

Republic of Tajikistan
Police Reform Strategy
2013 - 2020

Approved by Decree
of the President
for the
Republic of Tajikistan
18 March 2013

Executive Summary

The Police Reform Strategy has been compiled by representatives from Ministry of Interior within the Republic of Tajikistan supported by the Organization for Security and Cooperation in Europe.

The Strategy contains the principles of Police Reform within the Republic of Tajikistan for the period 2013 – 2020. It also provides details of the priorities, tasks, goals and activity which will be implemented and undertaken within Tajikistan in furtherance of Police Reform.

The original documents have been written in Russian and Tajik language. It is those original documents which have been signed under decree of the President of Republic of Tajikistan on 18 March 2013.

In addition to the Police Reform Strategy document an Action Plan has been produced which lists specific activities proposed by the Ministry of Internal Affairs which will be implemented during the period 2013 – 2020 and will assist in the implementation of the activities under the Strategy. The Action Plan is contained within a document separate to the Strategy.

The Head of Counter Terrorism and Police Unit within OSCE in Tajikistan has directed that a revised version of the Strategy be completed in English in a style and format more appropriate for the English reader.

The document herein contains all relevant points from the original documents but is not a literal translation and in itself has no legal basis. It is produced with the intention of being shared amongst the International Community and any other interested parties.

Police Reform within the Republic of Tajikistan and this Strategy has the full support of the President and Government of the Republic of Tajikistan, the Ministry of Internal Affairs and the Organization for Security and Cooperation in Europe.

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Introduction

The Police Reform Strategy (The Strategy) in Tajikistan for 2013 – 2020 contains details of the police reform, development goals, priorities and activities of the Government of Tajikistan for the medium term.

Police Reform and this Strategy should be considered to be the first step in progressing change within police and other law enforcement and judicial authorities. The reform is aimed at building an entirely new image of a police officer who is free from corruption and motivated to provide support and assistance to the communities and citizens within Tajikistan.

The Government of the Republic of Tajikistan has decided to launch a comprehensive programme of police reform to benefit the people of Tajikistan. The reform program will be based upon a vision for the future rule of law in Tajikistan and will include three leading principles and priorities:

Accountability, Congruence and Community Focus.

The Strategy seeks to identify and address tasks crucial under police reform and which will impact upon the social and economic development of Tajikistan in a democratic society. It also meets the main priorities of the National Development Strategy of Tajikistan for the period to 2015.

The Strategy and Police Reform represents a new approach to the development of policing within Tajikistan and takes account of international practice for creating similar strategic documents. It also seeks to take account of lessons learned from past phases of police development.

The Strategy is to be implemented following the adoption of the Police Reform Programme for 2013 - 2020 and its Action Plan. The Strategy will also require legislative amendments and change of regulatory acts by stakeholders, including the Government of the Republic of Tajikistan, internal affairs agencies, civil society institutes and the population of the country.

Over the last twenty years significant economic, social and political changes have taken place in Tajikistan. It is suggested that these changes indicate the beginning of a new era in the attitude of the state and social systems in focusing upon quality of life issues.

Changes to the legal system have led to a change in practice in law enforcement. The second phase of judicial and legal reform is underway in Tajikistan, aimed at rule of law and

strengthening legitimacy as well as consistent democratization and liberalization of the judicial and legal sphere. It also reinforces the role of the judiciary and judicial system in ensuring and promoting the human rights and freedoms of the citizens of Tajikistan.

The police are one of the main law enforcement actors and the first link in the judicial chain. The police are therefore in a position to seriously undermine and adversely affect any positive changes within the courts and judicial and legal reform unless the activities of the police are in accordance with the principles of legal reform.

This Strategy has been developed and compiled by national experts of Tajikistan in conjunction with the OSCE Office in Tajikistan. It takes account of the joint assessment of the Ministry of Internal Affairs of Tajikistan needs, conducted by the OSCE Needs Assessment Mission in 2008 and also the Memorandum of Understanding between the Government of Tajikistan and the OSCE signed on 8 April 2011.

Police Reform - Goals, Tasks & Priorities.

