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# Merit or Partisan Led Police?

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## Executive Summary

The decades long reforms of the Macedonian civil service, including of the Ministry of the Interior and of the police, have not resulted in a well-established functional and sustainable competence and merit based system in the selection, recruitment, and career development of civil servants. Meritocracy in the police service is still overshadowed by partisan interests, which on its part does not allow for full transparency and objectivity. Such a situation calls into question the trust of citizens in the police, casting as well a shadow of doubt about the values and principles that the police stand for. The need to consistently apply constitutionally guaranteed values and principles in the Republic of Macedonia, as well as the requirements deriving from the process of fully-fledged EU integration of the country evidently impose the necessity of improving the situation in this area. This analysis elaborates upon the basis and principles of the merit system established at the Ministry of the Interior, while encouraging a reasoned debate about the manner of application of the said system, offering at the same time recommendations the implementation of which would enable that the organizational set-up and functioning of the Macedonian police be fully governed by principles and mechanisms of a competence and merit based system.

## Introduction

The goal of this document is to analyze the situation of the career and training systems at the police service of the Republic of Macedonia, and to propose measures geared towards overcoming pending problems and towards reaching relevant standards in this area. In the last three decades of building a democratic state governed by the rule of law, state institutions in the Republic of Macedonia have been facing numerous challenges of different character. One of such challenges has of course been the process of establishing a professional, democratic, transparent and well-organized police service. Numerous legislative and organizational reforms have been undertaken with a view to restructuring the Macedonian police service in pursuance with principles and guiding values of a democratic and citizen oriented civil service. However, very often, the positive effects of implemented reforms have not been visible, or reforms have not been implemented in an appropriate manner. The non-functional division of powers and the wide spread influence of political parties on law enforcement bodies have had a considerable impact on the work and the organizational set-up of the Macedonian police service.

The role of the police in any democratic society and the character of police duties demand first and foremost to ensure a transparent and professional practice of selection, recruitment, and promotion at the police service, which is to be free of political interference and other external factors. Furthermore, obligations the Republic of Macedonia has assumed under the EU accession process and in the process of aligning its legislation with that of the EU result in the pressure to urgently overcome practices of unprofessional and negligent functioning of the Macedonian police

This analysis particularly focuses on the link between education and the merit based system or more precisely on the importance of higher professional police education, which candidates and officers have and how such education is valued within the existing merit based system at the police service by in-line committees in the course of procedures for selection, recruitment and promotion. Not ensuring the establishment and functioning of a merit based system calls into question not only the efficiency and professionalism of police officers, but it also allows inefficient spending of the budget of the Ministry, giving as well rise to conflicts of interest, corruption, erosion of the public trust in the police, etc. This analysis is also focused on defining sustainable solutions facilitating the application of the merit based system in the selection, recruitment and promotion at the Macedonian police service.

## Merit Based System – Conceptual Considerations

One of the most important approaches of the European Union towards the professionalization of the public service is the promotion of the meritocracy concept and of the system of evaluation of specific competences, education and values, known as a merit based system in the selection, recruitment and career promotion of civil servants working in the national administrations and in European institutions and agencies.

Meritocracy reinforces the notion of equality and competence as it rejects patronage, nepotism, corruption, and incompetence for entering the civil service.<sup>1</sup>

The process of democratization of the Macedonian society and then the harmonization of the Macedonian legislation with the EU Acquis, as a country candidate for EU membership, have imposed the need to reform the civil and public service, including the police, with a view to its restructuring and functioning in line with the merit and competence based system. The setting of the foundations of a merit based system in the Macedonian civil and public service was envisaged for the first time in the Strategy for Reform of the Civil Service that the Government of the Republic of Macedonia adopted in 1999, which envisaged the introduction of the system of civil servants. This was followed by the adoption of the Law on Civil Servants<sup>2</sup> in 2000, which was the first law establishing the fundamental principles and standards of the civil service.

1 „Meritocracy for Public Service Excellence“; UNDP Global Centre for Public Service Excellence (Singapore) and Regional Hub of Civil Services in Astana (Kazakhstan); 2015; p. 6.

2 Law on Civil Servants, Official Gazette of the Republic of Macedonia No. 59/2000.

## Normative Regulation of the System of Selection, Recruitment and Career Promotion of Police Officers

In the last three decades, the system of selection, recruitment and career promotion of police officers at the Ministry of the Interior (Moi) of the Republic of Macedonia has been undergoing continual reform and advancement oriented activities, carried out at a varying pace. It should be emphasized that such reform and change oriented processes have been to a significant extent initiated, supported and funded by international organizations, such as the Organization for Security and Co-operation in Europe (OSCE), the Council of Europe (CoE) and especially the European Union (EU).

