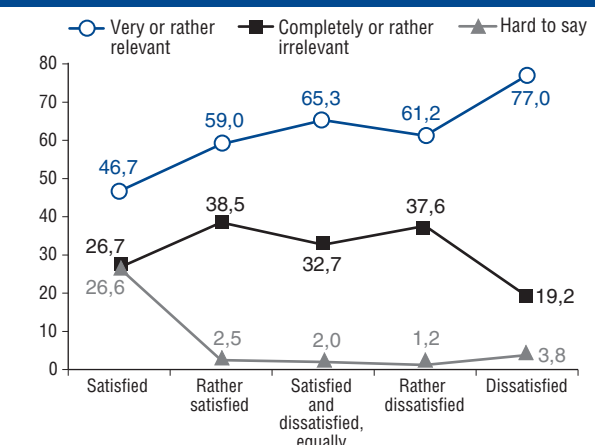
One of research priorities was to find out the attitude of police staff to the reform of internal affairs agencies that is currently underway, – as understanding and support of the need for change from police staff is an important factor in the success of reforms.

Reform Relevance. As seen from Diagram “How relevant is it to reform police forces now?”, over half (61%) of respondents think that the reform is either very or rather relevant; 16% think that it is completely irrelevant. Only 6% of respondents were unable to make a decision regarding this issue.

How relevant is it to reform police forces now? % of police staff polled



...depending on the level of satisfaction with working conditions





There were no significant differences in evaluations of the relevance of reform depending on the region or the type of settlement (regional centre vs. other localities). There were also no differences in opinions of police staff depending on the length of their service and/or special ranks.

At the same time, **dependence of evaluation of reform relevance on the level of satisfaction with the working conditions is completely logical**. Thus, those respondents, who are completely dissatisfied with working conditions, express stronger need for a police reform (77%), compared to those, who are completely (47%) or rather satisfied with them (59%). Along with this, among those, who think that a police reform is completely or rather irrelevant, there are more respondents, who are completely satisfied with their working conditions, than those who are completely dissatisfied (27% and 19%, respectively).

Attitude to Certain Changes. Respondents expressed the most support for potential changes aimed at improving working conditions and labour remuneration at IAA. As seen from Diagram “Attitude to different aspects of police reform”, the vast majority support the following measures:

- increasing salary to the average level salary of a police employee in European countries (94%);
- providing police staff with better social protection (92%);
- improved fit-out and provision of police staff (92%).

Instead, **the vast majority or the majority of respondents disagreed to a different degree with the following changes:**

- reduction of police powers – 75%;
- reduction of the number of police staff – 66%;
- replacement of the entire police staff (61%);
- creating an independent external commission for investigation of complaints regarding the work of police staff (52%);
- increased responsibility of police staff for violations (51%).

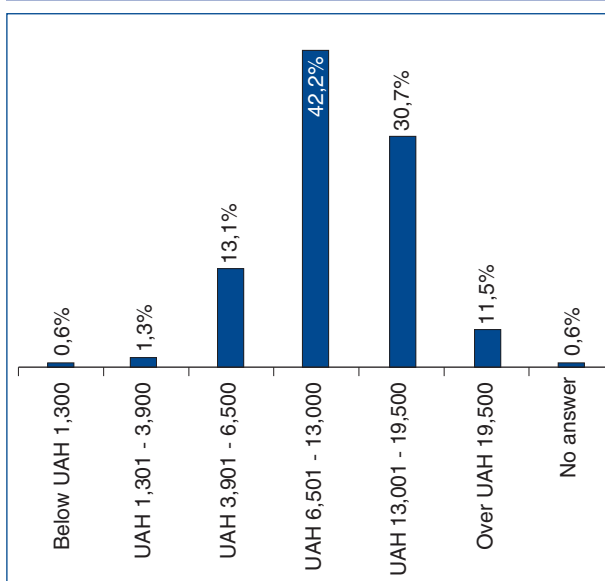
Notably, the most complicated task for respondents was to make a decision regarding increased responsibility of police staff – 27% of respondents could not make a decision.

It should also be noted that only 39% of respondents, to a different extent, supported renaming militia to

police; 43% did not support this idea. Almost every fifth respondent (19%) could not make a decision.

Desired Labour Remuneration. Police reform also includes the issue of labour remuneration at IAA. During the study, the question about salary was asked indirectly: “What level of monthly salary can be viewed as acceptable for people to be willing to join police forces?” A relative majority of respondents (42%) have selected a salary in the range of UAH 6,500-13,000. Another 31% think that a police employee’s salary should be up to UAH 19,500. The current salary of an entry-level police employee is viewed as attractive for serving in IAA by less than 2% of respondents.

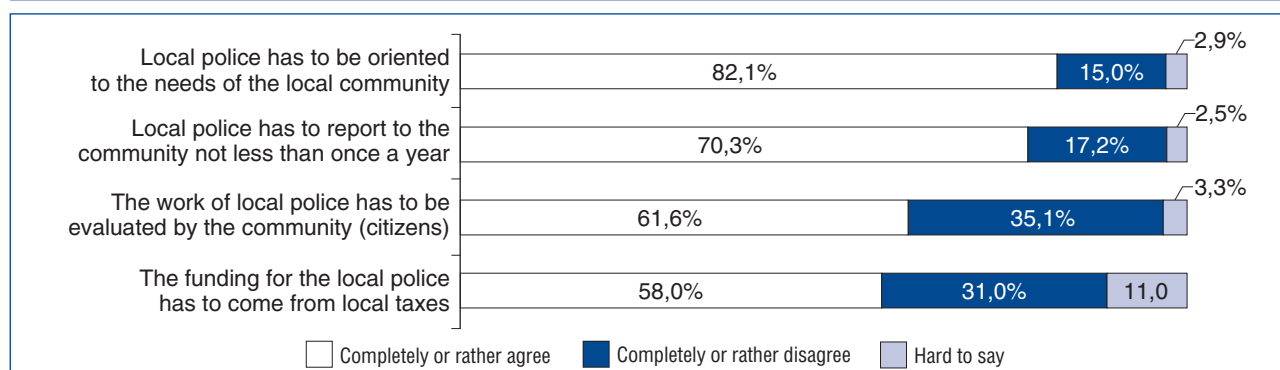
What level of monthly salary can be viewed as acceptable for people to be willing to join police forces?
% of police staff polled

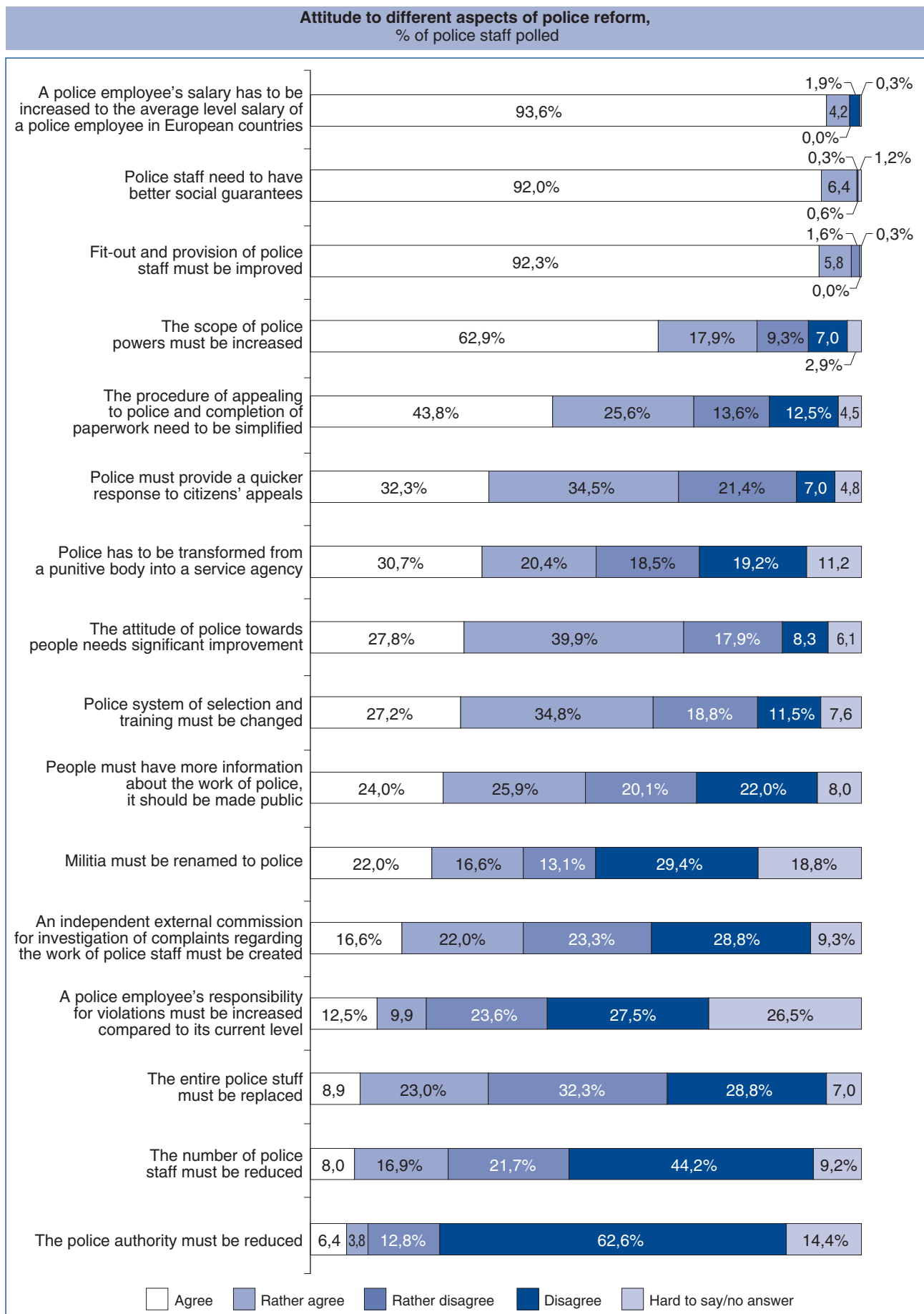


5. Attitudes and Assessments of Local Police

Local Police and Community. In general, the majority of respondents support a tight connection between local police and the community. Thus, 82% of respondents agree that the work of local police has to be centred around the needs of the community; 70% – that local police has to report to the community annually; 62% – support the idea that the work of local police has to be evaluated by the community; 58% – that local police has to receive its financing from local taxes (Diagram “To what extent do you agree...?”).

To what extent do you agree with the following statements?
% of police staff polled

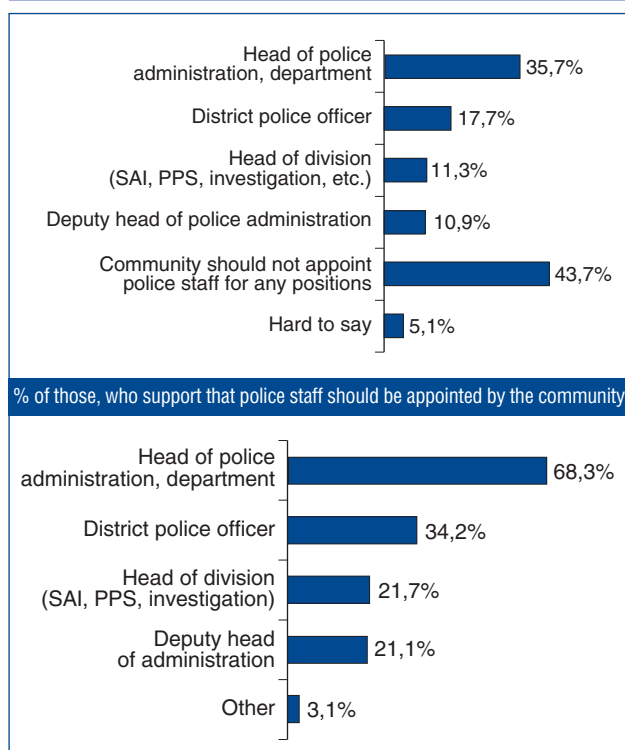






Only slightly over a half of respondents (51%) think that the community has to have the power to appoint local police staff to certain positions; 44% – are convinced that the community should not have such powers at all; the rest could not make a decision regarding this issue. Among those, who supported appointing the police staff to certain positions by the community, 68% support appointing heads of police administrations (departments), 34% – appointing district police officers. The least support the IAA staff expressed for involving the community in appointing heads of divisions (22%) and deputy heads of police administrations (21%) (Diagram “*Police staff for which of the following positions should be appointed by the community?*”).

Police staff for which of the following positions should be appointed by the community?
% of police staff polled



* Respondents were asked to mark all acceptable options.

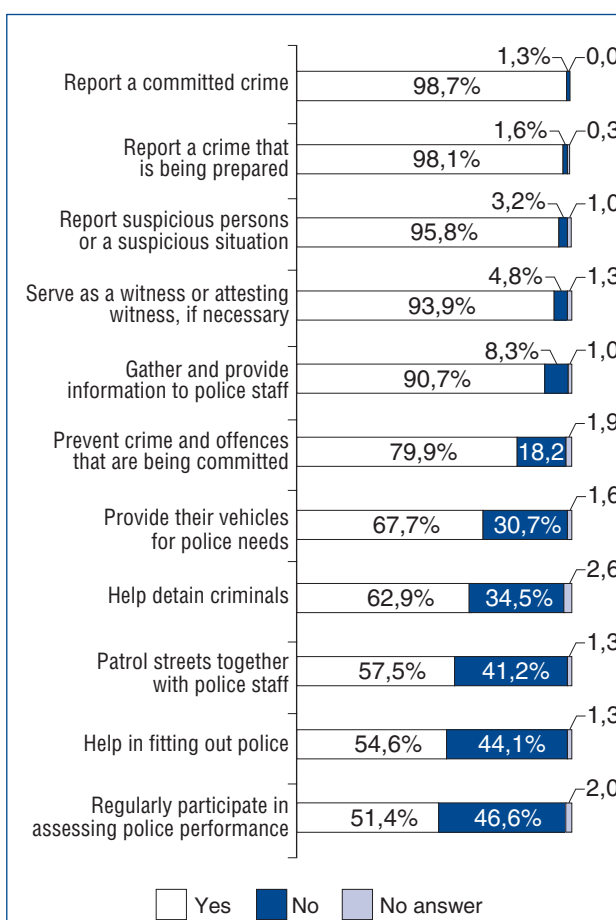
Regarding help from the community, as seen from the Diagram “*How can the community help in the work of local police?*”, the vast majority of respondents expect mainly the following:

- reporting crimes either committed (99%), or such that are being prepared (98%);
- reporting suspicious persons or suspicious situations (96%);
- serving, if necessary, as a witness or attesting witness (94%);
- collecting and providing information to police staff (91%).

Attention is drawn to the fact that police staff expressed significantly less support for such form of cooperation with community as regular evaluation of their work by citizens, – only 51% of respondents expect such help from the community.



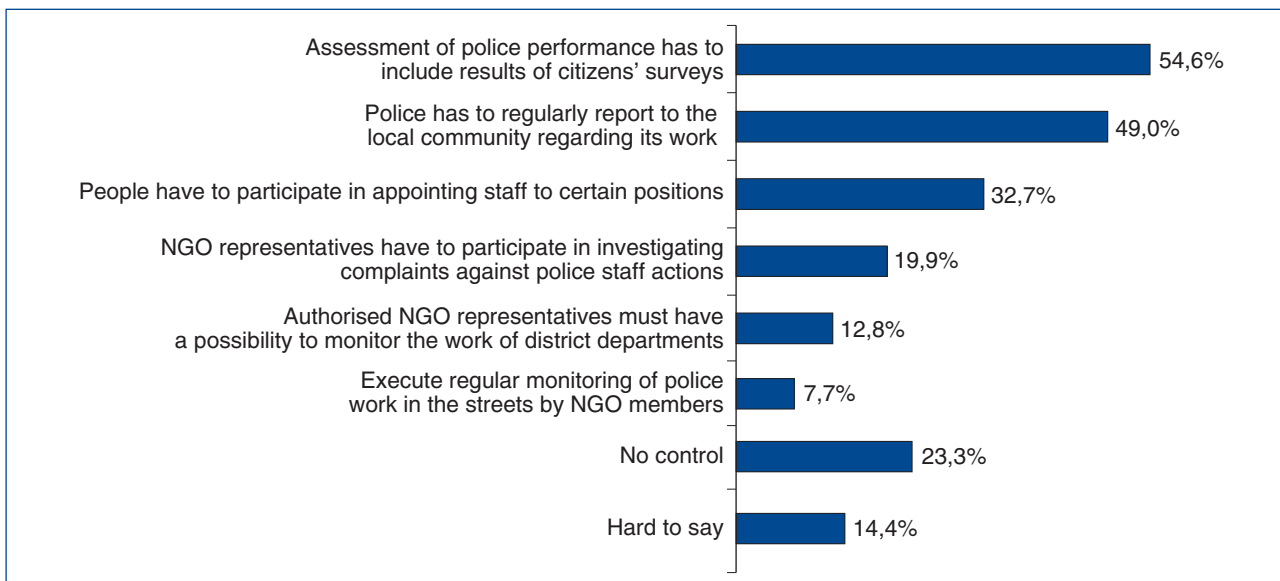
How can the community help in the work of local police?
% of police staff polled



The attitude of police staff to community control of IAA is rather reserved. Diagram “*In what way must community control the police?*” shows that the majority or approximately half of respondents supported only such forms of control as taking into account results of periodic citizens’ surveys for assessing the work of police (55%) and regular police reporting to the local community (49%). One-third supported participation of community in appointing police staff to certain positions.

All other forms of control were supported only by a minor share of respondents (from 8% to 20%). Almost

In what way must community control the police?*
% of police staff polled



* Respondents were asked to mark up to three acceptable options.

a quarter (23%) were convinced that the community should not control police at all, another 14% could not make a decision regarding this issue.

Subordination and Structure of Local Police.