As stated there are three principles critical to achieving goals under Police Reform:

Accountability

Accountability requires police personnel at all levels within all agencies to carry out activity in accordance with rule of law and only where there is a legal basis to undertake such activity. Police officers at all levels must be prepared to answer to society, legal institutions and their managers and be held responsible and justify any actions they themselves have undertaken or been ordered to be undertake.

Police Reform recognizes that it is important to ensure police employees do not undertake any activity which could be considered a violation of rights and freedoms of citizens within Tajikistan. It is necessary to address issues including remuneration, work related training and evaluation of police work which are considered to be influencing factors in police employees violating the human rights of citizens within the community.

Congruence

Congruence is an essential principal in the implementation of Police Reform and this Strategy. It requires the police to strive to gain the cooperation of society and the community in which they operate. Policing should be carried out with the consent of the community; enforcement will only become truly effective with the cooperation and assistance of the public. To achieve such cooperation it is essential that effective communication is established between the police and society which in turn leads to development of trust and respect.

Effective cooperation and communication between the police and community is essential if reduction and prevention of crime is to be achieved. Effective lines of communication must be established which allow the community to pass information to the police in respect of crime and security threats and that also allows the police to provide information to the community regarding police actions and methods of improving personal safety.

Community Focus

Community Focus means the extent to which the Tajik police service is focused upon meeting the needs of the community. Police Reform will ensure that the police service is organized so that it is capable of combatting organized and transnational crime but at the same time empowers local police units to focus on the priorities of individual communities at a local level.

The Strategy recognizes that preventative measures implemented by the police should be appropriate to the local community and environment. Local police should also be empowered to select methods of work and activity which are relevant to their area and must have an opportunity to decide the most appropriate means of communication within their community.

Achieving goals under the Strategy is dependent upon establishing and clarifying the role of the police within a modern society. It is also essential that the police themselves understand the needs and expectations of the society they serve. Public opinion polls confirm that Tajik society considers the priority of its police to be, prevention of crime and offences and maintaining a safe social environment. It is therefore imperative that the Reform Strategy reflects and recognizes these priorities.

Miscellaneous Priorities.

It is also recognized that there should be an increase in activity by the police to provide greater support to victims of crime. Improved focus on the rights of victims and their close associates is critical to ensuring their cooperation at future criminal proceedings.

Eradicating corruption at all levels within the police is essential if society is to trust and respect the police. The Government and Ministry of Internal Affairs recognizes that police corruption poses a real threat to democracy, rule of law, protection of human rights and therefore new counter corruption initiatives are being developed to address this issue.

It is also important that the constitution of the police reflects the community they serve, therefore recruitment of personnel should take into consideration educational background, religious beliefs and moral values of candidates to ensure that police officers are recruited from all sections of society including minority groups.

Quantitative indicators in respect of recorded crime will be one measure to assess performance relating to reducing and preventing crime. However, qualitative indicators need to be established to assess the fear of crime and feeling of safety within society. Both quantitative and qualitative indicators are essential to provide an assessment of police performance and feedback to the police themselves.

Based on the needs of society and the police, the main strategic tasks in furtherance of this Police Reform shall be:

- staff capacity building by introducing a system of advanced education, training and continuous training programs

- increasing interaction, engagement and communication with the community in problem solving and crime prevention, thereby engendering increased public confidence in the police
- reducing duplication of functions;
- modernization of organizational and management structures;
- transferring non-police related functions to other agencies;
- reduction of factors which increase the risk of corruption within specific police roles;
- improving funding levels, including remuneration of police officers giving due regard to the importance of role, risk, complexity, and burden of responsibilities assigned to them;
- Modernization of the legislative framework.

Legal Basis for Police Reform

To achieve the goals and objectives specified in the Strategy, the establishment of a relevant legal framework is required.

In accordance with the Strategy, changes to legislation and the legal framework should be approved to allow implementation of Police Reform priorities. Current laws, legislation, provisions, and orders should be reviewed in order to assess their compatibility with ongoing and proposed reforms.

A review and assessment should also be undertaken of modern police operating standards in other countries. Experiences of other countries should be taken into consideration in order to progress Police Reform in Tajikistan.