However, the large number of amendments and supplements to the Law on Civil Servants,<sup>3</sup> the continual political interference in the functioning of the administration,<sup>4</sup> and the trend of favouring the recruitment of personnel belonging to ethnic communities solely on quantitative basis, without sufficient regard to the real needs of the institutions or to the established formal criteria and qualifications,<sup>5</sup> have all had an utterly negative impact on the reform processes, which were to establish the merit based system.

One of the first steps undertaken to improve the selection, then the advancement of the training and education of police officers was the adoption of the Law on the Police Academy<sup>6</sup> in 2003, which established a higher education institution that helped fill the gap created following the closing of the Secondary Education School for Police Officers and of the Faculty of Security and Civil Protection in 1995, while providing for a more systematized and more methodical approach to education of personnel in the area of police sciences and security at all levels- induction training, continual education and academic and research education.<sup>7</sup> Furthermore, the Law on the Police<sup>8</sup> and the Code of Police Ethics,<sup>9</sup> adopted in 2006, precisely defined from the formal-legislative view the criteria for eligibility, selection and recruitment in the police.

The new Law on Internal Affairs (LIA),<sup>10</sup> applied as of March 2015, introduced a clear contemporary approach to managing personnel, based on professional competences, envisaging as well investment of maximum efforts to appropriately regulate the status, classification, recruitment, promotion, training, performance measuring and other labour relations related issues of personnel of the Ministry of the Interior.<sup>11</sup>

3 The Constitutional Court of the Republic of Macedonia issued 6 rulings annulling certain provisions and there were 21 amendments adopted.

4 Ristevska Jordanova, Abazi Imeri, A., at al.; Life and Numbers: Equitable Representation and Integration at Work) European Policy Institute, Skopje, 2016, p. 32;

5 2011 Report of the European Commission on the Progress of the Republic of Macedonia, pp. 11 and 68. 2012 Report of the European Commission on the Progress of the Republic of Macedonia, p. 9.

6 Law on the Police Academy, Official Gazette of the Republic of Macedonia No. 40/2003.

7 For more detailed information about the Police Academy –Skopje and about the model of education it offered see the Chapter entitled The Importance of Higher Education for Career Development at the Police of this document.

8 Law on the Police, Official Gazette of the Republic of Macedonia Nos. 114/2006; 6/09, 145/12, 41/14, 33/15, Rulings of the Constitutional Court of the Republic of Macedonia Nos. 148/08,106/16.

9 Code of Police Ethics, Official Gazette of the Republic of Macedonia No. 114/2006

10 Law on Internal Affairs, Official Gazette of the Republic of Macedonia Nos. 42/2014; 116/14, 33/15, 5/16, 120/16, 127/16.

11 2014-2018 Human Resource Management Strategy of the Ministry of the Interior; <http://arhiva.vlada.mk/registar/?q=node/408> ; Skopje, 2014; p.12.

In addition, secondary legislation envisaged under the LIA, such as the Rulebook on the screening and selection of candidates for police officers and on the manner of work of the Committee for selection of candidates for police officers,<sup>12</sup> the Rulebook on the selection for assigning personnel to job positions, for promotion and on the implementation of the career system for personnel of the Ministry of the Interior<sup>13</sup> and the Rulebook on the screening and selection of candidates for employment at the Ministry of the Interior,<sup>14</sup> precisely define the selection criteria and procedures for employment at the Ministry, for promotion of personnel and for the application of the career system.

The Collective Agreement of the Ministry of the Interior<sup>15</sup> is another document containing provisions regulating certain segments of the merit and eligibility system for recruitment and for career development.

From the formal and organizational viewpoint, a number of strategic documents of the Ministry and of the police stipulate the requirements for respect for principles of appropriate competence and merit based system. The strategic commitments and goals in this respect are elaborated in detail in the 2016-2020 Police Development Strategy,<sup>16</sup> as well as in the 2014-2018 Mol Human Resource Management Strategy,<sup>17</sup> and in the 2017-2019 Mol Strategic Plan.<sup>18</sup> It should be recognized that the 2016-2020 Police Development Strategy itself openly takes note of certain deficiencies in the human resource management area.<sup>19</sup> One of the noted deficiencies related to the present organization of the human resource management system is the existence of three separate human resource departments- at the level of the Ministry itself, at the level of the Administration for Security and Counterintelligence (UBK) and at the level of the Public Security Bureau (PSB), which unnecessarily triples the work and consequently triples the administration.<sup>20</sup> The Strategy states that "... the Public Security Bureau has made progress by designing a general Human Resource Management Strategy, which in recruiting new personnel takes into consideration the merit based career promotion system, measurability and transparency. However, due to the continual political influences the proper implementation of the career development system will be a considerable challenge."<sup>21</sup> Hence, an official document clearly underscores the political influence on the recruitment and career system at the Mol and at the police, which in the last period the highest managerial structures of the Mol and of the police have always been publicly denying.