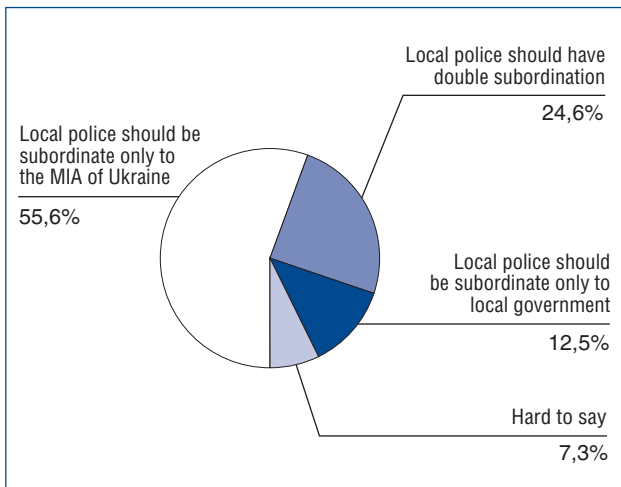
The most advisable model of local police subordination, in the opinion of the majority of respondents (56%), is its subordination only to the MIA of Ukraine. A quarter of respondents think that local police has to have double subordination (report to MIA on some issues, and to local government – on others), and only 13% support the idea of local police subordination to local government (Diagram “Which model of local police subordination...?”).

Local police structure, in the opinion of respondents, has to include such divisions as: district police officers (75%), patrol post divisions (68%). 44% of respondents would

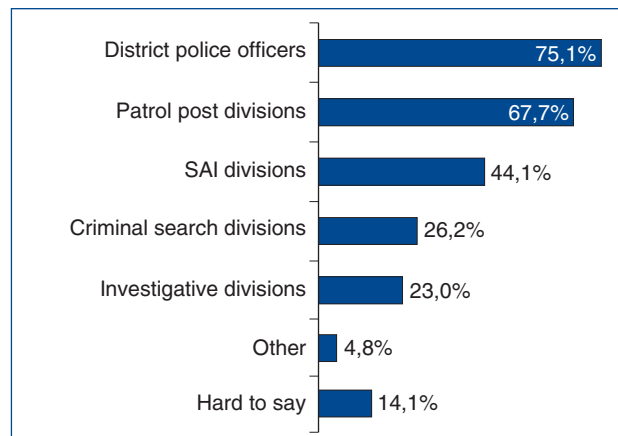


include SAI divisions in the local police. Police staff named such divisions as criminal search (26%) and investigative divisions (23%) (Diagram “Which divisions are to be included in local police structure?”).

Which model of local police subordination do you consider most appropriate?
% of police staff polled



Which divisions are to be included in local police structure?*
% of police staff polled



* Respondents were asked to mark all acceptable options.

POLICE REFORM IN UKRAINE: EXPERT ASSESSMENT

Expert surveys were conducted with the purpose of studying experts' attitudes to relevant issues and development prospects of the Ukrainian police.¹ Today, at the final stage of approving Ukrainian law enforcement reform proposals, these issues are very topical, – even more so, because no consensus regarding certain aspects has been reached yet.

Experts answered questions about occurrence of crime in general and in police in particular, work efficiency of internal affairs agencies, relevance of police reform, main directions and individual aspects of reforms.

Given the relatively frequent occurrence of crimes included in Table “Rate of occurrence of listed problems”, police has to execute many complicated and varied tasks (besides, the list in the table cannot be treated as complete). At the same time, it also contains internal problems, – in particular, corruption and illegal use of force by police staff, – which interfere with efficiency of police work and bring down people’s trust in police. Almost all experts, to a different degree, think that corruption is widespread in police; every other expert thinks that about illegal use of force by police staff, while only 34% of experts polled think that this problem is insignificant or does not exist at all.

Also, the majority of experts disagree (or “rather disagree”) that police staff are inclined to fight corruption (86% of experts), that they honestly execute their duties (68%), respect human rights and treat victims well – 64% and 60%, respectively (Table “To what extent do you agree with the following statements?”). Taking into account these assessments, it seems logical that only 12% of experts are convinced that police staff have the support of local community; instead, every other expert noted that police has the support of central government (which is nonsense in a normal society and state); 58% of experts think that police works together with local government (directions and quality of work of local government are not evaluated here).

**Rate of occurrence of listed problems,
% of experts polled**

	Very often	Often	Rarely	Never	Hard to say
Car speeding	54	32	10	0	4
Illegal trading	52	26	12	0	10
Police corruption	42	50	4	0	4
Offences committed under the influence of alcohol	36	48	10	0	6
Violent crime	30	56	8	2	4
Drug-related crime	28	56	12	0	4
Drunk driving	28	46	18	0	8
Car burglary	26	54	16	0	4
Apartment burglary	24	68	4	0	4
Pickpocketing	24	54	18	0	4
Car theft	14	64	16	2	4
Hooliganism	14	58	22	0	6
Burglary, robbery	10	58	24	0	8
Illegal use of force by police staff	10	40	32	2	16
Disturbing the peace in the evening and at night	10	30	50	2	8

**To what extent do you agree with the following statements?
% of experts polled**

	Agree	Rather agree	Rather disagree	Disagree	Hard to say	Balance*
Police staff work together with local government	8	50	22	12	8	24
Police staff have the support of the central government	8	42	24	22	4	4
Police staff have the support of local government	4	44	32	16	4	0
Police staff treat victims well	0	34	44	16	6	-26
Police staff respect human rights	2	32	42	24	0	-32
Police staff execute their duties honestly and in full	0	28	46	22	4	-40
Police staff have the support of local community (people)	4	8	48	34	6	-70
Police staff do not support corruption	4	8	36	50	2	-74

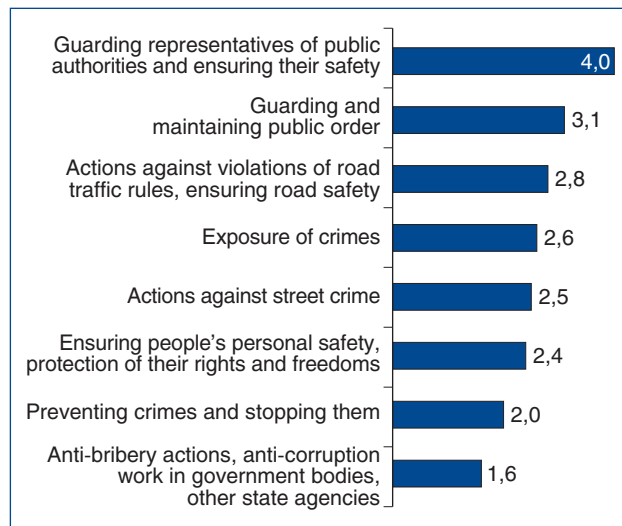
* Difference between the sum of answers “agree” and “rather agree” and the sum of answers “rather disagree” and “disagree”.

¹ Expert survey was conducted by the Sociological Service of the Razumkov Centre on 11-31 March 2015. We surveyed 50 experts – current and former employees of law enforcement agencies, scientists, lecturers at specialised higher education institutions, representatives of international organisations and NGOs, independent experts.



The highest grade was given to the police performance in guarding representatives of public authorities and ensuring their safety – 4 points on a five-point scale (Diagram “Please grade the police performance in each of the listed spheres”). At the same time, maintenance of public order is evaluated at 3.1 points; work in the rest of spheres of police responsibility – below 3. The lowest grade (1.6 points) was given to anti-bribery efforts, anti-corruption work in government bodies and other state agencies.

Please grade the police performance in each of the listed spheres?*
average score



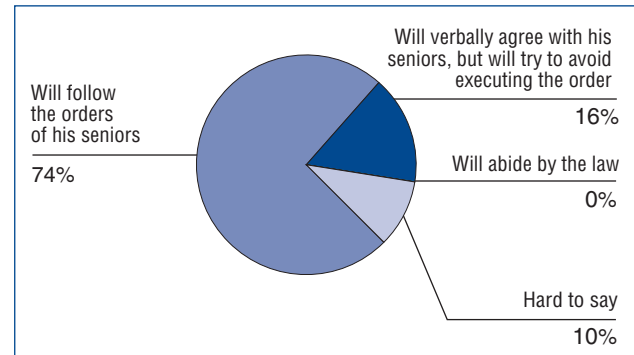
* On a five-point scale from 1 to 5, where “1” is the lowest score, and “5” – the highest.

The only police division, the work of which was assessed by experts as “efficient” or “rather efficient”, was police stations (62% of respondents). The work of other divisions, namely, district police officers, investigation agencies, SAI, PPS, etc. is considered generally inefficient by experts (over 60%) (Table “In your opinion, how efficient is the work of the following divisions?”).

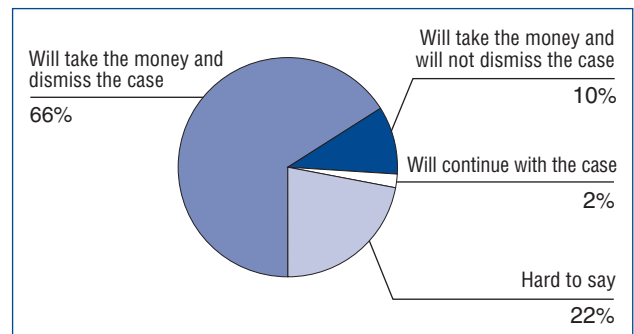
Experts had a low opinion about moral qualities of certain categories of IAA staff. Thus, 74% of experts believe that if given orders by his seniors to commit illegal actions while investigating a criminal case, an average district police station head would follow this order, and none (!) of experts think that he will abide by the law in this case. If an average investigating officer is offered a large sum of money for dismissing a criminal

case, 66% of experts think that he will take the offer; only 2% of experts believe that he will continue with the case, while 10% think that he will take the money and will not dismiss the case (Diagrams “How will an average district police station head act...” and “How will an average investigating officer act...?”).

How will an average district police station head act, if while investigating a criminal case, he receives orders from his seniors to commit illegal actions?
% of experts polled



How will an average investigating officer act, if he is offered a big sum of money to dismiss a criminal case?
% of experts polled

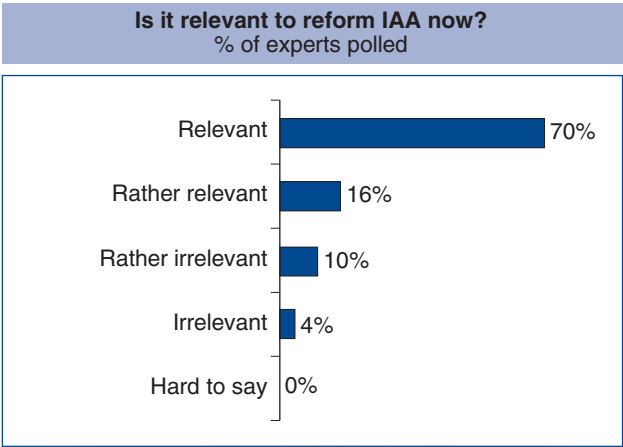


Having thus assessed internal problems and police performance, experts were consistent in expressing their confidence that a police reform is relevant (70%) or rather relevant (16%) (Diagram “Is it relevant to reform IAA now?”). That being said, 54% of experts think that reforms must be coordinated by a specialised team at the National Council of Reforms (which includes social activists), and not by government authorities:

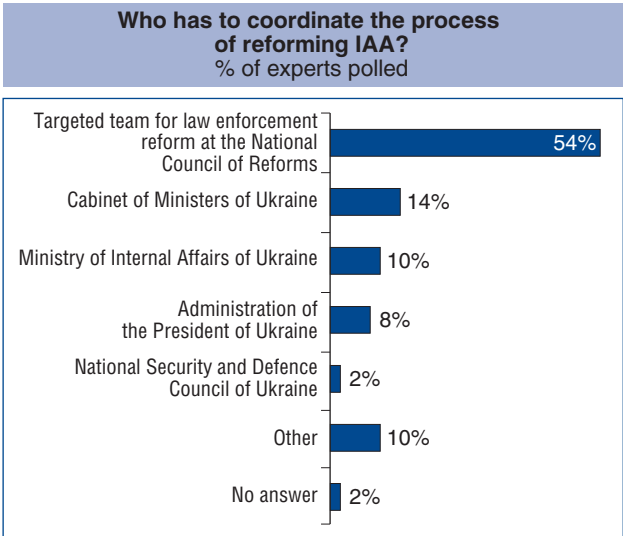
In your opinion, how efficient is the work of the following divisions?
% of experts polled

	Efficient	Rather efficient	Rather inefficient	Inefficient	Hard to say	Balance*
Police stations (in the context of reacting to people's calls and notifications, accepting statements and information about crimes)	6	56	24	8	6	30
SAI (in the context of ensuring road safety, vehicle registration, issuing driver's licences)	0	26	46	22	6	-42
Patrol-post services (in the context of ensuring order in the streets)	2	22	48	22	6	-46
Criminal search and other operational divisions (in the context of exposing crimes, searching criminals)	2	22	44	26	6	-46
Investigation agencies (in the context of crime investigation)	0	18	50	26	6	-58
District police officers (in the context of working with population, crime prevention)	2	14	42	34	8	-60

* Difference between the sum of answers “efficient” and “rather efficient” and the sum of answers “rather inefficient” and “inefficient”.



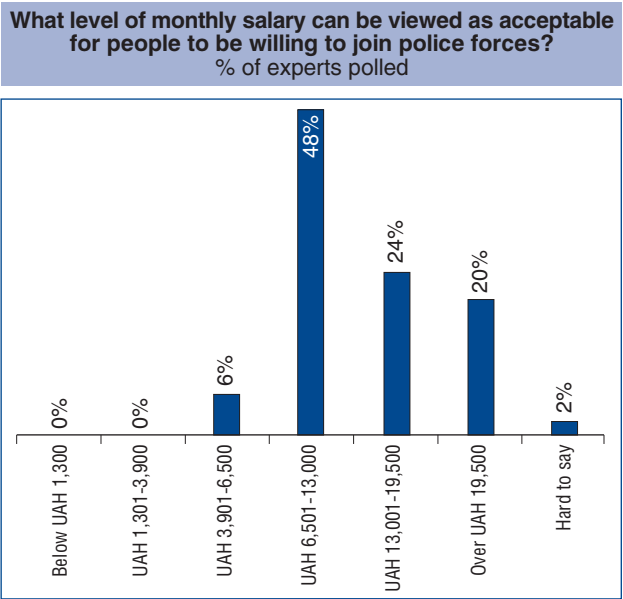
only 14% of experts think that this task can be handled by the Government, 10% – by MIA, 8% – by Presidential Administration, 2% – by the National Security and Defence Council of Ukraine (Diagram “Who has to coordinate...?”). Those who chose option “Other” offered to create an interdepartmental group with powers of legislative initiative and execution.²



Currently, several initiatives for law enforcement reform have been put forward (Table “How would you evaluate these initiatives for reforming IAA?”). Experts

gave positive assessment to those that yield results in the short-term perspective. These are: creating a new patrol division in the MIA (74%); experiments to improve the structure and performance of internal affairs agencies in Lviv and Khmelnytskyi regions (68% and 58%, respectively). Attitudes to full-scale law enforcement reform initiatives turned out to be more reserved, – possibly due to the fact that they pay little attention to ensuring interim short-term results (i.e. the main principle of change management was broken).

Answers to the question about an acceptable level of salary as a motive to join police forces reveal mainly the inadequate level of current salaries of police privates and sergeants (UAH 1.5-2 thousand). The relative majority of experts (48%) think that an acceptable salary would be UAH 6.5-13 thousand, and only 6% think that a police officer can be satisfied with a UAH 3,901-6,500 salary (Diagram “What level of monthly salary can be viewed as acceptable for people to be willing to join police forces?”).



Analysing sectors of police reform listed in Table “To what extent do you agree with the following statements?”, one can note that they aim to approximate Ukrainian

How would you evaluate these initiatives for reforming IAA? % of experts polled						
	Positively	Rather positively	Rather negatively	Negatively	Hard to say	Balance*
MIA of Ukraine carrying out measures for creating a new MIA patrol service in Kyiv	30	44	4	6	16	64
MIA of Ukraine conducting an experiment on improving performance of IAA of the MDMIA of Ukraine in Lviv region	18	50	10	6	16	52
MIA of Ukraine conducting an experiment on creating a single patrol police service in Khmelnytskyi	18	40	16	10	16	32
The course of law enforcement system reform in the framework of Sustainable Development Strategy “Ukraine – 2020”	6	42	14	10	28	24
Draft law No.1692-1 as of 27 January 2015 “On Police and Police Work” (V. Chumak et al.)	6	34	28	14	18	-2
Draft law No.1692 as of 12 January 2015 “On National Police” (Y. Lutsenko)	4	22	16	42	16	-32

* Difference between the sum of answers “positively” and “rather positively” and the sum of answers “rather negatively” and “negatively”.

² For more information about experts' own answer options to some questions, see section “Individual Opinions of Experts (answer option “other”)” of this article.



To what extent do you agree with the following statements?
% of experts polled

	Agree	Rather agree	Rather disagree	Disagree	Hard to say	Balance*
Treatment of people by police staff must be significantly improved, as well as their level of tolerance and culture while communicating with people	84	14	0	0	2	98
Fit-out and provision of police staff must be improved	90	8	0	0	2	98
Police must provide a more prompt reaction to people's appeals	72	26	0	0	2	98
Police staff should have better social security	84	8	4	2	2	86
Police system of selection and training must be changed	80	12	6	0	2	86
Police must be transformed from a punitive into a service body, which serves people's interests	84	6	4	2	4	84
People must have more information about the work of police, it should be made public	68	22	6	0	4	84
Procedures of appealing to police and completion of paperwork must be simplified	64	26	4	2	4	84
An independent external commission for investigating complaints regarding the work of police staff must be created	50	34	6	4	6	74
Militia must be renamed to police	58	24	2	8	8	72
Salary of a police employee must be raised to the average salary of a police employee in a European country	42	32	16	4	6	54
The number of police staff must be decreased	44	30	16	6	4	52
Responsibility of police staff for violations has to be increased	42	30	14	10	4	48
A part of police staff must be replaced	44	26	14	14	2	42
Police powers must be reduced	22	26	26	16	10	6
The entire police staff must be replaced	16	28	28	26	2	-10
Police powers must be expanded	8	14	38	28	12	-44

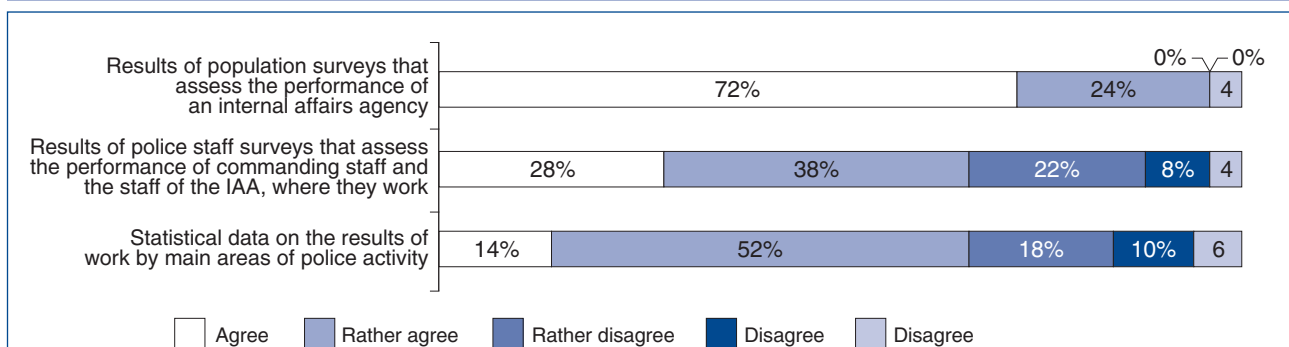
* Difference between the sum of answers "agree" and "rather agree" and the sum of answers "rather disagree" and "disagree".

police to European standards and are positively viewed by the majority of experts. Experts only deny the need for replacement of the entire police staff (as opposed to partial replacement, which is supported by 70% of experts) and an increase of police powers: 22% of experts support it, while 64% – do not. Opinions regarding the reduction of police powers split almost in half: 48% of experts think that a reduction of powers is necessary, and 42% – disagree with this. The differences are apparently caused by the fact that these assessments are rather emotional and not substantiated with the analysis of correlation between the number of staff and quality of their work, as well as between the volume of powers and police tasks (protection of interests of people, society, state, and provision of administrative services to citizens).