The police reform process must be undertaken with full transparency. It involves the creation of various mechanisms which support an open and public debate throughout the reform period. The format of discussions and decision-making should enable citizens' direct and indirect involvement in the reform process, bringing their requests and proposals to the attention of the Government of the Republic of Tajikistan.

Principles of Police Reform

Police Independence

Appointing police employees to a post through a competitive process will be introduced. This will eliminate the possibility for personnel to be posted to positions through nepotism or any reason other than being the best candidate for the post.

For those starting their career at the internal affairs agencies, new criteria of selection will be designed and a competitive selection process will be introduced.

Transparency in the recruitment of personnel will trigger a constant self-improvement of police officials, i.e. improvement of professional skills and lateral development.

Career development should be based on encouragement of initiatives, progressive thinking, excellence and personal qualities.

Enhancing the professionalism of the police and its personnel will improve its image and increase trust and respect in the police by the community.

Adherence to ethical standards should constitute an integral part of the professional activity of every police officer. In this regard, an extended discussion on the code of ethics based on the “European Code of Police Ethics” and codes of police ethics of other countries is necessary.

Public participation in police activity

There is a need to create mechanisms and procedures which allow citizens of Tajikistan to participate in the assignment of tasks for police and evaluation of their performance.

Society should also know about the main budget expenses for funding the police and allowances paid to police officers at all levels.

To encourage public participation in police activity and support transparency of police actions it is proposed to:

- provide all police officers with visual information on human rights and rights of detainees;
- provide all police officers with visual information on standards of treating citizens;
- publish all by-laws restricting human rights;
- introduce transparency and accessibility of reporting information to police from all levels;
- introduce physical transparency of police control rooms, all police units and stations where there is direct contact between police officers and citizens;

- install within the streets of all populated areas of the Republic of Tajikistan guidance signs and placards giving the location of nearby police precincts and police stations;
- ensure accessibility of all regulatory legal acts of the Ministry of Internal Affairs, except for those containing state or other secret acts protected by law;
- install internal video surveillance systems within police premises which will protect police officers and citizens from mutual claims and the possibility of committing a crime by both parties.

Segregation of duties, eradication of duplicated duties (principle of mutual control)

Duplication of duties undertaken by different agencies should be eradicated from the police system. In accordance with Police Reform and the Strategy the Ministry of Internal Affairs will continue to have controlling duties over the activity of these agencies.

However the Ministry of Internal Affairs must ensure that there is a rational and equitable distribution of tasks and responsibilities amongst all agencies and this will be based upon the socio-political situation and social conditions.

Interaction with the population, civil society, public organizations & media

The Government of Tajikistan wishes to set out the idea of adapting police activities to the interests of society in the following motto: “*The Police are the People, and the People are the Police.*” This phrase makes clear the principle of adaptability and transparency in democratic law enforcement.

The police should be as transparent as possible to the public, since willingness to disclose information about police activities, except for classified information, is crucial for securing trust and public confidence.

There is also a need to clearly define the role of police representatives’ interaction with the community (community policing).

The media is a mirror that reflects the processes evolving in a democratic society such as Tajikistan. Criticism of law enforcement activities in the media should not be ignored, misinterpreted or underestimated. Therefore, it is necessary to develop a culture of police openness and a means of effective communication with the media through training courses for police officers on the most effective and professional means of interacting with the media.

In a democratic society the police service requires knowledge and wisdom, internal culture, good temperament and courage, but first and foremost a genuine willingness to serve the individual citizens, the state and society as a whole.

When necessary, the police should use enforcement tools and methods to improve the communities’ living standards. However, the police service should be able to resolve situations informally by way of advice and warnings and not necessarily through arrest or prosecution. It must always act without prejudice, but with sympathy and in accordance with the highest possible ethical standards.

The police should develop into a 24/7 service with a broad spectrum of social services. The services that the police will provide to the citizens of Tajikistan will include medical and psychological aid, search for missing people, aid to drivers that are in difficulty and even rescuing animals. These activities and responsibilities will be in addition to maintaining public order, resolution of family and domestic conflicts, ensuring effective traffic movement, noise control, ecological safety and removal of troublemakers from public places.