12 Rulebook on the screening and selection of candidates for police officers and on the manner of work of the Committee for selection of candidates for police officers, Official Gazette of the Republic of Macedonia No. 8/2015.

13 Rulebook on the selection for assigning personnel to job positions, for promotion and on the implementation of the career system for personnel of the Ministry of the Interior, Official Gazette of the Republic of Macedonia No. 44/2015.

14 Rulebook on the screening and selection of candidates for employment at the Ministry of the Interior, Official Gazette of the Republic of Macedonia No. 13/2015.

15 Collective Agreement of the Ministry of the Interior, Official Gazette of the Republic of Macedonia Nos. 69/2015, 110/15.

16 2016-2020 Police Development Strategy; <http://www.mvr.gov.mk/vest/1372>; Skopje 2016.

17 2014-2018 Human Resource Management Strategy of the Ministry of the Interior; <http://arhiva.vlada.mk/registar/?q=node/408>; Skopje, 2014.

18 2017-2019 Strategic Plan of the Ministry of the Interior. <http://mvr.gov.mk/Upload/Documents/170428%20%20SK-RATEN%20SP%202017.pdf>; Skopje, 2017.

19 2016-2020 Police Development Strategy; <http://www.mvr.gov.mk/vest/1372>; Skopje, 2016; p. 48.

20 Ibid, p. 48.

21 Ibid, p. 49

Furthermore, the section on induction and continual training of the Police Development Strategy underlines that “there is still overly partial and ad hoc approach to trainings, which does not correspond with good EU practices.”<sup>22</sup> This implicitly confirms the lack of advanced capacities for a systemic and methodological approach to the education of police officers, from which the Ministry has been deprived following the restructuring of the Police Academy and the consequent removal of the higher education and research potential, which the Training Centre evidently does not possess, or has the appropriate capacities to develop on its own.

The 2014-2018 MoI Human Resource Management Strategy, which is harmonized with the Law on Internal Affairs, has detailed provisions, which directly or indirectly facilitate, at least formally, the respect for, and the functionality of the merit based recruitment and career system, measurability and transparency at the Ministry.

Despite the fact that the 2017-2019 MoI Strategic Plan does not explicitly refer to the merit based system, certain segments of the Plan state that there will be “specific activities undertaken and analyses made in the context of implementing the system of professional career development, as well as in the context of continual drafting of regulations and implementing the procedures for assessment and career development of personnel of the MoI, etc.”<sup>23</sup>

A common feature of all previously referred to strategic documents of the MoI is that these strategic documents are indeed detailed and elaborate in certain segments, but on the other hand they all lack realistically measurable indicators to assess the success in their implementation and their effectiveness. In addition, these strategic documents do not make any mention of expenditures that would derive from or are required for a functional and efficient application of the merit-based system to assess the competences in processes of selection, recruitment, and career development of personnel of the Ministry and of the police. In the last period, there has been notable lack of a constructive public debate that would involve professionals, experts, civil society organizations active with researches in this area, or experienced still active or retired police officers, prior to the adoption of such strategic documents of the Ministry.

<sup>22</sup> Ibid, p. 42.

<sup>23</sup> 2017-2019 Strategic Plan of the Ministry of the Interior; <http://mvr.gov.mk/Upload/Documents/170428%20%20SK-RATEN%20SP%202017.pdf>; Skopje, 2017; p. 41-42.

## The Importance of Higher Education for Career Development at the Police

One of the most important conditions for a functional and efficient merit based system of selection, recruitment and career development in the police are established criteria defining the required degree of education, and the system of evaluating such education competences of candidates and of already employed personnel, which can be of formal or informal character.