The vast majority of experts (96%) agree and "rather" agree that assessment of police performance should include results of population surveys. Experts generally agree that assessments of police performance should include both, staff surveys on the work of their seniors and statistical data on the results of police work (66%, each) (Diagram "To what extent do you agree that assessments of police performance...?"). Obviously, the best solution here is a complex approach to assessment, which should depend on a particular set of indicators, as well as effectiveness of data collection and analysis.

As seen from Table "How would you evaluate the importance of the following statistical indicators for assessing police performance?", most experts noted as "very important" and "important" the following indicators of police performance: exposure and investigation

To what extent do you agree that assessments of police performance must include the following data?
% of experts polled





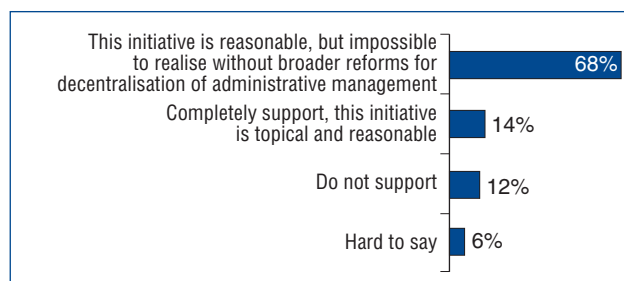
How would you evaluate the importance of the following statistical indicators for assessing police performance?
% of experts polled

	Very important	Important	Not important	Hard to say
Exposure and investigation of corruption crimes	52	28	14	6
Exposure and investigation of violent crimes (wilful murder, intentional grave bodily injury, rape)	48	36	8	8
Exposure and investigation of robbery and larceny	46	40	8	6
Exposure and investigation of crimes committed by organised groups and criminal organisations	44	34	14	8
Exposure and investigation of crimes related to drug distribution	40	40	12	8
Exposure and investigation of cases of human trafficking	36	40	18	6
Exposure and investigation of apartment burglaries	34	52	8	6
Exposure and investigation of car theft	32	50	12	6
Exposure and investigation of crimes in the economic sphere, which caused significant damage	32	46	16	6
Exposure and investigation of large-scale fraudulent deals	30	44	18	8
Preventive measures in regard to minors	26	50	12	12
Measures for preventing violations of road safety rules	22	48	22	8
Special operations with the purpose of detecting and preventing crime	20	38	30	12
Individual preventive measures for persons on file at the IAA	18	44	28	10
Other	20	2	2	76

of robbery and larceny; apartment burglaries; violent crime; corruption offences; crimes related to drug distribution; car theft (these items were marked by 80-86% of experts).

The majority of experts (82%) support the initiative of creating local police, including, 14% – unequivocally support it, 68% – show support, but only along with broader reforms for decentralisation of administrative management. The initiative is not supported only by 12% of experts (Diagram “Do you support the initiative to create...?”).

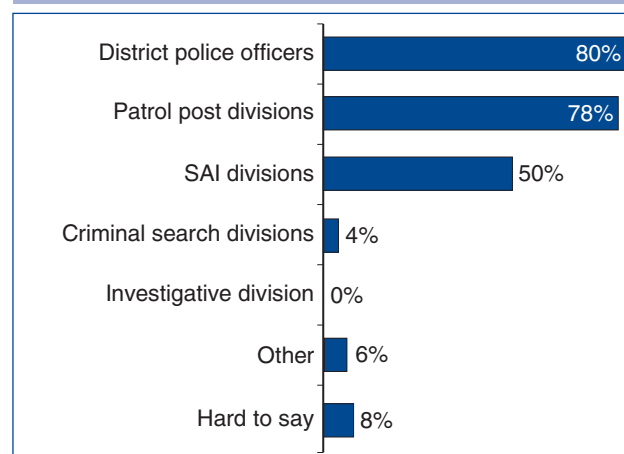
Do you support the initiative to create local police in the current situation?
% of experts polled



Regarding the structure of local police (Diagram “Which of the following IAA divisions are to be included...?”), experts think that it should include district police officers (80%), patrol post divisions (78%) and SAI units (50%).

Almost all experts agreed that local police must report to the community, and its performance should be evaluated by the community. Orientation of local police to community’s interests and its financing from local taxes were also supported by experts, although to a slightly lesser degree. Experts expressed least support

Which of the following IAA divisions are to be included in the local police?*
% of experts polled



* Experts were asked to mark all acceptable options.

for giving local police criminal-procedural powers (Table “To what extent do you agree with the following statements about local police?”).

The majority of experts (64%) think that local police should have double subordination – to local government bodies and MIA; 22% – supported its subordination only to local government; and only 8% – to MIA (Diagram “Which model of local police subordination...?”).

In experts’ opinion, key positions, to which staff should be appointed by the community, are: heads of police administration, department (48% of experts think so); district police officers (36%). Appointing heads of divisions and deputy heads of administrations (departments) was supported only by 12% and 8%, respectively. Along with this, 30% of experts think that community should not appoint police staff to different



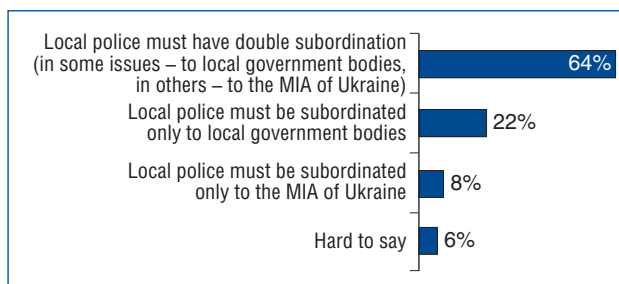
To what extent do you agree with the following statements about local police?
% of experts polled

	Agree	Rather agree	Rather disagree	Disagree	Hard to say	Balance*
Local police has to report to the community not less than once a year	84	14	0	0	2	98
Local police performance has to be evaluated by the community (people)	74	22	0	0	4	96
Local police has to be oriented to local community needs	76	16	2	4	2	86
Local police must receive its financing from local taxes	46	42	4	4	4	80
Local police must only have administrative-legal powers	32	34	18	12	4	36
Local police must have both, administrative-legal, and criminal-procedural powers	8	28	32	26	6	-22

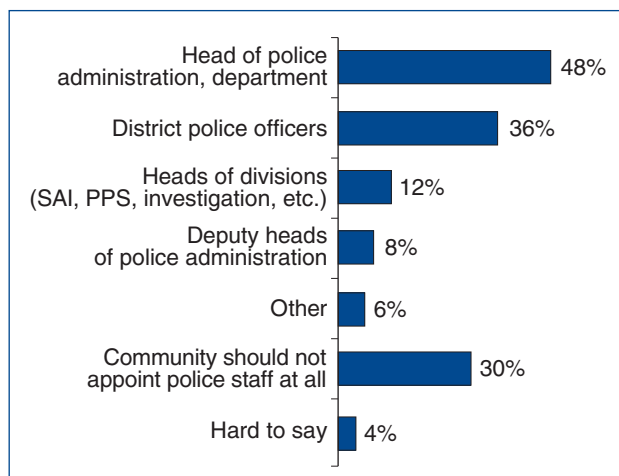
* Difference between the sum of answers "agree" and "rather agree" and the sum of answers "rather disagree" and "disagree".

positions at all (Diagram "Police staff for which of the following positions should be appointed by the community?").

Which model of local police subordination do you think is the most appropriate?
% of experts polled



Police staff for which of the following positions should be appointed by the community?*
% of experts polled



* Experts were asked to mark all acceptable options.

Among the forms of monitoring the work of local police, most experts singled out regular reporting of police to the local community (72%) and assessment of its work taking into account results of regular population surveys (66%) (Table "In what way must community control the police?"). Approximately half

of experts also marked monitoring of work of district police and police administrations by authorised NGO representatives (50%), and participation of NGO representatives in investigating complaints against the actions of police staff (48%).

In what way must community control the police?*
% of experts polled

Police must regularly report to the local community on its work	72
Assessment of police performance must be done taking into account results of periodic surveys of population	66
Authorised representatives of NGOs must have a possibility to monitor the work of district departments and police administrations (for example, visit at any time with the purpose of monitoring observance of rights of detained and brought in persons)	50
Representatives of NGOs have to take part in investigating complaints against the actions of police staff	48
Community has to participate in appointing staff for certain positions in the police	32
Members of NGOs have to execute regular monitoring of police work in the streets	14
Other	8
None	0
Hard to say	0

* Experts were asked to mark up to three acceptable options.

Conclusions

There was a consensus in the expert community regarding the main problems in police, requirements to it and directions for reforms. At the same time, there is a lack of consensus regarding national and local police structure and powers. This requires more serious substantiation for certain aspects of the law enforcement reform, taking into account the scale and stages of state management decentralisation, directions of reforms in the entire security and defence sector, changes in society due to positive/negative tendencies in economy and social relations.



Individual Opinions of Experts

This section, with some editorial changes, presents experts' own answers to certain questions, marked in the survey as *"other (please specify)"*.

Some of the expressed thoughts have more emotional colouring than actual meaning, some – are a relevant contribution in content and quantity to the offered options; others are too general to present an opportunity for comparing or monitoring them. These comments also included such that completely denied the idea of the proposed reform, but certainly deserved to be heard.

So, to the question **"Who has to coordinate the process of reforming IAA?"** 10% of experts chose *"other"*, and provided the following ideas:

- ❖ a separately created group of people with the power of legislative initiative and execution;

- ❖ an interdepartmental group, which includes all mentioned entities.

Question **"How would you evaluate the importance of the following statistical indicators for assessing police performance?"**, like no other, received most critical comments, as well as additional answers. These are:

- ❖ police performance cannot be assessed based on statistical indicators – this leads to false, distorted reporting, etc.;

- ❖ assessment of police performance through statistical indicators does not add a positive influence to the work of police;

- ❖ effectiveness of preventive measures is difficult to assess: they cannot be assessed by their number, and their quality can be partially evaluated through sociological surveys of population, the number of complaints regarding actions/lack of action on the part of police staff, police officers committing illegal acts, crimes (abuse of power, demanding bribes, etc.);

- ❖ assessment by whom? For general population, all of this is irrelevant, for controlling agencies – important only in part.

Experts suggested supplementing the list of indicators for evaluation of police performance with the following indicators:

- ❖ the ratio of the number of persons, who were declared suspects, and those, for whom a bill of indictment was issued; and also – ratios of the number of persons, for whom a bill of indictment was issued, and (1) the number of convicted persons; (2) the number of acquitted persons; (3) the number of persons with whom plea agreements were made;

- ❖ the number of operational investigation cases and their success rate;

- ❖ the ratio of the number of persons, for whom administrative protocols for offences under police jurisdiction were issued, and the number of persons held administratively liable;

- ❖ the number of victims, for whom the incurred damage has been fully reimbursed or eliminated;

- ❖ the ratio of the number of criminal police staff and administrative police staff, and the number of people in the corresponding town, district, etc.;

- ❖ data on recidivist crimes in a corresponding town, district, etc.;

- ❖ data on the number of crimes committed in a corresponding town, district, etc. under the influence of alcohol or drugs;

- ❖ data on the number of persons convicted by local courts, whose sentences were vacated completely or in part by courts of superior jurisdiction;

- ❖ the number of people, who are missing and people, who died/were injured as a result of a road traffic incident (RTI), and other criminally significant events in a corresponding town, district, etc.;

- ❖ data on qualifications and experience of police staff in a corresponding town, district, etc., on their advanced training;

- ❖ data on the results of investigating complaints against police staff in a corresponding town, district, etc.;

- ❖ data on the volume of financing of police divisions in a corresponding town, district, etc.;

- ❖ hate crimes;

- ❖ exposure and investigation of terrorist, extremist crimes;

- ❖ exposure and investigation of crimes in the sphere of intellectual property;

- ❖ use of victimological crime prevention measures;

- ❖ preventive work with population;

- ❖ crimes inside law enforcement system;

- ❖ results of court hearings, for example, adjudication and actual payments of compensations to victims of crimes;

- ❖ treatment of applicants, victims, witnesses, including their referral for support services (for example, social and psychological support).

The comment to the question regarding creating local police (**"Do you support the initiative to create local police in the current situation?"**): "Do not support, as this is an ill-timed and overly expensive process, the nonefficiency of which stems from inadequate selection concept and incompetent training programme, which prepares specialists in administrative, operational-investigative, criminal-procedural work in 2.5 months, as well as ensures their special physical training".

The list of IAA divisions from the question **"Which of the following IAA divisions are to be included in the local police?"** was expanded with:

- ❖ patrol divisions created on the basis of local government bodies;

- ❖ licensing service, environmental police.

Experts not only answered the question **"Police staff for which of the following positions should be appointed by the community?"** with their own options, but also provided rather sound comments:

- ❖ the appointed by the community head of police administration/department has to appoint all other staff based on results of competition. That said, community representatives must comprise most of the competition commission;

- ❖ preference must be given to professional qualities. If an official is appointed by the community, the community must have power to dismiss/call off the elected official before the end of his term.

One expert expressed an idea regarding the relevance of giving opposition the right to appoint deputy heads of police administration, which is clearly at odds with the "depoliticisation" concept, but also distinctively illustrates the diversity of opinions about the ways of solving similar problems.

Regarding police being controlled by the community (**"In what way must community control the police?"**), the following answer is worth mentioning: *"By the results of objective performance indicators (exposure, investigation, prevention, termination of crimes)"*.

VIEWS OF IAA REFORM PARTICIPANTS

In the framework of the project “Law Enforcement System in Ukraine: Status, Problems, Prospects for Reform”, the Razumkov Centre has turned to leading domestic and international institutions that are directly involved with the law enforcement reform in Ukraine, asking them to express their views on the current condition and future prospects of the reform, as well as to outline the key factors influencing implementation of reformatory measures.

The answers we received effectively supplement the materials in the Analytical Report. Despite the understandable restrictions, taking into account the official nature of authors' views, their ideas are rather unbiased and even critical to a certain degree, which is the evidence of genuine interest and partnership.

Unfortunately, we failed to receive a positive response to our queries from the Verkhovna Rada Committee on Legislative Support of Law Enforcement and the Deputy Head of the Presidential Administration (Secretary of the National Council of Reforms).



Vaidotas VERBA,
OSCE Project
Co-ordinator in Ukraine

– What is your assessment of the current state (process and results) of the law enforcement reform?

OSCE¹ Project Co-ordinator in Ukraine is mandated to plan and implement projects to help the country implement its commitments assumed within the Organisation, providing assessment and evaluation of the progress of reforms in any sphere is beyond our tasks and responsibilities. At the same time in response to the Razumkov Centre's request we are pleased to inform of our ongoing efforts to assist Ukraine in reforming of its law enforcement system.

– How effective is the OSCE in implementing its tasks and goals in Ukraine?

The OSCE Project Co-ordinator has been helping Ukrainian law enforcers to bring their practices and modus operandi in line with democratic standards and modern requirements of security for country's people for years. Our efforts were aimed at resolving specific problems in the areas outlined below.

Combating human trafficking

Project Co-ordinator helped to develop and introduce modern legislation to ensure prosecution of traffickers in human beings and better protection of victims. Currently, enhancement of prosecution of traffickers, prevention efforts through economic empowerment of groups at risk and sustainability of anti-trafficking NGOs are among priorities.

2006: Ukraine's Criminal Code amended to bring anti-trafficking provisions in line with international commitments.

2011: Comprehensive anti-trafficking law adopted with subordinate legislation introduced next year.

14,450 state officials (including law enforcement personnel) and civil society activists trained to assist victims.

Campaigns to inform of threats of trafficking as part of preventive efforts reached out to more than 5,900,000 people.

41,600 Ukrainians benefited from direct assistance.

Project Co-ordinator helped to develop and launch a state-led **National Referral Mechanism (NRM)** – a co-operation scheme to bring together social services, law enforcers (MIA officers among them) and civil society in identifying and rehabilitating victims of human trafficking.

2009-2011: NRM was successfully piloted in Donetsk and Chernivtsy regions.

2012-2013: NRM introduced in four more regions: Vinnytsya, Kharkiv, Lugansk and Khmelnytsky.

2014: Seven more regions joined the NRM roll-out: Rivne, Volyn, Zhytomyr, Sumy, Kirovohrad, Kyiv regions and the city of Kyiv.

¹ Office of the OSCE Project Co-ordinator in Ukraine, located in Kyiv. Implementation of projects involves 44 staff, incl., three foreign specialists.

2015: PCU helps to enhance the capacity of police and other criminal justice sector practitioners to detect, investigate and prosecute new forms of human trafficking, including trafficking for labour exploitation, for the purpose of organ removal and IT-facilitated human trafficking

Response to Domestic Violence

A lot of attention is also paid to combating gender-based violence. First Ukrainian corrective programme for domestic violence perpetrators was developed; training courses for social service providers, media and law enforcers were organised to implement new approaches. Specialized courses and training facilities for police were introduced to educational institutions.

3 interactive training rooms to teach police officers handle domestic violence incidents established in Kyiv Academy, Dnipropetrovsk and Lviv Universities of Internal Affairs.