In order to meet public expectations, the police service should actively engage with the community to establish its opinion and views of how the police should maintain public order.

The important component in transforming the police into “*a service for the people*” is to enable local self-government and executive bodies’ active involvement in solving their safety and law enforcement related issues. It is recognized that acting alone the police is unable to fully resolve all problems that interfere with the security of the population and law enforcement within society. However, this is not about the public becoming part of the police service, it is about creating a basis for cooperation, enabling the population groups (communities) to contribute to law enforcement in all areas. Each case of police response to violation of a human right and its reinstatement is deemed a factor contributing to the enhancement of cooperation between the police and the community.

In addition to operational activity related to Community Policing (voluntary police teams, freelance official, unofficial employees, and others), a Public Council for civil society assistance to the police reform will be created under the Ministry of Internal Affairs and regional police administrations.

Public Councils responsible for ensuring public order will be created with the involvement of stakeholders under the local executive government. Public Councils will consist of civil society representatives such as lawyers, barristers and non-governmental organizations to develop community policing for the purpose of solving community problems in crime prevention and ensuring security in order to improve living standards.

Delineation of Police Powers.

The police operate under the supervision of the Ministry of Internal Affairs.

The Ministry of Internal Affairs grants the police sufficient operational independence to carry out its tasks defined by Law, for which the police shall be fully accountable. The Ministry of Internal Affairs deems it necessary for the police to perform its activities through a clear chain of command. It will then be possible to determine which official or manager is ultimately responsible for acts or omissions of individual police personnel. Although the Ministry recognizes the key principle that police personnel are responsible for their own actions, it also acknowledges the fact that officers with senior positions and management responsibility shall be held responsible for orders and instructions they give. Without exception senior officers and managers shall be held responsible for actions carried out by officers and personnel in accordance with their orders.

The Ministry shall create an administrative structure enabling oversight of the actions of police personnel. Police personnel shall execute their supervisors' orders, but they must refrain from carrying out orders conflicting with the law, such as those degrading human dignity and posing a threat to human life. The staff shall be obliged to report on such unlawful orders without fear of reprisals in any form.

In conjunction with the community, the Ministry will discuss every instance of concealing individual responsibility of officers and enlisted personnel by police structures for human rights violations and other unlawful actions. Operational and official independence of the Tajik police brings with it a special responsibility: the staff should be responsible for their actions, whether giving or carrying out orders, or acting on one's own initiative.

Within the framework of this activity the Ministry will form police units that will enhance and develop professionalism and develop a police service which becomes a transparent state authority. To succeed in these areas, the police must integrate into the civil society as closely as possible, and its staff should perceive themselves as "*civilians in a special uniform with special authorities.*"

In the framework of combating crime, maintaining public order and security, the Ministry of Internal Affairs will cooperate, and if necessary, network with all bodies of state government and administration, as well as with the civil society. The Ministry of Internal Affairs will regulate performance of police staff regarding functions prescribed by law. They will hand responsibility to branch ministries and agencies to address activity carried out which is contrary to the law.

The responsibility of the Ministry of Internal Affairs toward the police shall include the following:

- planning, use and control of the expenditure of allocated budgetary funds, as well as expenditure of investments, and of subordinate institutions;
- appointment of heads of central and regional police units;
- development of national strategies on law enforcement, combating terrorism, corruption, organized and dangerous crime, trafficking in human beings, drug trafficking, and other security matters of public concern, in accordance with government priorities at the central and local levels;
- promotion of regional and international cooperation in combating all forms of terrorism, organized and cross-border crime, trafficking in human beings, and on police-related issues;
- adoption of instructions on the issues of development, main organizational, personnel, and other principles of police operation;
- chief police officers on a regular basis and upon special request of the Ministry of Internal Affairs shall report to the management of the Ministry of Internal Affairs on the work of the Tajik police and on all other issues they solve within their area of responsibility;
- the Ministry of Internal Affairs ensures accountability of police on behalf of the public and the state, and demands an effective and efficient work to achieve the objectives set forth. The Ministry performs these functions through structures formed within the Ministry's Central Office.