Combating Cybercrime

With anti-cybercrime units introduced to Ukraine's police only in 2011, lack of training and equipment for personnel was a serious handicap to ensuring efficient fight with digital criminals. The OSCE Project Co-ordinator helped to equip specialized departments, developed basic and advanced anti-cybercrime training courses using positive practices of countries from the OSCE region. Further efforts are focused on building capacity of the Ministry of Internal Affairs educational system to meet the needs of anti-cybercrime units and on training criminal justice practitioners from other institutions (prosecutors, judges) to strengthen prosecution of cybercrime.

190 police officers trained in combating cybercrime.

300 pieces of equipment provided for MIA specialized units.

Training room established within the MIA Division for Combating Cybercrime.

Prevention of Torture in Places of Detention

Project Co-ordinator pioneered the international community's efforts to support Ukraine in developing national monitoring and prevention mechanism against torture and ill-treatment (the NPM) in line with the Optional Protocol to the UN Convention against Torture (the OPCAT) based on Ombudsman+ NPM model. Since 2006 with the Co-ordinator's effective support, the civil society has managed to implement a civil monitoring system within law-enforcement agencies. Among the assets – developed methodology and regulations for monitoring visits to detention facilities, trained monitors, developed minimum standards on the treatment of detainees and conditions of detention, information efforts on detainees' rights, co-operativeness of law enforcers and other officials. As a spill-over effect, an Ombudsman – civil society inquiries system has been conceived to serve as an effective tool to investigate cases of alleged torture and

ill-treatment. Co-ordinator works to establish new tools of Ombudsman inquiry to identify human rights violations with the help of civil society.

As an example of such efforts, from June to October 2014, the Project Co-ordinator supported 55 NPM monitoring visits throughout Ukraine. Among them were 18 visits to custodial settings of the MIA, 11 visits to settings of the State Penitentiary Service, 1 visit to State Migration Service. In September-October 2014, 60 civil society activists were trained on methodologies and skills to start monitoring activity. In addition to this, 60 public officials of the MIA of Ukraine (chiefs of departments responsible for temporary detention facilities), Prosecutor General Office of Ukraine (juvenile prosecutors and chiefs of departments) and doctors in charge of psychiatric establishments from all regions of Ukraine were trained on MPM – related issues.

The Project Co-ordinator also helped to update and publish the Catalogue of detention facilities in Ukraine. To increase the level of human rights protection stickers describing detainees' rights and a brochure "Rights of the Detainees in Detention: Booklet" were printed and disseminated in all 430 temporary detention facilities of the MIA.

To facilitate investigation and judicial prosecution of torture and ill-treatment the PCU helped to develop the authoritative commentary on relevant provisions of the Criminal Code, Code of Criminal Procedure and other applicable legislative acts of Ukraine being used constantly by law enforcers.

Media Freedom, Safety of Journalists and Law Enforcers

Good practices of government's relations with media has been in focus of efforts, especially in the security and law enforcement sphere; safety of journalist is among top priorities. Since 2011 more than 500 law enforcers (regional policeheads of departments, press secretaries, and department of state guards officers) trained on good practices of work with journalists. In December 2013, following major events that led to injury of many media professionals covering Maidan protest, 500 vests with "press" insignia were distributed to journalists to help ensure their visibility and safety. In 2014, OSCE Project Co-ordinator was focusing on supporting dialogue between media and law enforcement communities to help overcome mutual crisis of trust following violence in winter 2013-2014. As an outcome of series of central level and regional discussions between Ministry of Internal Affairs personnel and journalists, the MIA working group and media NGOs developed joint set of recommendations on how to ensure safety of journalists at mass events.

Legal Framework for Combating Organized Crime

In previous years the PCU continued to support national efforts in the sphere of combating organised

crime, which is of a great relevance to the police reform as police units dealing with organized crime are now been reformed. As a logical continuation of the 2013 project, which contributed to the enhancement of prognosis of the major patterns of the crime situation and assessment of the threats and scale of organised crime on national, regional and international levels, in 2014 the PCU focused on the development of a methodology to manage risks in the sphere of organised crime and its implementation by the law enforcement agencies involved in combating organised crime.

The PCU supported implementation of the methodology for assessing and managing risks and threats of organized crime by the SSU and other law enforcement agencies involved in combating organized crime. Such implementation was made against the benchmark of the EU Serious and Organized Crime Threat Assessment (SOCTA), the product of systematic analysis of law enforcement information on criminal activities and groups affecting the EU, which is designed to assist strategic decision-makers in the prioritization of organized crime threats. Such an approach will ensure proper synergy of the Ukrainian methodology with its EU counterpart, the SOCTA. The findings of the research were published as “Risks and Threats to the Organized Crime in Ukraine: Current State and Prospects”.

Criminal Justice Reform

Project Co-ordinator provides the Parliament Committees (including the Law Enforcement one) with legal opinions on compatibilities of relevant drafts with international standards, provide for the Judicial Reform Council legal specialists to assist in setting the course for comprehensive changes to the criminal justice system.

On 23-24 October, the PCU organised jointly with the Supreme Court of Ukraine and Lviv State University of the MIA an International Symposium “Ensuring the Coherence of Judicial Practices in Criminal Cases on the Context of 2013-2014 Events in Ukraine”. The event, held in Lviv, gathered more than 80 participants from Ukraine, Germany and Poland and was focused on theoretical and practical problems of criminal substantive and procedural law, as well as on ways and means to improve criminal legislation with the view of bringing it into conformity with European standards. The discussion by both scholars and practitioners was devoted to the challenges that criminal justice system faces in view of events of 2013-2014 in Ukraine, experience in application of recently amended criminal and procedural legislation and ways of its further improvement. The Symposium materials were published and disseminated within the academia, the Parliament, the law enforces and judiciary. The Symposium also agreed a number of recommendations to the judiciary, law enforces and legislators as well as expressed common consensus on establishing annual Lviv Criminal Justice Forum to be organized jointly by PCU and prominent scholar institutions, the Supreme Court and other interested state authorities.

Future Plans

Following the Maidan events the Ukrainian government embarked on a reform of police service. Project Coordinator already started providing training to almost 2,000 newly recruited officers to help launching a new street patrol service in Kyiv. Topics of OSCE supported trainings include response to domestic violence and trafficking in human beings. The OSCE Project Co-ordinator is planning to extend the training assistance to other areas, facilitate reform of law enforcement education system in general, as well as to support public discussion of law enforcement reforms depending on availability of additional financial commitments from OSCE participating states. ■



**Ekaterina
ZGULADZE-GLUCKSMANN,**
First Deputy Minister of
Internal Affairs of Ukraine

1. What is your assessment of the current state of the law enforcement reform (which parts of the plan have been accomplished; how successful are pilot projects; how effective is participation of NGOs; name three-five main issues with the reform)?

2. How effective is the international assistance?

Reform of the law enforcement system is a complicated task for any country, even the richest and most stable one. Militia/police is one of the key structures in the country, which serves people and requires continuous development and improvement. But in Ukraine we need to do more: we need to completely “reload” the system.

In 2014, MIA launched several pilot projects and developed a strategy for the reform. Pilot projects help us in defining specific problems and finding alternative solutions. **Sometimes, they teach us what not to do, which is even more important.**

All pilot projects (be it Khmelnytskyi, Lviv, Lutsk, Kharkiv or other cities) are implemented with support of international and Ukrainian experts, volunteers, and staff of local police departments. Along with these numerous and various local-level initiatives, in January 2015, the Ministry has announced the beginning of system-wide structural reforms aimed at depoliticisation, demilitarisation, decentralisation and optimisation of resources.

The reform aims to transform militia into police. Police that serves and protects; that has people's trust and support; that is professional and ethical; that has the capacity for further development and proper risk assessment.

Our main enemies are corruption, impunity, bureaucracy, lack of trust.

Our main weapons in the fight against these enemies are transparency, democratic and very clear internal procedures, monitoring tools, human resources.

How has it started? **We have selected our strategy – to act, in order to reach results in the shortest time possible.** From top to bottom: new legislative framework (currently, awaits parliamentary approval) detaches police from direct influence of the Ministry and creates possibilities for developing a depoliticised professional agency. It also lays the foundation for public accountability. Also, it is very important that we counter the main corruption threats in the system with a transparent hiring procedure and fair career growth. But laws are able to change the rules only if their implementation is equally well-structured. In order to illustrate what we aim at, we have already launched an ambitious reform in one sector of our work. Patrol police.

What is a patrol police reform? Police staff in the streets should represent the most significant part of a consolidated police force. These policemen interact with people and ensure public safety and protection. This is the face of the government and the mirror of local communities. Patrol police will substitute the existing SAI and PPS not only structurally, but, most crucially, – in terms of content and approach! Patrol police carries two key messages: (1) *to the population* – we are here to serve, help, and protect 24/7; (2) *to the system* – reforms are inevitable, and we will be building a strong and proud law enforcement system.

We have already used the patrol police model to test key changes: the new transparent hiring procedure, new training, new values on the basis of assessment, and unprejudiced opportunities for career growth. Now all of these will be transferred to other parts of the system.

We are also in the process of planning the reform of district police, special divisions and criminal unit. We chose the “step-by-step” tactics, taking into account the size of the country, the size of police, budget limitations, security threats, and also, which we are not hiding, our main problem, – high-quality reforms must be executed by highly qualified professionals. This resource has to

be identified, trained, consolidated in a team, and multiplied, – this takes time.

Involvement of civic activists and NGOs is, on the overall, an important success factor for such large-scale reforms. Patrol police reform was a good example. Volunteers, international experts, and local experts from the Ministry have formed a joint secretariat for planning and implementation of this reform. Working side-by-side, protecting the achievements side-by-side.

International assistance at this stage of reform also was at its most efficient and flexible. Why are we highlighting these two key descriptors – efficient and flexible? INL (USA), ICITAP (USA) have demonstrated their readiness to work with us, starting from the development of project proposals, responding to our needs, assessing our problems, and sharing with us the responsibility. We hope that this model of cooperation will be adopted by other future donors. And this is already happening in reality: EUAM, OSCE, CE, Canadian Government have already joined our team, and all of us, together, constitute the initiative for the Ukrainian reform.² ■



Martin LINHART,
Advisor on Security Sector
of Ukraine Reforming,
NATO Liaison Office in Ukraine

– Why NATO? What is the NATO's interest in the Ukraine's police reform?

Ukraine is a long-standing and distinctive partner of the Alliance. Therefore, NATO encourages and continues to support Ukraine's implementation of reforms through the Annual National Programme and by launching additional efforts to support the reform and transformation of the security and defence sectors. The presence of allied advisers or the trust funds are concrete examples that followed from the 2014 Wales Summit.

There are three core tasks set out in the 2010 NATO's strategic concept: collective defence, crisis management, and cooperative security. It is therefore clear that NATO is not just a defence organisation but a number of its long-term projects seek to support civilian security sector, emergency preparedness or protection against cyber-attacks.

Already in April 2014 NATO invited Ukraine to start works on a Comprehensive Security and Defence Review. The objective was to assess how effective is Ukraine's security system, and to identify gaps and

² INL (Bureau of International Narcotics and Law Enforcement Affairs) – bureau for international issues in the sphere of actions against illegal drug trade and law enforcement affairs of the U.S. Department of State; ICITAP (International Criminal Investigative Training Assistance Program) – international advanced training programme for criminal investigation agencies at the U.S. Department of Justice; EUAM – EU Advisory Mission; CE – Council of Europe. – Ed.



overlaps. Unfortunately, this essential analytical step has not been completed yet. However, the National Defence and Security Council recently started to coordinate the different elements of the security system and embarked on the preparation of major long-term policy documents in the field of defence and security.

Given that the elements of the security system often have tasks of both military and police nature (in particular the National Guards and State Border Guard Service) NATO had good reasons to accept the Czech Republic's offer to deploy an expert with experience in the area of police and internal security system reform. I believe that my involvement also facilitates NATO's cooperation and coordination with the EUAM, as there is **a real need for targeted assistance in the field of civilian security sector reform, including police and the rule of law.**

– What are your assessments of the process and prospects of the reform in Ukraine?

International organisations such as NATO or the EU are always focused on long-term, sustainable goals. Bearing this in mind it is fair to admit that at the very start we did not find too many advocates of strategic planning and long-term visions. Back in the mid-2014, Ukraine urgently needed other kinds of assistance and support – to help it deal with the difficult situation in the East, improve logistics and conduct of the anti-terrorist operations and other practical aspects of a day-to-day functioning of the security system. It was perfectly understandable that against such backdrop its priorities could not have included a thorough screening of the security system deficiencies and setting-up of long-term strategic objectives.

After the eight months I am convinced that, **despite the difficult start, the process of reforms in the field of security has been set in motion** and due attention is paid to mid- and long-term planning. However, I need to mention a number of shortcomings. Coordination between the different elements of the system is vital. Despite the efforts by the National Security and Defence Council as regards the coordination of reforms, I see, particularly at the MIA, some room for involvement. Last autumn the Ministry set itself an objective to act as an umbrella body for five executive elements (National Police, National Guard, State Border Guard Service, State Emergency Service and Migration Service). Nevertheless, despite all the effort, its coordination work has not brought any fruit so far and was almost exclusively focused on Militia reform, or more precisely on the shaping up of the new National Police.

For the reforms to take root it is essential to convince staff of the organisations concerned to believe that the changes do make sense, to identify with them and support and speed up the reform process actively. For this to happen, the internal communication and getting information down to the regional level is key. The reform leaders should travel to the regions with a sort of “road-shows” in order to explain their staff why it is necessary to change habits and style of work, how are the changes going to affect them and how they can themselves help to promote changes into practice.

These are but two examples of what would, in my view, help make a difference: **better coordination**

and internal communication. As regards the Czech Republic, it serves no purpose to claim that we managed to get rid of the “bulwark-minded” habits by a wave of a magic wand within a couple of months of reformist zeal that followed the political change brought about by the 1989-revolution. Nor did we replace them quickly and easily by open-minded and partner cooperation. I have been working for 15 years in the civil service and I can still see some institutions showing signs of inward-looking culture. However, exploring possibilities for cooperation and sharing of resources and, in particular, the sharing of information is now the main driver for a better performance of the security system in the Czech Republic.

The success or failure of the reform depends on many factors: political will, sufficient financial and material resources, etc. Nevertheless, I stay convinced that **people are the most important ingredients for success.** Educated and open-minded staff ready to change deep-rooted and outdated habits. A human resources strategy will be a key document in each ministry and I hope that it will soon attract young talent that will help the administration to overcome this difficult period. In the course of those eight months I have met many people who wish and want to help Ukraine. In many cases these are civil society activists, bright students or people coming from the NGO sector. Once the doors of the state administration open for them and their energy will join with the expertise of the existing staff the future success will be well on the way.

– What do you think about the international support, and effectiveness of their mandates and performance?

Long-term changes require time. It is a bit too early to assess the effectiveness of international assistance. The initial unrestrained zeal is getting a clearer framework; a number of coordination meetings take place, etc. It goes without saying that not only Ukrainian side, but the international assistance as well needs proper coordination. It should be noted **that international advisers are there to help Ukraine. The reason is entirely pragmatic. None of us wants such a large country as Ukraine to become a failed state one day, a country unable to manage effectively its own territory and promote the rule of law. Such a country would export its risks and problems abroad.** Europe is already exposed to considerable security risks particularly on its southern border and anyone who is at least a bit involved in security issues really wishes to face another problem in the East. At the same time it needs to be said that the ownership of reforms is and will be in the Ukrainians' hands. They themselves must be the driving force for the reform process. International actors can assist, recommend or inspire, but not impose their will or urge Ukraine to accept issues and procedures that are completely foreign to their country.

I do believe that independent, sovereign and stable Ukraine is one of the most important elements of Euro-Atlantic security. That is why I am deeply committed to support the country by my knowledge and experience here in Kyiv. And I can only hope that good use will be made of what I have to offer. ■



Kalman MIZSEI,
Head of Mission,
EU Advisory Mission for
Civilian Security Sector Reform
Ukraine (EUAM Ukraine)³

– What is your assessment of the current state (results and progress) of Ukraine's law enforcement/civil security sector reform? Please, name main problems restricting the reforms today or threatening their perspectives.

Reforms are necessary to improve the delivery of services to the Ukrainian citizens and, moreover, to commit the Ukrainian government as outlined in the Association Agenda (rule of law). The Ukrainian government has undertaken a courageous approach with the drafting of pieces of legislation affecting the whole range of civilian security sector reform. This includes the drafting of several laws on police, a law on the prosecution and a law ensuring access to fair trial. Moreover, we have seen an unprecedented willingness among decision-makers to include the civil society in the reform process. However, **reforms are yet to achieve critical mass so that the average citizen feels its results.** In this respect improvements are still to be made in three major areas: ensuring a more coherent approach across security sectors, completing the most critical legislative changes as well as following suit on implementation.

As to coherence of reforms, first, despite of the existence of a National Reforms Council (NRC), there is a need to improve inter-agency coordination at the central level. Concerning legislative change, the Constitutional amendments should consolidate the independence of the judiciary from the executive power and demilitarisation of the law enforcement agencies should also be resolute. Furthermore, legal changes should create the fundamentals to incentivize good governance, mainly preventing corruption in public administration. As to implementation of reforms, Ukraine is still to achieve a breakthrough because of the persistence of vested interests at all levels in the administrative apparatuses. The failure of reform in the history of independent Ukraine shows that civil service officials must see incentives connected to change, if reform must have any chance of succeeding (based on downsizing, re-profiling, and changed motivation).

– How effective has EUAM been in achieving its objectives in Ukraine? What is your assessment of the level of cooperation with the Ukrainian side (government, civil society organisations)? Do you plan to extend your assistance beyond the current mandate (time and essence – further than consultancy, i.e. pilot projects, etc.?)

EUAM has strived to be a reliable professional advisory partner in all reform processes concerning the civilian security sector, in particular through the provision

of inputs to a number of legislative acts. Support falls under three major categories. First, institutional support facilitated by EUAM thanks to our constant engagement or direct presence (co-location of advisers). At the national level, EUAM has provided support in setting up new structures (e.g., the National Anti-Corruption Bureau) or in refurbishing strategies for existing ones (e.g., in the Ministry of Internal Affairs), as well as delineation of competencies between relevant security sector institutions. At the regional level, the Mission supports the reorganisation of rule-of-law institutions (e.g., police station reorganisation in Lviv region). Second, EUAM provides advice on processes and sharing of best practices, for instance on the issue of a clearer delineation between investigation and prosecution. Third, EUAM advises on human resources management. This includes vetting for prosecutors and classification of posts in the future national police.

While our engagement with government has increased steadily, **there is scope for deepening the cooperation** – and this is something our Member States are expecting. EUAM has excellent, seasoned experts whose advice could be used even deeper both in preparing critical legislation as well as in the phase of implementing reforms.

We believe that EUAM may further improve its effectiveness. While the Mission has positioned itself in key ministries and agencies, it is also developing its activities in the regions. EUAM deploys task forces with a view to assist in the implementation of reforms adopted at the central level. EUAM also gathers the concerns of local stakeholders (e.g., chiefs of regional police, regional prosecutors) about the difficulties of implementation of reform already initiated, but not yet finalized, and relays them to decision makers in Kyiv with recommendations concerning possible adjustments. In the future, the Mission could also engage in a peer-to-peer assessment of local work of the regional rule-of-law system in order to help identifying deficiencies in the functioning of rule of law agencies and suggest possible improvement (internal organisation, inter-agency cooperation, processes efficiency, training of civil servants).

While committed to the provision of advice at the top level, the Mission is also paying attention to reforms of sub-systems of civilian security sector, of which the best example so far is the Patrol Police Project in Kyiv. Through learning-by-doing, lessons from local initiative can be used when disseminating reform throughout the country. Some projects can have a very strong triggering effect. EUAM has been tasked by the Ministry of Internal Affairs to make proposals for comprehensive enhancement of the human resources management system (assessment of training needs, definition of curriculum designs). **This rethinking on skills and competencies required for different posts could serve as a base for a redefinition of structures and procedures throughout the new institution agencies.** ■

³ The European Union Advisory Mission for Civilian Security Sector Reform Ukraine, EUAM Ukraine – a civilian mission under the EU's Common Security and Defence Policy.

POSSIBILITIES AND LIMITATIONS OF INTERNATIONAL EXPERIENCE IN LAW ENFORCEMENT REFORM IMPLEMENTATION IN UKRAINE



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Law Enforcement Reform became a topical issue from the very first days of Ukraine's independence. Ukraine inherited from the Soviet system an authoritarian, militarised and repressive model of internal affairs bodies and the model had to be changed. At the same time, the end of the Cold War and the collapse of the USSR saw the launch of a new development phase of the European Community. Significant democratic transformation took place in countries of both the former socialist camp and Western Europe. An important component of these changes was the restructuring of law enforcement systems into agencies focused on providing citizens and society support and services to ensure safety and security. Choosing the course of European integration, Ukraine should not only get rid of the Soviet legacy, but also adapt to the standards that Europe was built on.

Modern Processes and Standards for Police Reform in Developed Democracies

Many countries have completed or are in the process of law enforcement reform and their experience could be useful during the reforms in Ukraine. Countries differ from each other by territorial size, population, history, traditions, socio-political and economic situation, which is why a plain copying of actions which were successful in one country does not guarantee the same results, but can actually lead to the opposite effect. Obviously, the local peculiarities should be considered. Each country needs its own, individual approach, and the ability to adapt international experience to local peculiarities can be a significant factor in the end result.

Heading towards European integration, it is important for Ukraine to study and use the positive experience of Law Enforcement Reform in Western states. Reform laws in the field of policing were enacted in Belgium (1992 and 1998), the Netherlands (1993), the UK (1996), Austria (2002) and Portugal (2007 and 2009). These laws reflect the socio-political changes of recent decades and progress in democratisation of societies. A significant constituent was the development and

adoption of international standards of law enforcement bodies, including the UN Code of Conduct for law enforcement officials (1979), Resolution No. 690 of the Parliamentary Assembly of the Council of Europe "Declaration on the Police" (1979), The UN Basic Principles on the Use of Force and Firearms by Law Enforcement (1990) and Recommendation (2001) of the Committee of Ministers to member states on the European Code of Police Ethics.¹

It is equally important for Ukraine to study the experience (both positive and negative) of countries where reforms were implemented in similar circumstances. One of these countries can be Bosnia and Herzegovina (BiH). Based on my personal experience in the EU Police Mission in BiH as an advisor on legal issues and expert on criminal justice (2003-2011), I think that this experience can be quite useful for Ukraine today.

First, the police reform was complicated by armed conflict. Local people and law enforcement officers were under the control of the military command, were subordinated to military discipline and participated in military operations. Thus, the process of returning to peacetime conditions was complex and lengthy. Due to

¹ The status of the police: international standards and foreign law. Kyiv, Centre for Political and Legal Reforms, 2013.



the use of militia units in ATO in the East of Ukraine, we can experience similar difficulties in various forms.

Second, police reform in BiH was conducted under strict control and pressure, and international peacekeeping forces (including the OSCE and the UN mission substituted by the EU Police Mission in January 2003) participated actively in the process. This accumulation of international efforts and experience allowed the development of the legal base for Law Enforcement Reform, following international standards and best practices in this area to the greatest possible extent. This was an important factor in the transformation of BiH police into decentralised, professional and democratic structures. However, it should be noted that the police reform requirements and initiatives were originated largely by international forces, sometimes without sufficient consideration of real changes in society and did not provide rapid changes of moral values, habits and daily practices of the police. This process is still in progress. The OSCE Special Monitoring Mission and the EU Advisory Mission are deployed in Ukraine. According to the mandate, this organisation deals with matters of “Civilian Security Sector Reform, including police and the rule of law”. Taking this into account, we can count on similar, active international support for police reform in Ukraine and, possibly, even on constructive pressure from international organisations hopefully considering the real processes in Ukrainian society.

The cornerstone of the current Law Enforcement Reform is the shift from the police force to a police service that perceives civil society as a partner and recipient of services. The essence of such processes is similar for all democratic countries and includes the implementation of three small “d’s” – demilitarisation, decentralisation and depoliticisation of law enforcement bodies, resulting in one big “D” – Democratisation.²

1. Demilitarisation

The military nature of militia is reflected in its name: militia means irregular armed groups composed of the local population that are not part of the regular military and civil police forces and used as needed for military purposes and for the maintenance of public order.³ Currently, this definition corresponds completely to the volunteer territorial defence battalions and special units of MIA patrol service used in ATO. Besides Ukraine, the militia, in its meaning that is customary for us, is still functioning in Belarus, Kyrgyzstan, Uzbekistan, Tajikistan and the unrecognised republics of Abkhazia, Transnistria and South Ossetia.

The Police is a system of state public professional services and bodies established by law and intended to maintain public order and combat crime.⁴ Therefore the name change as part of the law enforcement demilitarisation is not a formality but a necessary

component of the new philosophy, training, education and operation of the law enforcement system. In particular, police officers should be public servants, as opposed to military servants, and the police itself should be a “service providing support and services to ensure security and order to the society and its individual members”.⁵

The disregard of the police demilitarisation importance may provoke considerable risks and hinder the democratisation of law enforcement:

“The threat of militarised policing is primarily a question of the spirit and culture of the organisation; it is not an institutional issue. Being a part of the military structure the Police gets infected with military values, attitudes and behaviours that are not appropriate for a civil service. Military officers fight and seek to destroy the enemy by any means; police officers legally protect society as a whole, as well as victims and the accused at a certain stage of a case, forwarding it to other organisations afterwards. The risk appears when the militarised police begin to treat their customers as enemies to be destroyed or disposed of by any means... The militarisation of many police organisations... explains why the police leadership continues to be authoritarian and policing is often repressive by nature. Police organisations with a very centralised, military-style organisational hierarchy and management system are not favourable for police officers’ personal responsibility for protecting the rights of citizens and do not contribute to the development of professional skills of independent decision-making”.⁶

This objective threat should never be ignored because the direct participation of law enforcement officers in military operations shall doubtlessly affect the process of reform in Ukraine and may promote the preservation of the militia’s militarised nature and impede the process of demilitarisation for an indefinite term.

The police should have a demilitarised nature, even in wartime. Thus, the Declaration on the Police provides for the following:

“1. A police officer should continue to perform his/her tasks of protecting citizens and property in the interests of the civilian population during a war or an enemy occupation. For this reason, a police officer should not have the status of a participant in military operations and the provisions of the Third Geneva Convention of 12 August 1949 should not be applied.

...

4. During occupation, a police officer must not:

- participate in actions against members of the resistance movement;
- participate in measures involving the population into war operations and the protection of military facilities”.⁷

² Ibid. pp.271-273.

³ The new International Webster’s Concise Dictionary of the English Language, Trident Press International, Naples, Florida, 1998.

⁴ Ibid., as well as p. B.1 of Resolution 690 of the Parliamentary Assembly of the Council of Europe “Declaration on the Police” (1979) and the Recommendation *Rec(2001)10* of the Committee of Ministers to member states on the European Code of Police Ethics, <http://pravo.org.ua/files/Criminal%20justice/rec1.pdf>.

⁵ The status of the police: international standards and foreign law..., p.7.

⁶ Kaparini M., Marenin O. The process and progress in police system reform. In the book: Police Reform in Central and Eastern Europe. Kyiv, 2005, p.273.

⁷ Resolution 690 of the Parliamentary Assembly of the Council of Europe “Declaration on the Police” (1979); The status of the police: international standards and foreign law..., p.18.



In this sense, the practice of use in ATO of special patrol service units formed on a voluntary basis and later subordinated to the MIA of Ukraine is somewhat contrary to the provisions of the Declaration on the police.

2. Decentralisation

Decentralisation of law enforcement covers several closely interrelated aspects, such as subordination, organisation, accountability and separation of powers, and it directly relates to the creation of municipal police as an element of Ukraine MIA reform.

The subordination aspect refers to the determination of a rational scheme of decision-making and administrative influence and should be implemented primarily through the transmission of the right to decision-making to lower structural management levels. The centralised police structure “restricts the leaders’ ability to make the necessary changes and respond to the needs of a certain unit, its personnel and local citizens”.⁸ In general, police officers in a democratic society have the delegated (within the law and resolutions (regulations) of local authorities) right to make and implement decisions that reflect local conditions and their professional opinion. “One of the most widely described aspects of the police actions in the states of western democracy is the ability of police officers to use freedom of decision-making in their work... It is practically impossible to create a municipal police without the freedom of decision-making”.⁹

The organisational aspect of decentralisation refers to the creation of local police structures. Such structures can be created both at regional and municipal levels and they must comply with local resource capabilities that are largely conditioned by inter-budget relations between the centre, regions and communities. The municipal police is intended to respond to local problems in a manner that is timely, adequate and flexible compared with the national police. But there is a practice in many countries when some communities prefer not to have their own police, satisfying their needs of security and order by units of national or regional police.

Accountability of the police is not only an aspect of decentralisation, but also an integral part of democratic control. In the context of decentralisation, accountability is expressed in a significant reduction or elimination of the central office’s control functions and their transfer to local communities and governments. It is important to involve the public and local authorities in the procedure of competitive selection and appointment to senior positions, not only in the bodies of municipal police, but also in the territorial units of the national police.

In terms of democratic control, the creation of municipal police that is accountable to the public brings the control directly to the police service and actually strengthens the role of the public, in addition to parliamentary and judicial control.

There are two important elements of police reform and decentralisation: the relieving of the police of its

administrative functions that are not directly related to fighting crime and ensuring law and order; and the **transfer of certain powers** from central to lower levels. In Western European countries, the redistribution of powers within the reform took place mostly if local communities expressed dissatisfaction with territorial bodies of the national police, voluntarily agreed to maintain its own police forces and disposed of the required resources. This process was closely correlated to the political and economic conditions of countries’ development, and stability was the most crucial factor.

Separation of powers of national and local polices is regulated by legislation (for example, in the UK and France – by national legislation, in the USA – by state laws). Having its own legal framework, the municipal police must be guided in its activities by the laws of the country and resolutions of national government. At the same time, the local police is authorised with wide powers and autonomy in the implementation of measures intended to protect public order and prevent crimes. The powers to fight crimes mostly remain at the national level.

3. Depoliticisation

Recent events in Ukraine have demonstrated the critical importance of depoliticisation of the police as part of the process of democratic Law Enforcement Reform. The police must be withdrawn from the political process immediately, and its main functional duty should not be the protection of the political regime and government but a real service to the civil society, ensuring public safety on the basis of legally determined powers.

The condition of success is radical reforms and legislative approval of the democratic relationship between the political components of state authorities and professional law enforcement entities. In particular, a “personified government built on personal relations rather than on rules” must be destroyed immediately.¹⁰ The quota principle of political distribution of positions both in government and in the lower levels of the executive branch, including law enforcement, undermines the foundations of a stable and effective functioning of state structures making the entire country a hostage to the will of the political elites. Also, similar negative effects are conditioned by official appointments on the basis of political or personal loyalty, as well as by political and organisational nepotism that is common in Ukraine.

That is why it is essential, *first*, to minimise the possibility of political influence on the police and to regulate by legislation the clear separation of powers between the relevant minister and his cabinet as the political component, on the one hand, and law enforcement agencies being a part of this ministry as a professional component, on the other hand. The minister, as a politician, and his cabinet should be excluded from operational management of the police. They should be responsible for strategic planning and legal development of law enforcement agencies to ensure their effective functioning and civilian control. But their ability to

⁸ Dymovne E.K. Police reform in Hungary. Police Reform in Central and Eastern Europe..., p.61.

⁹ Kaparini M., Marenin O. The process and progress in police system reform..., pp.271, 272.

¹⁰ D. Sherr. Ukrainian security: one step forward – two steps back. Almanac on Security Sector Governance in Ukraine 2012. Kyiv, 2013, p.39.

influence the police's operations should be restricted exclusively by regulatory methods, without interfering in the operational activities of the police. Leaders of law enforcement agencies should have a sufficient level of autonomy and independence in professional issues from the political component of state governance, and this level should be determined by legislation.

Second, it is necessary to legislate transparent procedures for a career path and conditions and procedure for dismissal from service. The exceptionally competitive recruitment and guarantees of the inviolability of the law enforcement professional core should be implemented, regardless of political processes. In BiH, directors of national law enforcement agencies (State Investigation and Protection Agency, Border Police, Migration Service, and the Directorate for Coordination of Police Bodies) and their deputies are appointed by the Government on the proposal of the Minister of Security of BiH from among candidates proposed by the Independent Board of the Parliamentary Assembly based on the results of competitive selection. They are appointed for four years, and the mandate can be extended for one more term. They may be removed from office before the mandate expires only in the following cases:

- personal request;
- disciplinary penalty for committing a serious violation of official duties imposed by a definitive resolution;
- conviction for committing a crime, except road traffic offences;
- disclosure of the fact of active membership in a political party;
- disclosure (on the advice of appropriate medical institutions) of the fact of loss of physical capabilities to perform duties.¹¹

The *third* key factor to depoliticise law enforcement agencies is the legislative determination and implementation of an efficient supervisory system and guarantees for both citizens – from illegal actions of the police, and police officials – from violations of their rights. The Independent Board, the Board for Citizens' Complaints subordinated to the Parliamentary Assembly of BiH, and the Board for Complaints of Police Officials subordinated to the Government were established in BiH in accordance with the Law on independent and supervisory bodies of police structures.¹²

The Independent Board is a body intended to select candidates for positions of heads and deputy heads of law enforcement agencies, address relevant complaints, initiate disciplinary proceedings and suggest changes of leadership in the event of occurrence of conditions determined by legislation for their dismissal.

The Board for Citizens' Complaints is an independent body of the Parliamentary Assembly that receives, registers, evaluates and forwards citizens' complaints about the actions of police officers to the appropriate police authorities for further action, as well as supervises the process and results of checks of complaints.

The Board for Complaints of Police Officials is intended to decide upon complaints filed by police officials against decisions that violate their rights. The European Code of Police Ethics supposes a legislative consolidation of clear and open disciplinary procedures to guarantee effective realisation of the police officials' right to protection and consideration of disciplinary actions by independent authority or court.¹³

In terms of depoliticisation, it is important to find a balance between legislative restriction of police officials in certain political rights (participation in political parties, rights to strike, etc.) and ensuring respect for the police's democratic rights, delegated by the people and guaranteed by the law.

Required Success Factors

The success of the democratic Law Enforcement Reform depends on the availability of **such key factors as political will, solidarity and public support**, which are crucial for reform. The absence of these factors makes reform senseless and makes it vulnerable to violent resistance of corrupt bureaucracy, at the end resulting in no headway being made. Ukraine is not unique in this sense. The experience of other CEECs shows that almost all of them are faced to some extent with opposition to reforming the police system.

While the first two factors relate to the entire system of state administration and self-government, the public support for reform of the MIA has a targeted nature. There is such public support today in Ukraine, and it is expressed in large demand for changes. This support can be preserved and strengthened by ensuring efficiency, transparency and clarity of MIA reform for citizens. Society should not be a passive observer; it should become an active participant of the process, interested in its results. E. Zguladze, the former Minister of Internal Affairs of Georgia and now the Deputy Minister of Internal Affairs of Ukraine, said in her speech at the Roundtable in Kiev in June 2014 that only thanks to the huge support of society the then leadership of Georgia dared to realise mass dismissals of police officers, and these dismissals violated the current labour legislation. Only active participation of the public conditioned the absence of a single claim in the courts for human rights violations during these dismissals. At the same time, according to representatives of Poland and Lithuania, the courts of their countries are still in the process of such trials.

International experience confirms that visibility of the reform results to ordinary people is the key to restoring confidence in the police. People need to see first-hand the positive changes in police work and they need to discuss them. This is especially important in the early stages of reform when people expect changes and want to see them. A traffic-control officer who stops the traffic to help an elderly lady to cross the street is a miracle for us, but it is the daily work and the duty of the police in a democratic society. One such action will raise the level of respect for the police much higher than ten minister's strict orders and instructions that can't be seen by anyone except their authors and a limited number of officials. The change of

¹¹ Zakon o Državnoj agenciji za istrage i zaštitu; Zakon o Graničnoj policiji Bosne i Hercegovine; Zakon o Službi za poslove sa strancima; Zakon o Direkciji za koordinaciju policijskih tijela i o agencijama za podršku policijskoj strukturi Bosne i Hercegovine, www.msb.gov.ba/zakoni/zakoni.

¹² Zakon o nezavisnim i nadzornim tijelima policijske strukture Bosne i Hercegovine, www.msb.gov.ba/zakoni/zakoni.

¹³ "Disciplinary measures police officials should be subject to review by an independent authority or a court" (p.33); "State control of the police should be divided between the legislative, executive and judicial power" (p.60); "Public authorities should ensure effective and impartial procedures for complaints against the police" (p.61). See: The European Code of Police Ethics...



uniform, the appearance of police identification marks, new colouring of official cars, as well as anything else that distinguishes the police from militia will be noted by people immediately and this will generate an initial effect. Responding to minor complaints does not require much effort, but it is more visible to the public than the crime's disclosure, so it will enhance credibility and encourage the public to cooperate with the police.