Structure of Police Authorities

Administration of the police and its organizational and structural development shall be implemented in accordance with three levels of administrative and organizational competence:

The first level – the level of strategic competence (the MIA senior management, the MIA Board)

The second level – the level of operational coordination and management (the Ministry of Internal Affairs Main Administrations and Administrations of its Central Apparatus, police regional main administrations and administrations).

The third level – the level of practical operational-service activity and implementation (district and city administrations, departments, units, and police precincts).

The Minister of Internal Affairs, who is also the Head of the Police in the Republic of Tajikistan, implements overall administration of the police.

Heads of main administrations (directorates), administrations and departments (units) of police, are responsible for administration of police operations at the regional level.

The Minister of Internal Affairs of Tajikistan appoints and dismisses heads of the Police Academy, Headquarters, Main Administration and administrations of the Ministry of Internal Affairs, MIA Police Administration in the Gorny Badakhshan Autonomous Region (GBAO), MIA Main regional police administrations in Dushanbe, MIA police administrations and departments in the cities and districts and the rail and air transportation police.

At the strategic administration level decisions are made, regulatory and directive orders on the enforcement of laws and other regulatory legal acts are issued and main goals and tasks of the police activity are defined.

At the tactical level, decisions on the coordination of lower units' operational activities are made, their activities are analyzed and various options for actions are recommended.

At the third level, direct activities on the implementation of police tasks are carried out.

The distribution of responsibilities means that the first and second levels of administration are involved in the implementation of operational service tasks only in exceptional cases. Their activities will be primarily focused on the organization and management of resources. This

requires recruitment of highly qualified staff at the abovementioned levels and downsizing the number of staff at the operational coordination and management levels.

Human Resource Management:

Selection, Training, Employment & Promotion.

The Ministry of Internal Affairs will introduce recruiting procedures based on objective and non-discriminatory principles. Candidates will be recruited and selected for posts through a rigorous selection process.

The policy of the Ministry of Internal Affairs will be to recruit men and women from all levels within Tajik society, including ethnic minority groups with the objective of creating a police service that is representative of the community. The Ministry will advocate 'mandatory screening' of candidates, this should guarantee that the police will actively scrutinize information about the candidates.

The Ministry recognises that women are underrepresented in the police, this is even more apparent at the management level. The same applies for minority groups, in particular ethnic minority groups. The Ministry also recognizes that the relationships between the police and the community will gain additional value if the composition of the police reflects the composition of society. Such a policy will contribute to enhancing the efficiency and effectiveness of the police and ensure greater public support.

The candidates to the police service at any entry level shall be recruited on the basis of their personal qualities and experience, in accordance with the legal objectives of the police service. The Ministry ensures the selection of only eligible candidates to the police, and therefore the selection process should be based only on objective criteria. For a more complete study of a candidate's fitness for the police service, the candidate should pass through internship of 3 to 6 months during which he/she attends initial professional training (induction) courses, goes through probation period of service in the job he/she applied for, passes exams and depending on the results of the internship is found fit for the service in the respective post.

The Ministry will demand that police personnel be able to demonstrate sound judgement, fairness, maturity, good communication skills and leadership and management skills. In addition, police staff should demonstrate a good understanding of cultural, social, and community issues. These additional fundamental skills and attitude to law enforcement have a great importance for the police staff.

The Ministry acknowledges that according to the order established in the Tajik legislation, persons convicted of committing a crime should be dismissed from the job or should not be recruited to the police service. This policy will be secured in the law and applied as a minimum

standard for all candidates, interns, and integrated police personnel. Although the fact of bringing an accusation should be considered as a minimum requirement for dismissal of candidates or personnel from the police, this does not exclude the possibility of candidates and personnel being dismissed due to availability of facts within the personal knowledge of the individual making the allegation against a police officer. The same procedure is applicable to candidates whose close relatives are found guilty of committing crime if it undermines the prestige and authority of a person that will further represent the police.

The Ministry of Internal Affairs acknowledges that police staff professional training should build on the fundamental values of democracy, rule of law, respect for human and citizen's rights. In addition, the training must be developed in accordance with the legal objectives of the police prescribed by the Law of Tajikistan "On Police". The Ministry recognizes that the police play a leading role as a defender of the society it serves. Therefore, the police staff should share the same fundamental values and principles of a democratic state they serve. The Ministry recognizes that training should facilitate fostering democratic values in the police.