Conversely, ignoring the participation of the public will lead to the criminals' cynical confidence that even if someone informs the police about the crime the guilty persons shall neither be caught nor punished. The indifference of police officials to citizens' complaints has to become the norm of the code of conduct, and responding to citizens' calls for assistance should be priority number one. But it is important to emphasise that these changes should form the system, tradition and the culture of policing, not being just isolated actions. "If the police has not changed or if there are no visible changes in its daily work, all the other legislative, organisational and rhetorical reforms will hardly mean a thing. The place for police reform is on the street. This requires a special police culture".¹⁴

International Assistance and Law Enforcement Reform

Materials of various studies and the practice of police reform in young democracies confirm the importance of the international community in these processes. The knowledge and experience transfer enhances the effectiveness of reforms, assists in democratisation of the police and improves communication between police officials of different countries. It helps to build up police capacity in the region and to improve cooperation in the fight against organised and transnational crime.

The key to the effectiveness of international assistance is its targeted nature, consistency and coordination. Ignoring these principles reduces the benefits of assistance and could result in negative consequences. In particular, the excessive interest and focus on donor assistance aimed at strengthening the fight against certain types of crime can negatively affect state policing priorities and lead to the creation of privileged police services that receive the lion's share of international assistance, resources and attention, to the detriment of other, less prestigious units.¹⁵

Due to the great interest of the international community in normalisation of the situation in Ukraine, we can expect increased attention and support of reforms in the security sector in general and in the law enforcement sector in particular. It should be borne in mind that law enforcement reform is a long-term process and donor aid provision fades gradually after an initial period of intense enthusiasm. The experience of former Yugoslavian countries shows that the phase of active assistance in these processes can last for 3-4 years. And it is very important to use this period to maximum effect, identifying top priorities and the prospects for continuing reforms in case of reduction of international presence.

For this purpose, it is appropriate to organise periodic donor conferences to familiarise participants with the concept and strategy of reform, progress in implementation of plans, problems and needs that arise. Taking into account the high level of corruption in Ukraine, systematic, effective and transparent supervision over the use of donor assistance and its results is essential, as is reporting at donor conferences about the results of the fight against corruption.

Developed countries use common democratic principles and standards of policing. That is why decisions on particular donor aid should consider not only the adequacy of the proposed approaches to our conditions, but also the need to form democratic traditions, the custom of behaving within the law and with respect to the citizen, both in society and among police officers.

Findings

Analysing the main aspects of Law Enforcement Reform, it can be concluded that the irreversibility of democratic transformations can be achieved only by radical changes in policy ideology, organisational structure, management system, legal and regulatory framework, functional aspects of policing and the system of democratic civilian control.¹⁶ This is a necessary and inevitable process that can be started either with rapid and radical actions, like in Georgia, or with a slow and thorough preparation, like in CEECs.

The required indicators of the reformed system should be not only fast results, but their stable nature. In these terms, the most reasonable option for Ukraine is a combination of these options, i.e. careful study of the desired model of law enforcement and its construction strategy (roadmap). The targeted, decisive and rapid actions should start within the framework of this roadmap. However, it is not necessary to wait for completion of the roadmap. It is better to initialise measures that are invariant to any model – fighting corruption, staff training, improvement of procedures for interaction with the public and so on.

In addition, international experience that includes various police structural schemes, management strategies, mechanisms of accountability, and current regulations can and should be for Ukraine a valuable source of effective solutions and innovations that can greatly facilitate and accelerate the process of MIA reform.

Lessons from other countries show that success in MIA reform is only possible with a comprehensive and coordinated approach to the entire Ukrainian law enforcement system reform including all other law enforcement bodies, in particular the Prosecutor's Office, the Security service of Ukraine, the Customs Service, the Tax Police, and others.

The transformation in a dynamically developing society is an endless process requiring timely response to changes. Therefore, the reform plan should not be "stiff", the course of its implementation has to be analysed and adjusted constantly to ensure maximum efficiency of the police and its adequacy to requirements of society undergoing changes. ■

¹⁴ Kaparini M., Marenin O. The process and progress in police system reform..., p.269.

¹⁵ "Police reform is not only a technical, but also a political issue, both in terms of domestic and international politics. Such tools as assistance, levers, sanctions and conditions are used by the international community for the protection and realisation of their interests." See: Kaparini M., Marenin O. The process and progress in the police system reform..., p.277.

¹⁶ Ibid. p.262.

REFORM OF INTERNAL AFFAIRS AGENCIES AND HUMAN RIGHTS



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Effective execution of police functions in a democratic state requires observance of human rights and freedoms, and largely depends on it. The level of public trust in police and support of its actions also depend on this. Observance of human rights must be the main criterion for assessment of law enforcement agencies' performance. While preparing and analysing reform initiatives, it is equally important to keep in mind their potential impact on the mentioned aspects.

The purpose of this article is a brief overview of the main issues in observance of fundamental human rights by internal affairs agencies (IAA) – the right to life, to freedom from torture and ill-treatment, to freedom and personal liberty, to privacy, to access to information, etc. The foundation of analysis is composed of IAA reform proposals, foreseen in the Development Strategy of Internal Affairs Agencies of Ukraine (hereinafter – Strategy).¹

The Right to Life, Freedom from Torture, Right to Freedom and Personal Liberty

Torturing of detained persons on IAA premises is the most disgraceful phenomenon in the work of police, and, probably, the main reason for people's negative attitude to it. Despite the fact that the new Criminal Procedural Code of Ukraine (CPC) contains many provisions to prevent torture and frivolous arrests, – these negative events, as previously, remain very common.

IAA staff has learnt to bypass preventive provisions. Thus, widespread is the practice of different variations of "shadow" arrests, when the detention report is issued significantly later than the real moment of detention, while prior to issuing the protocol the detainee has already been forced into admission of guilt by unlawful violence. Officially, this is documented according to CPC regulations, but in reality these norms are being regularly violated, and in certain occasions, torturing detainees into confession leads to death of the latter.

It is necessary to put an end to illegal detention of persons in all of its variations and combinations that violate the law:

- unrecognised (unregistered) detention;
- delay in registration of detention;
- issuing of a detention protocol by a different official than the one performing the actual arrest;
- actual detention with a subsequent request for detention with the purpose of bringing in.

All of these offences lead to the use of torture and ill-treatment of detainees. In the end, it is very important to bring the practice of detaining persons on suspicion of committing an offence in line with p.1, Art.29 of the Constitution of Ukraine, according to which "no one shall be arrested or held in custody other than pursuant to a substantiated court decision and only on the grounds and in accordance with the procedure established by law".

¹ Draft *Development Strategy of Internal Affairs Agencies of Ukraine* was prepared by Y. Zakharov and O. Martynenko. The Strategy was approved by the Decree of the Cabinet of Ministers of Ukraine No. 1118 as of 22 October 2014.



With the purpose of solving these problems, the Strategy determines that “police has to implement procedures and regulations, which make it impossible to perform groundless arrests and detentions, ensure protection of detainees from torture and ill-treatment”. In order to implement this provision, “utmost regulation of authorities’ actions is foreseen through developing detailed laws and regulations that plan for all possible types of behaviour of IAA staff in standard and non-standard situations, and which automatically minimise the risk of them violating the law”.² Also, this calls for the end of the “collective irresponsibility” system. This primarily concerns cases of gross violations of human rights, in particular, during arrests and holding in custody on IAA premises. We need to shift to the system of personal responsibility of police staff for the results of their work and cases of human rights violation.

The Strategy plans for introduction of detailed procedures for detaining persons: detention notice, bringing the detainee to the pre-trial investigation agency, detainee’s stay on IAA premises and recording of all actions involving the detainee.

For this to happen, we plan to introduce electronic terminals for visitor registration in the work of police stations, to create a single automated system for visitors to IAA divisions, and also to introduce a single electronic protocol (*custody records*), which will contain information about all IAA actions related to the detained person – arrest, moving, healthcare assistance, change of status, etc.³ Other measures are also foreseen for strengthening guarantees of observing the right to freedom, personal integrity and freedom from torture: “introduction of video recording of detainee’s first interrogation, introduction of mandatory independent medical examination of all detained and arrested persons, introduction of individual packaging for storing detainees’ personal belongings, placing information boards on receiving free legal help in internal affairs departments”.⁴

The last two measures were introduced in October-November 2014: individual numbered safe packaging was produced and passed to all temporary detention facilities (TDF); each TDF ward contains a brochure with the detailed description of detainees’ rights; and at the time of arrest each detainee is given a leaflet with his rights and a hotline number for free legal assistance so that he is able to call a lawyer. These measures are regulated with special internal MIA legal acts.

Also, we must remove obstacles for victims of illegal IAA violence to freely reach out to determine the severity of physical injury, without requiring a permission from law enforcement agencies. In order to do this, the list of healthcare institutions must be expanded (through adding private certified institutions), which can conduct such a procedure and provide a corresponding document.

In order to improve legislative regulation, the mechanism of execution of p.2, Art.210 of the CPC

must be implemented, which will serve for immediate informing of authorised persons from the nearest pre-trial investigation agency division about an arrest, – Instructions on Informing about Detention of a Person at the Time of Detaining, – while also introducing a corresponding registry and means for technical recording of detention information transfer.

To ensure observance of detainees’ rights, foreseen in Art.212 of the CPC, a legislative document is to be developed and implemented, which will regulate the order of keeping detained persons in custody at IAA. It should be noted that in England, the procedure for detaining people and holding them on police premises is regulated by a corresponding code; in the former Soviet Union – it used to be the Order of the Presidium of the USSR Supreme Soviet; while in Ukraine – only it is a departmental instruction on organisation of police station work (and even that, partially).

It is also necessary to develop an instruction, which will describe the minimum mandatory investigative actions in any case of death or torture at IAA, – so that an investigation agency could raise the question of dismissing the criminal case. In case of an ungrounded refusal of investigating officers to follow the specified instruction, there should be a procedure for their suspension from work and being subject to disciplinary action.

The inefficiency of investigating claims of torture and ill-treatment by IAA staff, as well as their failure to act, silent approval or condoning such actions remains a big issue. Public prosecution service does an extremely poor job at efficient, thorough, quick and non-biased investigation of such claims. Currently, a person who turns to IAA with a complaint against police staff actions is practically deprived of a possibility to influence the course of an internal investigation after the complaint, as today’s practices are centred around the interests of police. Internal investigations after such complains to MIA usually result in a letter to the claimant stating that facts were not confirmed, or, in about 4-5% of cases, – that facts were partially confirmed and the guilty party was held liable. Who specifically was held liable, was the liability criminal or disciplinary, and which enforcement actions were applied, – remains unknown. This course of action leads to impunity of IAA staff and further widespread application of illegal practices.

Thus, according to data from the report form “*On the Situation of Observance of Human Rights in the Work of Internal Affairs Agencies*”, in 2013, MIA recognised as unconfirmed 96% of people’s claims about violation of their rights by the police. Such statistics prove the inability of internal control bodies at MIA to perform one of their key functions – effectively investigate facts of illegal actions made by police staff, and ensure in this regard adherence to the inevitability of punishment principle for the committed illegal actions. **The fact that the majority of IAA staff, who violated the law, were not held liable, is but the main cause of the high level of corruption and crime at Ukrainian IAA, observed from year to year.** In its turn, the obvious unwillingness

² Strategy Section “Measures to Achieve the Objectives of the Reform”, p.6.

³ Ibid., p.7.

⁴ Ibid.

of MIA to ensure effective investigation of people's complaints, and thus, actually, protect them from illegal actions of police staff, is what is causing the lack of society's trust in the sincerity of government-declared intentions to reform law enforcement agencies.

In order to solve these problems, the Strategy plans to "involve public in investigations of cases of torture, cruel and inhuman treatment by police" and to "facilitate the creation of public monitoring groups (with the right to check reasons for detention of a certain person, as well as conditions of holding at an IAA department, etc.)."⁵ It is also necessary to make a final decision regarding unobstructed registration of claims and notices on the facts of torture and inhuman treatment as crime reports, and their registration in the Unified Register of Pre-Trial Investigations (URPTI), as opposed to them being treated as appeals, according to the Law "On Citizens' Appeals". A single automated system for registering complaints on IAA staff actions must be developed and introduced, which would include results of complaint examination and information on disciplinary actions applied to the offender, with search requests by different parameters available to authorised IAA heads (for example, which IAA employee has a certain number of disciplinary penalties). There is also an urgent need to introduce a separate statistical accounting of crimes according to Art.127 of the Criminal Code ("Torture"): currently, there is only statistics for the general number of offences committed by IAA staff.

And finally, it is necessary to introduce changes to *"Instructions on the Order of Conducting Employee Investigations at Internal Affairs Agencies of Ukraine"*, which would allow a civilian to be a participant in an internal investigation, create regulatory means for preventing possible violations of this right by an IAA official, and ensure greater transparency during an internal investigation process. Thus, the victim of illegal actions must have the right to review and evaluate investigation records, the right to be present at questioning of investigation subjects, possibility to provide additional materials at any stage of investigation, etc., as well as possibility to involve in an employee investigation a lawyer or another jurisprudence specialist, human rights advocates, independent experts. Arrangements should also be made to prevent police staff from exercising pressure on the claimant or other subjects of an employee investigation.

The Right to Access Information

During 2005-2009, MIA was the most publicly open agency among all other law enforcement institutions. By the quality of answers to information requests, MIA is second only to State Court Administration, according to our observations. However, during request practices a number of issues were detected that need resolution. One of them – inaccessibility of many internal legal acts (LA) of the MIA.

As of early March 2015, MIA website contained key laws required for MIA work, international agreements of the MIA, 1,163 MIA orders registered at the Ministry of Justice, 37 regulatory acts and 28 internal LA. At the same time, the number of LA adopted by MIA amounts to several tens of thousands. There were numerous situations, when IAA staff did not even know about MIA orders that were supposed to guide their actions.

So, **it is necessary to form a single registry of MIA's legal acts** in the Internet with further free access to LA that are public record. In the Strategy this task has the following wording: "Ensuring access to the legal framework of internal affairs agencies: MIA's legal framework is published in the internet and is constantly updated; free access for citizens is ensured to documents that are public record according to information legislation".⁶

Regarding the so-called partially public documents, i.e. documents, a part of which is public record, and a part – cannot be disclosed to citizens, – MIA has to master a well-known principle of the freedom of information, determined by p.7, Art.6 of the Law "On Access to Public Information": "Limited access should be applied to information, not to the document". All internal legal acts of the MIA classified "For Official Use Only" (OUO) should be revised with this principle in mind and it is to be determined, which part of these documents is open for public and can be disclosed on request.

A lot of attention in the Strategy is paid to implementing such principles of IAA reform as accountability and transparency. Thus, it is stated that "police divisions have to be sufficiently open for external control, in particular, to the public. Main statistical data regarding police work (number of staff, gender balance, size of budget, etc.) has to be public record, requests from people and organisations to access restricted information have to be considered within a reasonable timeframe, and a substantiated answer is to be provided in case of refusal. There must be special positions or divisions in the police, which will be responsible for communicating with the public and international organisations. Society should also have an unobstructed access to information related to planning of the work of police in general, implementation of planned measures and results of work".

The Strategy plans for multi-channel feedback communication with different categories of people (correspondence, personal meetings, social networks, emailing, telephone consultations); improving GIS-resource "Your District Police Officer" with the possibility of getting information about district police officers and feedback communication; introducing an open interactive resource for automated recording of any requests and appeals from citizens, with a guaranteed response from staff, analysis of people's reports on offences, informing people about public record criminal statistics, real-time mapping of location, character and information important for the public regarding all offences recorded by IAA ("*Crime Mapping*" platform) and other measures.⁷

⁵ Ibid., p.18.

⁶ Ibid., p.15.

⁷ Ibid.



The Right to Privacy

Under the Ministers of Internal Affairs A. Mohylov and V. Zakharchenko our country has gained characteristics of a police state, i.e. such that treats its citizens as potential criminals. Thus, MIA had the intention of getting permission to include people's personal data in train tickets (full name, year of birth, series and number of presented document), which would have been a brutal violation of the right to privacy (today, unfortunately, such wishes are also voiced, for the convenience of investigation). Other regular and large-scale violations of the right to privacy under V. Yanukovych regime include forced fingerprinting of detainees, which is a violation of internal legal acts of the MIA. Fingerprinting is to be applied to persons accused of a crime or subject to administrative detention from 1 to 15 days, but it is used much more often, – fingerprinting was applied to all detainees even before the trial. The practice of illegal wide-scale fingerprinting is still being used.

Today the major share of crimes are investigated through studying mobile telephone conversations (at a certain location, for a certain period of time). At the request of an operational unit, telecommunications providers can furnish them with a list of numbers, from which calls were made, a list of all SIM-cards at a certain location (the list will include even cards from the turned off telephones), as well as recordings of all telephone conversations. The Law "On Telecommunications" obliges providers to "equip their telecommunications networks, at their own expense, with technical means necessary for executing work duties of authorised operational investigation units, and ensure that such equipment is functional, as well as facilitate operational investigation procedures within the scope of their competencies, and prevent disclosure of organisational and tactical investigation tools" (p.4, Art.39). The scope of application of these measures is impressive: in a month, telecommunication providers receive up to 10-12 thousand of requests from law enforcement agencies. Clearly, law enforcement agencies care first of all about benefits for their work, and not about abiding by people's right to privacy, – this is why, anyone can become a subject of secret surveillance.

Both, the Law "On Operational Investigation Work" (OIW), and the new CPC state that such measures are only allowed in cases when grave or especially grave crimes have been committed or are being prepared, and only when the information about the crime and the person who has committed or is preparing it, is impossible to gain otherwise. Permission to perform such actions is granted by heads of appeal courts or judges appointed by them. But is gathering such information as user's calls, timing of calls, user location, his movements, user's Internet log files, – really done according to a court decision? It is hard to believe. The new CPC contains vague norms on taking information off transport telecommunications networks, electronic information systems and determining the location of a radio-electronic device, incl., a mobile terminal of communication systems. And statistical data on OIW is classified as secret since 2005.

Today, the main function of secret surveillance during operational investigation work is not to expose the criminal, but to establish occurrence of the crime itself. When operational units perform investigative work against organised crime, drug traffickers, etc., they work *before* the crime has been committed and the goal of these operational actions is to gather information on a person, criminal group or possible actions of violence (for example, a terrorist act). In other words, the information that police wants to find out at the stage, when they file an application to the court for receiving permission for secret surveillance in the context of OIW, is often impossible to specify, as well as it is impossible to indicate a person, information on whom is being gathered. This is similar to actions of a fisherman, who casts a net and looks to see, what got caught. In such situations, operational units can actually organise secret surveillance as they see fit, without court control. So, the procedure of secret operational work has to be in line with European Court practices, must be better defined by the law, be clear, detailed and cover all operational actions of this type. Along with this, formulating guarantees against abuse becomes a key issue. It is inappropriate to limit operational units in their means of investigating crime, but it is necessary to have means of public control over their actions.

The European Court will hardly admit that a law on intrusion of state in private life, even a significantly improved one under the new CPC, is "necessary in a democratic state", as the list of crimes, under which it is allowed, – grave and especially grave – is too extensive. As the Court held in the case of *Klass and Others vs. Germany*, secret surveillance on people is typical of a police state, and in democratic states such surveillance is acceptable only in situations of absolute necessity.⁸ Besides, in the stage of investigation, it is rather hard to determine the degree of crime graveness. So, there should be a specific list of crimes, which, if committed or being prepared, call for the use of secret investigative actions.

As the experience of Western countries demonstrates, a reliable guarantee against abuse is preparing and publishing annual reports of law enforcement agencies on the use of OIW that violate the right to privacy. Such reports are public record in the Internet in such countries as USA, Canada, Great Britain and many others. They include: the number of received approvals, the number of refusals, types of crimes in case of which approvals were granted, approximate duration of information taken off communication channels, number of criminal cases initiated following surveillance results, number of convictions obtained, etc. If we have such reports in Ukraine, comparing this data with court statistics, we can assess the efficiency of secret investigative actions that violate the right to privacy and minimise the possibility of their abuse.

In general, we need to revise internal legal acts of the MIA regarding database maintenance for compliance with the Council of Europe Convention No.108, which Ukraine ratified in 2012, Recommendations No.R (87)15 of the Committee of Ministers of the Council of Europe "On Protection of Personal Data in the Police Sector" and corresponding EU documents. ■

⁸ "Government bodies cannot interfere with exercising of a right [to respect for private and family life, for housing and to secrecy of correspondence] other than according to the law and when this is necessary in a democratic society in the interests of national and public safety or economic well-being of the country, with the purpose of preventing disorder or crime, protecting health or morale or with the purpose of protecting rights and freedoms of other people." See: Case "Klass and Others vs. Germany." – Website of the Verkhovna Rada of Ukraine, http://zakon3.rada.gov.ua/laws/show/980_093. – Ed.

UKRAINIAN POLICE ON THE EVE OF MAIDAN AND AT THE OUTSET OF REFORMS



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The effectiveness of the law enforcement system in general and the militia (police) in particular has been one of the most urgent issues for Ukraine and its democratic development. Even before the Revolution of Dignity began, specialists pointed to the critical aggravation of this problem caused by a lack of clear and transparent government policy for the benefit of community in this area and the long delay in resolution of a wide range of legal, organisational, social and financial problems. Long before the Maidan, the law enforcement agencies and the government in general, were neither respected nor trusted and were incapable of performing functions entrusted to them by society. The numerous "reforms" were spoofed and substituted with speeches.

The widely known Maidan events, external aggression in the Crimea and in Eastern Ukraine, or, broadly, the **Ukraine Crisis**, as it is widely known around the world, have demonstrated that undemocratic law enforcement and security agencies are a source of threat to Ukraine's national security.

Considering Ukraine's aspirations of European integration, the issues of reforms in the Ministry of Internal Affairs (MIA) and elimination of the post-Soviet militia along with creation and development of a European-style police service have to be inseparable from the protection of rights and lawful interests of citizens. Having signed the EU Association Agreement as proof of its striving for European values in its foreign and domestic policy, Ukraine has to comply with multiple obligations. In law enforcement, this concerns police reform, which should involve the radical upheaval of and profound changes in the system, because the problems of corruption, unlawful practices and repressive trends remain even in the post-revolutionary period.

The Police on the Eve of Maidan: the Final Stage of Degradation

Not long before the Maidan events, the internal affairs agencies reached the peak of the "transitory stage" crisis caused by a lack of actual reforms, preservation of repressive approaches and practices and persistent underfunding. The constitutional principles, according to which the life, health, dignity and safety of a person are the highest social values in Ukraine, have become a meaningless phrase. The internal affairs agencies proved incapable of performing their statutory functions, the most important of which are "to protect the personal

safety of people, their rights, liberties and lawful interests; prevent and suppress offences; protect and uphold public order; detect criminal offences; take part in detection of criminal offences and the search for offenders; maintain traffic safety; protect property from unlawful and criminal intrusion".²

Systemic corruption and political involvement transformed the police into an administrative resource of the government. Government authority was converted into corruption revenue. Violation of people's rights by the police became a commonplace event. Its social role was reduced to a mere passive response to a criminal situation.

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² Law "On Police", Article 2, Verkhovna Rada of Ukraine, <http://zakon4.rada.gov.ua/laws/show/565-12>.



Society's dissatisfaction with the law enforcement officers' work produced both passive and active forms of opposition, which was demonstrated by numerous and diverse protests and attacks against law enforcement officers on duty.

The law enforcement agencies were incapable of providing citizens with proper protection from offences and safeguarding human rights, which they themselves often violated. Crimes committed by the police, the Prosecutor's Office and State Security Service officers became dangerously widespread and stirred up significant public resentment. Given legislative deficiencies and the corrupt and dependent judicial system, the inspections and initiation, investigation, or termination of criminal proceedings were used as an instrument of political manipulation and economic pressure.

Lack of proper control over the law enforcement agencies on the part of the state and civil society made it possible for corrupt relations, impunity and mutual cover-ups to thrive within the system. For instance, in 2014, out of 114,474 complaints about law enforcement officers' actions received by agencies of the prosecutor's office, only 1,750 were investigated and 320 resulted in criminal proceedings (0.3% of the total number of complaints). The law enforcement officers found guilty were most often released on parole or under amnesty. The analysis of criminal proceedings in relation to law enforcement officers and the statistics are not available to the public. Often the "abuse of power" proceedings are related to torture and even murders, which only became widely known after being displayed in the mass media.

The absence of a system of reliable measures and indicators, a lack of comprehensive studies of the crime situation accounting for crime-producing and crime-reducing factors, the effectiveness of criminal justice, in particular the penitentiary system, have made it impossible to evaluate the effectiveness of the law enforcement agencies in an objective manner and, consequently, to form an adequate government policy.

A real system for monitoring crime and results of the activity of the law enforcement agencies did not exist. Statistics containing the number of criminal proceedings instituted or investigated did not correlate with anything and reflected internal registration activities only. The new Criminal Procedure Code entering into force starting from 20 November 2012 and not from the beginning of 2013, made the analysis significantly more complicated; it became virtually impossible to compare statistical figures with those of previous years.

The personnel problem became the cause and the result of the crisis at the same time. Its largest negative effects were the erosion of the professional core through outflow of qualified personnel and the impossibility of personnel rotation from the periphery

to the centre in order to promote the best qualified and most competent officers.

Separate mention should be made of the appointment of people from one specific region, the Donbas, to leadership positions in law enforcement agencies. This was explained by the need to promote effective implementation of the policy, coordination and trust within the management. In practice, this was nepotism, trade in positions and the capture of political influence by representatives of a single "team". Instead of professionalism, experience and high moral qualities, the main prerequisite for a successful career in law enforcement was affiliation to the Donetsk regional community.

As a result of all these factors, the most capable and successful graduates of specialised education facilities would not pursue careers in law enforcement. On the contrary, the lack of personnel, especially in the internal affairs agencies, was addressed by engaging persons who often did not have proper training or moral qualities. The requirements placed on candidates for positions were also reduced. This approach had an especially strong negative impact on the investigation units of the MIA system.

Social separation between the senior officers and the middle- to low-level personnel, reflected in the significant difference in pay, additionally discouraged experienced and conscientious personnel from remaining on the force. With allowances and bonuses, the wage of a head officer was 5 to 10 times higher than that of their subordinates.³ The head officers widely used the ability to receive state-paid housing with further privatisation, whereas others would wait decades for better housing conditions for decades. Luxury houses, cars and watches irritated rank and file officers of law enforcement agencies, making them perceive service interests through a prism of lucrative interests of the senior officers, negating interest in honest work and stimulating a cynical attitude to their social role as law enforcers.

Another negative factor was the administrative command system, where the main means of management was a verbal, often illegitimate, order, mainly intended to achieve formal performance indicators instead of determining the truth and doing justice. The long-standing corporate practices include abuse of subordinates, humiliation, ungrounded punitive measures, compulsory subscription to internal publications, etc.

In addition to the lack of professionalism, which manifested itself in the absence of actual results in several high-profile cases, many law enforcement officers do not have a proper level of culture and moral qualities to do their job properly. Examples of this include the ubiquitous use of obscene language, drinking, a tendency to household violence and the adoption of the habits and laws of the criminal world.

³ For example, the base salary of a regional police chief was about UAH 10,000, net of special service conditions allowances and bonuses. The salary of a regional prosecutor's office superior is UAH 20,000-23,000, including allowances and bonuses. – See: A. Lokmatov. "Golden Prosecutors". – Prestupnosti.NET, 1 October 2013, <https://news.pr.ua/public/88990>.

Numerous studies by independent centres and experts have shown a **dangerous level of corrupt practices** in the law enforcement agencies and the absence of a system against such practices. A 2007-2013 comparative study showed that the ranking of the most corrupt areas remained unchanged: in the corruption perception survey, the most frequently reported corrupt institutions were the law enforcement agencies (84% of respondents) and the judicial system (87%).⁴

Corruption became a decisive factor in management, organisation and personnel policy of internal affairs agencies. Moreover, the police was redirected to the functions of the regime's "watchdogs". A large part of the funds, both from the state budget and the shadow sources, was allocated to increasing the number of special-purpose units and improving their equipment.

The "noble" motivation for service on the police force, i. e. community benefit, respect and self-fulfilment, was gradually replaced by lucrative intents. The schemes and ways of receiving bribes and benefitting from the MIA corruption are well known: parasitising on illicit business, illegal business income, abuse of power and sale of authority. The supervisory system became a source of income. Where coercion or control functions are missing, there are opportunities to gain profit from the state budget via bidding procedures and various illicit practices. The service in units profitable from the corruption standpoint gradually became perceived by the top MIA officers and the political elite solely as a business. Positions of power became something for sale.

The low financial provision level or inefficient distribution of funds provoked informal fees for repairs, fuel and consumables. Employees were forced to integrate into corruption schemes. The same applies to achieving service performance indicators at any cost, often through severe human rights violations. Officers of principle and integrity would not stay on the force for long. Those who demonstrated loyalty, secured profits and did not bring up any problems, felt comfortable.

The "local" staffing turned out to be destructive. Rotations were performed only at the level of chief officers (Central MIA Administration Chiefs and sometimes their deputies). The middle-level officers were deeply integrated into local corruption schemes.⁵ "Dynasties" of police, prosecutor's office and tax service officers started to form. This situation was secured by ubiquitous mutual cover-ups, a system of political and business protection racket and political corruption, as the chief police officers were appointed by party quotas.

The structural units, supposed to prevent corrupt practices, failed. Internal security, personnel inspection and anti-corruption departments were also corrupt and dependent on their superiors.

The destructive trends manifested themselves in the most painful ways in the regions where so-called "death

triangles" were formed by the police, the prosecutor's office and the courts. The law enforcers were in close "business" and family ties serving the interests of local business elites or other region, city or district "chiefs". Citizens in such regions were absolutely deprived of any rights or opportunity for protection. In the eastern industrial regions, such trends were aggravated by a specific criminal control style: humiliation, intimidation and murder.

As a result, the image of a law enforcer and a criminal merged into one, with similar criminal habits, motivation and moral qualities. A person in uniform is even more dangerous, being protected by law, girded with power and enjoying impunity.

In 2013, spontaneous riots in Vradiivka, the murder of a district officer in Semypolky, Kyiv Region, demonstrated the diseased condition of the entire law enforcement system and specifically the police. However, at the same time, the society taboo against violent opposition to unlawful and criminal acts of the authorities was lifted. This was the only way to stop the lawlessness.

In fear of public unrest, the government focused its efforts on creating and supporting the operating strength of special police units, capable of rough suppression of civil protest without hesitation, primarily the *Berkut special unit*. Its officers and superiors received informal but significant benefits from "private persons" (affiliated with the government), thus breaching their oath to the Ukrainian people and becoming mercenaries for the criminals in the government. Later they proved their loyalty to actual patrons by battering and shooting the Maidan activists.⁶

At the same time, it should be kept in mind that the internal affairs officers, in particular the Internal Troops personnel, became hostages to the situation and were forced to risk their lives in a legally dubious situation while complying with unlawful orders of their superiors. Some of them were killed.

Therefore, at the beginning of the Revolution of Dignity, the Ukrainian internal affairs agencies were controlled by oligarchic criminal clans and subordinated to their political and business interests. The deteriorated condition of the police and law enforcement agencies became one of the causes of the revolution.

With such law enforcement agencies, Ukraine was forced to enter into the post-revolutionary crisis, the Crimean crisis and the military conflict in the eastern regions.

As reported by A. Avakov, the Minister of Internal Affairs, at the Government meeting on 28 January 2015, **over the last year 21,000 of officers were dismissed from the MIA, one in five of them (4,000) for a breach of oath.**⁷

⁴ Global Corruption Barometer. – Transparency International, <http://www.transparency.org/gcb2013/country/?country=ukraine>.

⁵ As the Crimean crisis showed, the law enforcement officers hired under regional principles turned out not to be loyal to the Ukrainian government and joined the occupational power.

⁶ EU Council Experts: Yanukovych's law enforcers tortured Maidan activists. – Ukrainska pravda, January 13, 2015, <http://www.pravda.com.ua/news/2015/01/13/7054821>.

⁷ Avakov: Over the last year, 21,000 officers were dismissed from the MIA. – PUI, 28 January 2015, <http://www.5.ua>.

New MIA Reform: Transit during the Crisis

The condition of the police as of early 2015 can be described as a deep crisis of the transitory period:

- post-Soviet and new institutions function simultaneously: the “old”, pre-revolutionary personnel work alongside the new, post-revolutionary; the old schools and traditions are still in effect, but at the same time there are reform processes, often unsystematic and fragmentary;
- the problems of pre-revolutionary police remain relevant: insufficient support of operation, underfunding, lack of professional motivated personnel, corruption and human rights violations;
- the change is non-linear and irregular (more intensive in the capital, slower on the periphery), but corresponds to the general course of socio-political processes;
- the social demand for public security has significantly increased due to military, terrorist and criminal threats;
- the operating capacity of the public order system is negatively affected by fragmentation of the governance system, crisis condition of state institutions, Russian occupation of the Crimea and the eastern regions and the economic crisis.

A large number of police officers has proved unready to comply with orders involving a life risk. At the same time, people willing to join the police force have faced significant obstacles during the bureaucratic employment procedure.⁸ In this difficult situation, MIA superiors took decisive and non-standard measures to ensure control over the situation, especially at a regional level, by enrolling patriotic citizens on the police force.

For this purpose, on 13 March 2014 the MIA Internal Troops were converted to the reinstated **National Guard**. The core of the new force was formed by Maidan self-defence fighters, trained by internal affairs officers. An order issued in April 2014 established volunteer public order protection units, **special-purpose police patrol service**, for protection against crime and maintenance of public order. The first volunteer police units were created in collaboration with the proactive head officials of Dnipropetrovsk and Luhansk regions, where Dnepr and Vostok battalions were formed. By the end of 2014, 34 special police battalions had been formed in the MIA on a voluntary basis.

Volunteer territorial defence battalions, which took part in the anti-terrorist operation, were functioning in Zakarpattia, Volyn, Chernivtsi, Rivne and Cherkasy regions. In order to give the members of such units a legal status and social protection, it was resolved to enter into contracts with them for service in the military or law enforcement agencies.

Thus the MIA took the necessary measures to counter crime and terrorism in the conditions of a military threat



in the eastern part of the country. Patriotic and motivated persons enrolled in the force. The “healthy” part of the internal affairs officers are engaged in defence of the Motherland and establishment of the foundations of a new public order protection service. As a result, the mistrust was largely overcome and the social gap between the police and the society was narrowed. This was partly facilitated by the openness of the new MIA superiors, commitment to change and willingness to make real decisions and not just those on paper.

At the same time, the task of fundamental MIA reform to transform it into a civilian-type ministry and establishment of a national police force remains unperformed. The main problems are well known: lack of government policy and systemic approach, “self-reformation” of agencies, undetermined leadership, inertia and system resistance.

There is still no **unified government policy** or formation of reform goals. On the one hand, all policy documents (the Coalition Agreement, 2020 Reform Strategy and the Government Action Programme) reflect social expectations: a new anti-corruption policy, MIA reform and judicial reform.

On the other hand, the overly detailed Coalition Agreement and other political documents are more of a declaration. The 2020 Strategy contains no specific timelines or instruments, only goals and performance indicators. The Government Programme, however, has approximate timelines and a set of measures, but remains very vague about the goals and indicators. The Coalition Agreement and the Government Programme provide for establishment of a State Bureau of Investigation. However, the Coalition Agreement specifies a wider reform framework, which is absent from the Government Programme, let alone the 2020 Strategy.

Generally, these policy documents are fragmentary and do not give a holistic understanding of the ways of reforming the law enforcement system (“public order system reform”, “new law enforcement system”, “law enforcement system reform”). Almost all of them focus on MIA reform and establishment of a police force.

⁸ Yu. Butusov. Volunteer battalions: structure, fears and problems of military use. – Dzerkalo tyzhnia. Ukraine, 29 August 2014, <http://gazeta.dt.ua>



They do not specify that the essence of reforms is to restore people's trust in the government, refocus the activities of the law enforcement agencies on protection of people's rights and lawful interests and depart from repressive practices (the Government Programme, however, contains a vague motto "‘To Protect and to Serve’ instead of ‘To Punish and Cover Up’"). The principles of reform – depoliticisation, demilitarisation and democratisation – are not mentioned. The 2020 Strategy specifies increased public trust in the police to 70% (based on surveys) and replacement of 70% of staff.

The Government Action Programme does not contain any references to MIA reform documents which the Ministry has already presented to society. None of the documents ever mentions the need to establish a unified concept for reform or implementation of already adopted concepts, which shows the spontaneous and schematic nature of the actions aimed at qualitative changes in this area instead of a consistent government policy.

Here are some things to be declared. **Along with fragmentary institutional change, which often precedes regulatory change, the police continues to live and operate according to the old post-Soviet mentality.** The implementation of the ambitious Concept, which was supposed to be complete by 2016, may require a lot more time.