If for certain types of specialized training living in the barrack type dormitories are required, training of the police should be conducted in normal conditions with accommodation in dormitories or in service apartments, whenever possible.

The Ministry considers that active introduction of external training with other institutions in addition to the internal police training is another contribution to the police openness.

A strong emphasis should be placed on "problem solving" during training, giving the participants the opportunity to explore the dynamics of law enforcement in a multinational society through the replication of real scenarios and incidents (case studies).

The Ministry of Internal Affairs develops and approves the candidate's selection handbook which specifies all necessary requirements for candidates and heads of police units. In the last year of their training, graduates will be evaluated by their supervisors to assess their suitability to undertake specific posts.

Working time and remuneration.

There is a need to establish a process and structure for career development for all police officers which provides an opportunity for promotion to those who devote their professional life to the police service.

A special chapter 'Police personnel promotion at service' will be included in the 'Law On Police' this will introduce a system that will cover all major issues related to running the police i.e. appointment to post, utilizing 'reserve' police officers, qualification requirements, and recruitment on a competitive basis.

Due to the specific nature of police work, the right to adequate remuneration and social security, special healthcare and security measures is deemed particularly important. Police work includes unforeseen tasks performed by police staff on a daily basis, risks and threats inherent in their work and long working hours. Securing these rights for the police personnel plays a decisive role in the enhancement of the prestige of the police service and attractiveness of the profession of a police officer.

Unpaid overtime should be eliminated. Overtime undertaken by an officer should not exceed four (4) hours during two (2) consecutive days and should be remunerated. The total amount of overtime should not exceed 120 hours in a year.

Ensuring the quality of law and order requires an adequate budget, once this is recognized it is hoped that engagement of police staff in performing unusual functions will decrease and public order and security will be properly acknowledged as a social good.

The Ministry of Internal Affairs should sign temporary and fixed-term contracts with the police staff upon employment. The fixed-term contract should be for up to five (5) years after which the contract can be renewed by mutual agreement every five (5) years. The service contracts must include responsibilities of both parties and guarantee the employee rights. For those individuals who study in the Ministry of Internal Affairs educational centers free of fees, they must sign a binding contract for at least 5 years after the completion of their studies. Failure to comply with the terms of the contract during or after completion of training should result in collection of the education expenses from the person in question.

The Government of the Republic of Tajikistan believes that the police personnel should enjoy the same political and civil rights as other citizens. Restriction of these rights should occur only when necessary for the performance of functions in a democratic society and in accordance

with the law and internationally recognized human rights standards. This is a main element of the rule of law and of the integration of police with the society it serves.

The social and legal protection of police personnel should be recorded within the special chapter of the Law of the Republic of Tajikistan “On Police”.

Use of force, special means & use of firearms.

According to the Code of Conduct for Law Enforcement Officials adopted by the UN General Assembly Resolution #34/169 of 17 December 1979 and Basic Principles on the Use of Force and Use of Firearms by Law Enforcement Officials adopted by the Eighth United Nations Congress on Crime Prevention and Treatment of Offenders on 7 September 1990, the police of Tajikistan are authorized to use only as much force as is reasonably necessary for the maintenance of law and order for the purpose of preventing crime or lawful arrest of offenders or alleged offenders, or providing assistance during such an arrest.

The use of firearms is considered an extreme measure.

The Government of Tajikistan will take all steps to prevent the use of firearms, especially against children. To this end, the Government will develop the Rules on the Use of Physical Force, Special Means, and Firearms, which will be approved in accordance with the legislation of the Republic of Tajikistan.

As a rule, the police may use firearms only in cases when a person offers armed resistance or otherwise jeopardizes the lives of others. Use of firearms may be used when other less lethal options have been used without success. Every instance of the use of firearms should be immediately reported to a Senior Officer and Prosecutor.