There are no clear results of anti-corruption measures in the MIA system. Corruption continues to exist on the lower and middle levels; superior officers and generals remain untouchable. It is not known what reforms are to be performed, or have already been performed, in the internal security and personnel inspection. The procurements to supply the National Guard battalions remain insufficiently transparent. The battalions themselves require supervision: there have been cases of looting and abuse (this is a subject for separate research).

The resource support of the reforms remains an unresolved issue. This concerns, for instance, current activities of police patrols (Kyiv alone has to be patrolled by about 300 police cars daily). In 2011-2012, the state actually provided about 2 litres of gasoline per vehicle on duty, sometimes less, whereas the actual need was 20 litres. Vehicle service also requires funding. For many years, the difference was offset by "donations". It is not clear how the service needs will be covered now when the state is going through hard times.

There are significant risks of repeating the earlier errors and turning the reform into a dubious publicity campaign. Since independence, the MIA reforms have been hostage to the political will of the government. The internal affairs agencies have been viewed as a natural administrative resource and voting base of the government, which ensured loyalty, political dependence and controllability of the MIA. The police reform announcements were rhetorical and the measures taken were mostly spooft. Any actual reforms toward making this agency independent were impossible. As a result, there remained a large gap between the government and society, the police and the citizens. The law enforcement agencies did not have public trust and remained an institutions of post-Soviet oppression.

A widely spreading opinion is that current reforms, starting from the patrol and inspection service and the traffic police, are nothing more than a publicity campaign determined by the presence of an American sponsor, the ICITAP. The corruption risks and bottlenecks of this reform, in particular as regards the transfer of the administrative functions of the traffic police to the local administrations, are already being worked on by the experts.⁹

Achieving significant progress in this area requires the creation of conditions for democratisation, demilitarisation and decentralisation of the entire system of law enforcement agencies. This requires the **"reformatting"** of the state, in particular through changes in the Constitution, which allows reforms to be carried out in multiple areas: judicial, administrative, local self-governance, budget, fiscal policy, etc.

Making the necessary political decisions in the area of law enforcement and conducting a consistent state policy requires clear identification of goals and means and removal of discrepancies in strategic documents. The comprehensive approach to reform of the law enforcement agencies requires, ideally, adoption of a respective Concept developed with due consideration of the European experience, which shall be approved as a policy document. The MIA reform should be viewed and conducted as an element of the general reform of law enforcement agencies. Putting such decisions into practice requires efforts from the National Security and Defence Council of Ukraine and the First Deputy Prime Minister.

The commitment of the Government and the MIA superiors to the self-reform tradition, which has become usual, is understandable, since the current situation requires rapid, effective and informal actions, close cooperation with the community and proactive measures. It would be fair to state that the MIA superiors are taking efforts to overcome the bureaucratic approaches and engage patriotic, honest and talented citizens for service.

Open dialogue by engaging experts and civil society representatives, as well as human rights activists, would make it possible to prepare both public and professionals for the necessary change, which may be unpopular. The society needs discussions and clear explanations of the decisions made.

It is also necessary to analyze the success and failure of both Ukrainian reforms and changes in post-socialist countries, especially those, which have become EU members. This should help avoid poorly conceived decisions in Ukraine.

Most importantly, the success of the MIA reform depends on the state's capability to overcome corruption and perform a comprehensive reform of law enforcement agencies and judicial reform. Total and systemic corruption remains one of the most dangerous threats. Even if the police is cleansed from corrupt officers, corruption-related possibilities remain in the courts and the prosecutor's office. An effective and not a mock-up, anti-corruption system should be created immediately. The National Anti-Corruption Bureau should become a safeguard against corruption among senior government officials, in law enforcement agencies and in courts. ■

⁹ See, for example: O. Yeltsov. New face of the MIA: reform with a flavour of steam. – Tema, 16 February 2015, <http://www.tema.in.ua>.

COMMUNITY PARTICIPATION IN THE REFORM PROCESS THROUGH THE EXAMPLE OF A PILOT PROJECT



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As it is known, the next scheduled stage of reforming the MIA of Ukraine officially started from creating in April 2014 of an Expert Council on Observance of Human Rights and Internal Affairs Agencies Reform (further – Expert Council). This was initiated by the new leaders of the Ministry headed by A. Avakov, who at that time already had a positive experience of cooperation with the non-governmental sector and his own participation in the events of the “Revolution of Dignity”. The Expert Council, comprised predominantly of representatives of the civil and human rights sector, set a goal to develop the reform concept by November 2014, and to submit this programme document for Government review.

Since the very beginning, the Expert Council declared and demonstrated its utmost openness to both, civic activists and officials, who became members of seven work groups.¹ Besides, the following parties were invited to work on the project as observers: experts from the Secretariat of the Verkhovna Rada Commissioner for Human Rights, the Razumkov Centre, Office of the OSCE Project Co-ordinator in Ukraine, EU Mission and Mission of the Commissioner for Human Rights of the Council of Europe in Ukraine, U.S. Embassy, UN Human Rights Monitoring Mission in Ukraine.

Almost at the same time, one more centre of public activity for reforming police was created in Lviv. During the Euromaidan events and the lengthy process of selecting candidates for a Regional Police Head position, a Supervisory Council was founded at MDMIA in Lviv region (further – Supervisory Council). At first, it included at least 50 activists – representatives of 16 NGOs, nine media, university lecturers, IAA pensioners, private entrepreneurs.²

Areas of Work of Community Organisations

The Expert Council has taken an active position in the process of reforms, having conducted a series of meetings with MIA central office staff and having offered department leaders a number of short-term measures for reforming their work. In particular, the following proposals were formulated: introduction of personal detainee cards as per best law enforcement practices of European countries; provision of packaging and establishing the order of storage of detainees’ personal belongings; providing to people held in special places of detention a possibility to use landline telephones under staff supervision.

There was a separate package of proposals regarding the introduction of video-monitoring of operational and service activity, incl., public and covert investigative actions; improving the procedure for agency checks and establishing independent public agencies for investigating complaints about actions of IAA staff. Proposals were submitted about introducing exterior identification means for IAA staff (plates, badges, special chevrons), as well as introducing means of video-monitoring of visitors entering/exiting IAA administrative premises, according to access control requirements.

Lviv Supervisory Council, while observing the reformatory actions of the new Minister of Internal

¹ These are: (1) optimisation of structure; (2) anti-corruption measures, system of internal control; (3) staffing policy, protection of employees’ rights; (4) system of education and training of staff; (5) rights of detained people; (6) close cooperation with population and local communities, mechanisms of external control; (7) reform of SAI division.

² It should be noted that the Supervisory Council became an alternative to the Public Council at the MDMIA, as the latter, in the opinion of Lviv activists, did not demonstrate proper commitment and integrity in defending the interests of civil society.



Affairs, has come forward with the initiative to conduct in Lviv region the first experiment of introducing reformatory innovations in the work of police, with Council's active support and control.³ The initiative was supported by Kyiv colleagues, and on 15 May 2014, at the meeting of the Expert Council, the decision was approved regarding launching the pilot IAA reform on the basis of Lviv region.

One and a half months later, having overcome intense opposition from the bureaucratic MIA apparatus, community representatives were able to get an official approval for implementation of the initiative – Order of the MIA “On Preparation and Implementation of the Experiment aimed at Improving the Work of Internal Affairs Agencies and Internal Affairs Divisions of the MDMIA of Ukraine in Lviv Region”,⁴ which approved a comprehensive Action Plan for preparing and implementing the pilot project. A noteworthy provision in this document is a non-standard decision about entrusting the task of coordinating the preparation and execution of the project not to MIA leaders, but, rather, to the Expert Council headed by a famous human rights activist Y. Zakharov.

Activists of Lviv Supervisory Council conducted significant preparatory work for the experiment. *First*, they enlisted support from state and non-governmental sectors, in a short period of time formed a group of experts comprised of approximately 90 people – specialists from city government bodies, national universities, IAA, as well as NGO representatives from Volyn, Ivano-Frankivsk, Kyiv, Rivne, Kharkiv and Kherson regions.

Second, they used a specific functional division of expert potential into target work groups:

1. Analysis of the current state of MDMIA agencies and divisions in Lviv region.

2. Optimisation of structure.
3. Cooperation of local government agencies with police.
4. Reform of SAI divisions.
5. Introduction of new performance indicators.
6. Changes in HR procedures.
7. Introduction of *community policing* model in working with population, increasing the level of transparency and responsibility in work.

If necessary, each work group could create theme-based subgroups. After several months, each work group received certain results, which are presented below in the most general form for each of the abovementioned areas.

Analysis of the Current State of MDMIA Agencies and Divisions in Lviv Region

The final goal being an independent public audit, representatives of the non-governmental sector planned to perform an inspection of financial and technical provision of MDMIA, an inventory of police premises that are on the books of IAA divisions and services or are rented by them.

Almost at the very beginning of work they encountered significant obstacles on the way to implementing the set goals due to the lack of necessary volunteer specialists and financial support for employing auditing companies. Independent development of tools and search for donors did not yield the desired results.

As an alternative to auditing, a broad spectrum of sociological surveys was planned, performed by specialists from Kharkiv Institute of Social Research. A survey of 500 IAA staff and 1,599 residents of Lviv and Lviv region conducted on a special sample allowed to find out people's opinion on the work of IAA, and police staff assessment of their working conditions, financial and material provision, social security, as well as motivation for diligent performance of their duties.

Based on survey results a report was prepared – “Lviv Police through the Eyes of People and IAA Staff”, which, among other things, stressed the need to change priorities in planning IAA work. Thus, it was found that region residents are mostly concerned not with organised crime (drug trafficking, smuggling, human trafficking, violent crime), but with offences of other level and focus – drunk driving, speeding, offences committed under the influence of alcohol, and disturbing peace.

Despite the value of obtained results for IAA work and reforms, it should be noted that the declared goals of the work group were not reached on time, – it is planned to reach them in the first six months of 2015.⁵

³ This initiative is an attempt at practical implementation of Art. 21 of the Universal Declaration of Human Rights provision: “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives”.

⁴ Order of the MIA of Ukraine “On preparation and implementation of the experiment aimed at improving the work of internal affairs agencies and internal affairs divisions of the MDMIA of Ukraine in Lviv region” No. 622 as of 1 July 2014, http://police-reform.org/law/nakaz-mvs-ukra-ni-v-d-01_07_2014-622-

⁵ At the time the journal is issued, the audit has been conducted, a working version of “Summary of Audit Results of Financial and Technical Provision, and Staffing at MDMIA of Ukraine in Lviv region” has been published. See MIA of Ukraine website, <http://www.mvs.gov.ua/mvs/control/odessa/uk/publish/article/1446223>. – Ed.



Optimisation of Structure

In the framework of this section, members of the public had to prepare proposals for optimisation of tasks, functions, and organisational and staffing structure of a separate division. As a result, they presented a “Concept for Reforming Lower-Level IAA Division (district police department)” at the extended meeting of the Expert Council in September 2014. The concept of the new district police department includes a three-shift work system, quality redistribution of resources and improved centre for dynamic response to people’s information “LOTSMAN”. At the same time, proposals were presented for transferring the maximum possible volume of administrative services provided by IAA to municipal centres.

In the process of work on the Concept, IAA staff played the key role. Representatives of public were largely using the experience of IAA managerial staff, as the development of this document required specific professional knowledge and practical experience.

Cooperation of Local Government Agencies with Police

Work in this section started from a sociological survey of people regarding the need for creating local police and its principles of functioning, which on the overall demonstrated readiness of Lviv community for formation of municipal police divisions. There has been a working meeting with representatives of local self-government bodies regarding the legal basis for formation of local police, its staff size, financial and material provision. However, community representatives suspended subsequent developments in this direction due to a number of objective factors, including: the need for legislative distribution of rights and responsibilities between municipal and national militia (police); the start of MIA reform; the need for legislative consolidation of authority of territorial communities; uncertainty regarding functions and powers of future law enforcement agencies at the national and local levels.

Reform of SAI Divisions

In the framework of the project, the work group had to prepare alternative operation models of SAI divisions (along with developing a staffing schedule, functional tasks, financial and regulatory provision).

The work group was rather successful at the stage of gathering and summarising suggestions. Proposed ideas with most potential were, for example, ideas on getting in place regulatory support for the right to photo-video recording of traffic rules violations, transfer of licensing functions from police to other government and local self-government bodies. However, the declared goals were not reached.

One of the reasons for noncompletion of the work group mission was the start of SAI reform experiment in Khmelnytskyi and Kyiv, which made its participants wait for results of Khmelnytskyi and Kyiv models of combining SAI and patrol service. This section of Lviv project remains without the necessary support of public.

Introduction of New Performance Indicators

Specialists from universities and business structures, knowledgeable in the systems of qualitative work assessment and methods of measuring efficiency, had the goal of developing a new IAA performance assessment system, based on the principles of problem-oriented approach, consideration of needs of local communities and the use of regular citizen’s surveys, incl., using the international experience.

Proposals developed by the work group allowed to determine approaches for the effective use of MIA’s statistical data for predicting problems, to form a list of quantitative and qualitative indicators to be used by IAA as targets for a certain period of time. Work in this direction will be continued after a new organisational and staffing structure of the MIA of Ukraine has been developed and the volume of functional duties of its territorial divisions has been determined.

Changes in HR procedures

The main priorities of this section were: transparency of staffing procedures, participation of public in selection of candidates to management positions in IAA, strengthening of anti-corruption measures.

In August 2014, the group performed a study of the real load on structural divisions staff through timing a work day of criminal search staff, district police officers, investigating officers and experts. In the framework of anti-corruption section, video-recording was introduced during the passing of physical fitness tests by IAA staff, as well as during interviews of divisions’ senior executives with the use of a polygraph detector. Proposals for changes in staff selection criteria, organisation of staff checks for integrity, developed by the HR of MDMIA together with civil society experts, were passed on to the MIA of Ukraine for further introduction of single HR standards in IAA.

Introduction of Community Policing Model in Working with Population, Increasing the Level of Transparency and Responsibility in Work

The task of the work group involved developing a number of measures for introducing a problem-oriented approach in the work of territorial divisions, in particular, – that of patrol service and district police officers. These measures had to include education and training of IAA staff, as well as changes in planning work activity.

Among the most typical tasks of this section – development of a regional Internet resource “*Crime Mapping*” with publicly available information about registered calls to “102” emergency line, including further information that is important for people (scene of offence, situation as to the search for the suspect, police actions for offence registration, etc).⁶ The work is expected to be completed by June 2015 (taking into account the lack of funding).

Also noteworthy among the results was the development by NGO and media activists in November 2014

⁶ According to American and British analogues. See, for example: Metropolitan Police Crime Mapping, <http://maps.met.police.uk>.

of project “*The Order for Public Visits to Territorial IAA with the Purpose of Checking Working Conditions of Police Staff, Presence of Visitors’ Complaints and their Reasonability*”. Based on public initiative alone, additional measures of procedural protection of detained persons were introduced, and namely: informing them about their rights and possibility of free help; storage of confiscated personal belongings; development of an electronic terminal for registering district department visitors.

Preliminary Conclusions and Plans for Future

Despite the inability to fully implement the ambitious plans of the Lviv experiment, we should, first of all, note its positive results, the value of gained experience and the readiness of most participants for active work in selected areas. It is hard to overestimate the positive results, as most of the developed ideas were included during the work on *IAA Development Strategy and Concept of Priority Measures for Reforming the MIA of Ukraine*.⁷ Taking into account the need to complete a number of themed developments, the Expert Council has decided to prolong the Lviv project until 30 May 2015.

Also, specialists from the NGO sector proposed to prioritise implementing European community policing standards in the work of IAA, as well as a more extensive use of foreign law enforcement experience. In connection with this main short-term task of Lviv community representatives, it is planned to involve police specialists from the European Union Advisory Mission (EUAM) and local experts, who will be able to provide assistance in strategic planning and implementation of the foreseen measures. At the same time, activists of the Supervisory Council suggested creating groups, which are to work along with the MIA of Ukraine on developing changes to the legislation and institutional regulatory framework.

This initiative coincided with plans of the Expert Council on drawing up an action plan from the approved by the Government *IAA Development Strategy*, establishing effective cooperation between expert environments, implementing efficient internal management procedures.



Combining Efforts at National and International Level

Lviv experts’ initiatives became a component of the National Public Platform “MIA Reform: Transparency and Responsibility”, founded in November 2014 (further – Platform).⁸ The Platform’s goal was to ensure a sustainable and transparent reforming of internal affairs agencies with MIA of Ukraine at the top, having united for this purpose experts from NGOs, European and international institutions, scientists from academic institutions, representatives of government agencies. Taking into account the experience of the Lviv experiment, the internal structure of the Platform foresees the work of the following groups:

1. Public evaluation of the work of MIA, analysis of the current condition of agencies and divisions.
2. Optimisation of IAA structure, regulatory support of reforms.
3. Cooperation with local self-government bodies.
4. New system of performance indicators.
5. Reform of institutional education.
6. HR work, changes in HR procedures.
7. Development of *community policing* foundations.
8. Internal control and anti-corruption measures, increasing the level of transparency and responsibility.
9. Information policy.

This approach allows experts to simultaneously work on the national level and on the level of Lviv region, providing ideas in the framework of the Platform, and test certain developments on the basis of territorial divisions of MDMIA in Lviv region. We should hope that this model of partnership with the MIA of Ukraine will prove to be optimal for further dialogue between government and society, and executing reformatory changes in each sphere of public administration. Lviv community experience, with its positive and negative aspects, is always open for others, which will allow local communities in each region to start reforms faster and more efficiently.

Summarising the above, we can recommend for the government bodies to keep to several principles of cooperation with civil society institutions in the process of reforms. *Firstly*, from the very beginning, maximum openness in work and decision-making must be set in the spheres related to reforming. *Secondly*, new forms of cooperation with civil society should be introduced and the existing ones – intensified, thus forming extra expert potential for implementation and independent assessment of reformatory innovations. And, *thirdly*, crucial for implementation of reforms is the development of a strategic action plan (the so-called “road map”), approved on the national level by representatives of the Government, NGO sector and international organisations, which makes the reformation process predictable, well-planned, safeguarded from potential risks and supported by society. ■

⁷ For the summary of documents, see: Zakharov Y., Martynenko O. European Class MIA: Strategy of Reformatory Changes. – Ukrayinska Pravda (Ukrainian Truth), 15 December 2014, <http://www.pravda.com.ua>.

⁸ See website of the National Public Platform “MIA Reform: Transparency and Responsibility” – <http://police-reform.org/news/hochesh-buti-vropejcem--pochni-z-pravoporyadku>.