The Government of Tajikistan will approve, in accordance with the legislation of the Republic of Tajikistan, different types of weapons and ammunition permitted for the use by the police. These will include the use of non-lethal incapacitating weapons to neutralize a suspected offender in certain cases. The police will be equipped with shields, helmets, and bulletproof vehicles to reduce the need to use weapons of any kind.

Carrying out military, counterterrorism, operational and search operations against organized crime, emergency situations, such as internal political instability or any other extraordinary public phenomena cannot justify deviation from the Rules on the Use of Physical Force, Special Means, and Firearms.

The Government and the Ministry of Internal Affairs of the Republic of Tajikistan will ensure that all law enforcement officials are trained and tested under the special mandatory training in the use of force. Law enforcement officials will only be authorized to carry firearms following the completion of a special training course in the use of firearms.

During police staff training it is essential to focus on the issues of police ethics and human rights and alternatives to the use of force and firearms. Police staff must be trained to consider all other alternatives to the use of firearms including, conflict resolution, understanding crowd behavior, persuasion skills, mediation skills and use of technical equipment.

Systematic training in various conditions and situations will be conducted to ensure police staff is in good physical condition and attain the required levels of shooting skills. It will also ensure that they have developed psychologically, have analytical, decision-making, and judgment skills. The recruitment of suitable personnel, as well as their rigorous training will be the Ministry of Internal Affairs' priority.

Police staff needs to show strict adherence to the rules of conduct whilst performing official duties, communication and politeness with citizens, the relationship with the offender, and the detainee or the accused. The relationship between employees will be specified in the Code of Police Ethics which will be approved by the Government of the Republic of Tajikistan.

The Government and the Ministry of Internal Affairs will make efforts not to apply any criminal or disciplinary penalties against police personnel who, in accordance with the Code of Conduct of Law Enforcement Officials, refuse to execute an order to use force or firearms, or who report such kind of use of force or firearms by other officials.

Obedience to superior's orders shall be no excuse if the police officer was aware of the unlawfulness of the order to use force and firearms resulting in death or serious injury of a person and had a reasonable opportunity to refuse to follow it. In such circumstances the senior officer who gave the unlawful orders may also be liable to prosecution.

The Ministry of Internal Affairs will not allow Tajik police to use torture and will not incite the use of torture. It will adopt a zero tolerance approach to inhuman or degrading treatment or punishment by the police.

Creation of a State System for Registration & Recording Crime.

Improving relations between the police and citizens is central to police reform.

Improvement of this interaction and relationship is dependent upon the police treating citizens and victims with maximum responsiveness and with a willingness to provide protection, to offer effective means of resolving conflicts, reparation of damage, restitution, and explaining procedures for prosecution of offenders through the legal process.

In addition to understanding that crime poses the main threat to domestic security, it is necessary to set priorities in the following sequence, a person (individual and citizen), benefits (including property), rights and freedoms of citizens, national values, social and public institutes.

Therefore, planning in order to combat crime and enhance public safety is reliant upon the ability to forecast future crime and analyze crime trends. The state crime detection, registration and recording system should be based on application of modern information technologies and all information on criminal incidents (from preliminary reports to criminal procedure documents) should be electronically recorded and saved in an automated processing system.

It is necessary to abandon the archaic process of registration of hand-written statements and reports of crime in a record book for registration of allegations of crimes. It is necessary to develop a Law on 'Unified State System of Crimes Detection, Registration and Recording' that would prioritize the following task: providing analysis of recorded crime and the capacity of law enforcement agencies to prevent and detect crime.

Until a central system is functioning, internal affairs authorities should be responsible for registration of crime. It is essential to ensure that citizens provide statements and information about criminal offences and incidents to police officers who have completed appropriate training.

Police activity and performance should be evaluated based upon the level of recorded crime and the level of detected crime.

International Cooperation

According to the standards and principles of international laws recognized by the Republic of Tajikistan, the Ministry of Internal Affairs cooperates on issues of law enforcement with competent authorities of foreign states as well as international, non-governmental and public organizations.

Within the sphere of international cooperation, the Ministry of Internal Affairs performs the following functions:

- assists in drafting legal documents to facilitate police reform in accordance with the Memorandum between the Government of the Republic of Tajikistan and the Organization for Security and Co-operation in Europe of 8 April 2011, and takes necessary steps to introduce a full-time post of the National Coordinator for Police Reform in the structure of the Ministry of Internal Affairs;
- participates in the development, signing and implementation of international treaties of the Republic of Tajikistan in the sphere of combating crime;
- cooperates with other authorities of foreign states and international organizations within the international treaties recognized by the Republic of Tajikistan;
- carries out the work, provides organizational support to employees' business trips abroad and to receiving foreign delegations;
- conducts and prepares joint meetings with competent authorities of foreign states;
- implements interstate programs in the field of law enforcement;
- implements international agreements of the Republic of Tajikistan on the participation of police personnel in peacekeeping missions.

Inspection of Police Performance.

Responsibilities of the police and its personnel

The President and Government of the Republic of Tajikistan implement state oversight of police performance within the authorities defined by the Constitution of the Republic of Tajikistan, constitutional laws, and laws of the Republic of Tajikistan.

General Prosecutor of the Republic of Tajikistan and his/her subordinates will be responsible for ensuring that police observe and adhere to the law and legislation when carrying out their activities.

Departmental control of police activities is carried out in the order determined by the Minister of Internal Affairs. For this purpose, the Ministry of Internal Affairs formed the Main Police Inspectorate.

The tasks of the Main Police Inspectorate are:

- a) Carrying out inspections of the police entities' performance and submission of reports on the efficiency and effectiveness;
- b) Investigation of allegations (complaints) on disciplinary violations, committed by police staff and providing recommendations to the Minister of Internal Affairs on the application of disciplinary sanctions;
- c) Ensuring legal, physical and material security of the police staff from the threat of violations of human rights protected by law, attacks on their lives, their families and property;
- d) Ensuring the state protection of parties to the criminal proceedings and other duties as may be assigned by regulatory and legal acts.

The Main Police Inspectorate is subordinate and accountable to the Minister of Internal Affairs. The Main Police Inspectorate must work professionally and impartially, while fully abiding by the laws of the Republic of Tajikistan and international standards on human rights.

Actions or inaction of police employees who violate the rights and legitimate interests of citizens, state bodies, public associations, religious and other organizations, can appeal to a higher authority or a higher-ranking official in the Prosecutor's Office of the Republic of Tajikistan.

In accordance with legislation a police officer will be held responsible for any violation of the rule of law, abuse of power, abuse of office, failure to perform or improper performance of his/her duties.

The Ministry of Interior shall be obliged to provide legal assistance to a police officer who is a party to criminal or civil proceedings.

If a police employee is accused or suspected of committing a crime and has been detained, payment of his/her allowances shall be suspended.

If the case against the employee is acquitted, the employee will be fully compensated for the whole period of detention or criminal prosecution. In addition the employees will be able to claim for moral damage and compensation from the authority responsible for the unlawful arrest, detention, and accusation.

Where there is an infringement of the rights or damage caused to citizens, organizations or agencies by a police employee, the respective police unit for the employee should take action to rehabilitate those rights. Based on the individuals' views, arrangements should be made for a suitable apology if appropriate. The individual or agency should be compensated in accordance with legislation of the Republic of Tajikistan.

Public oversight of police activity is ensured through activities such as public monitoring, public expertise of police and MIA regulatory acts. Consultation between society and the government, as well as quarterly reports by police chiefs to the population will also assist in ensuring public oversight.

Enhancing the police image is possible only with enhanced public awareness of law enforcement work. This is an objective prerequisite to establishing friendly and efficient interaction between society and the police.

A special commission composed of the Chief Inspector of the Ministry of Internal Affairs appointed by and accountable to the Minister of Internal Affairs and two representatives of the civil society appointed by members of the Public Council on the civil society assistance to the police reform will be formed.

Upon the Public Councils' request, the Commission has the right to investigate allegations of the Tajik police crimes and offences if the petitioner disagrees with the results of the Main Police Inspection.

The Commission has the right to give recommendations to the Minister of Internal Affairs regarding disciplinary penalties in addition to identifying the causes of such wrongdoings and recommending steps which could be taken to prevent a reoccurrence.