Despite the fact that the LIA and the previously referred to Rulebooks all envisage the requirement to take into consideration the degree of education, experience and other competences the candidate possesses, envisaging as well a relevant point scale for evaluation of such competences, the practice shows that in the selection, recruitment and promotion at Macedonian Mol and at the police, there is almost always lack of transparency in the point allocation and ranking of candidates. The points given and ranking lists after each stage of selection are never published neither on the notice boards nor on the official webpage of the Mol (neither with the name and surname of candidate nor with encrypted codes for purposes of personal data protection). The ranking lists and points allocated are not submitted or made public even after a filed objection or a complaint.

Hence, procedures for selection, recruitment, and promotion at the Mol and at the police lose legitimacy with candidates and the public at large. In addition, a higher education degree, as an important qualification, is not valued at all, prompting distrust and the sense that there is lack of objectivity at the police. Furthermore, this casts a shadow of doubt about the values and principles upon which the police service is set up and to which it is committed. Such a setting would explain the prevailing public opinion about the transparency of the selection process at the Mol. Thus, according to certain polls conducted in May 2016, and in July 2017, 65%, i.e. 66% (in 2017) of citizens considered that one can be employed at the police through nepotism, on grounds of membership of a certain political party or by offering a bribe. Only 12%, i.e. 13% (in 2017) of citizens considered that the employments were transparent, following objective public job advertisements.<sup>24</sup> This negative perception was noted in the 2016 EC Progress Report on the Republic of Macedonia.<sup>25</sup> This alarming situation is illustrated by data following an Eurobarometer<sup>26</sup> public opinion poll conducted by the European Commission in May 2017, according to which compared to citizens from all EU Member-States (28) and citizens from the other EU membership candidate countries (Serbia, Montenegro, Albania and Turkey), Macedonian citizens have the lowest degree of trust in their own police – only 34% of Macedonian citizens answered that they trusted the police.<sup>27</sup>

24 "Assessment of the Police Integrity in Macedonia", part of the action Western Balkans Pulse for Police Integrity and Trust: POINTPULSE; Analitika- Skopje; This action is supported by the European Union under the Programme Civil Society Facility, Instrument for Pre-Accession Assistance (IPA); 2016; p. 18;

"Public Opinion about the Police", part of the Action Western Balkans Pulse for Police Integrity and Trust: POINTPULSE; Analitika – Skopje; This action is supported by the European Union under the Programme Civil Society Facility; 2017; p. 17.

25 2016 Report of the European Commission on the Progress of the Republic of Macedonia, p. 18.

26 Eurobarometer is a series of public opinion surveys conducted regularly on behalf of the European Commission since 1973. These surveys address a wide variety of topical issues relating to the European Union throughout its Member States.

27 Eurobarometer; Public opinion poll of May 2017; <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Chart/getChart/themeKy/18/groupKy/88> ; accessed on 20 September 2017.

Large number of studies and analyses point out the fact that higher education is an added value for the police training of officers, since it improves the development of critical thinking skills, as well as the value systems relevant to the needs and requirements of contemporary society, especially in terms of professionalism, respect for human rights, accountability and legitimacy.<sup>28</sup> On the other hand, in the last ten years, the Macedonian Mol and police have not demonstrated any strategic or systematic commitments, nor have they pursued any goals to attract among their ranks as many as possible people possessing a higher education degree or people who have acquired higher education degree in the area of police sciences and security, who would thus be better suited to respond to numerous security challenges the Macedonian society is facing.

In the context of higher education and the merit based system at the Macedonian police, a Police Academy was established, as a separate organizational unit of the Mol. The criteria for enrolment in the Academy were fully compliant with the criteria prescribed in the then LIA, which were also applied for recruitment of personnel at the Ministry, while the number of students to be enrolled at the Academy was directly determined by the Minister of the Interior and endorsed by the Government of the Republic of Macedonia. The selection was done by a committee the members of which were members of the Programme Council of the Academy and two members came from the ranks of the Mol.<sup>29</sup> The selection criteria and procedure were transparent, clearly divided into several stages and the ranking lists were published after each test. However, the importance and the potentials of the Academy were not fully recognized by the Mol managerial structures and after only 4 years of work, at the end of 2008, without a reasoned justification and without a public debate with experts and the students themselves, the Academy was closed and restructured into two organizational units – Training Centre (in charge of induction and continual trainings) and Faculty of Security, which has become an autonomous institution, completely separated from the organizational set-up of the Mol. The then managerial structure of the Mol, without having conducted any research as to whether such a decision is justified or not, and without assuming any responsibility for the funds already spent for the that far education, did not allow students that had undergone and fulfilled all selection procedures for employment to be employed at the Ministry or at the police.

In addition, such a step did not allow the establishment of a merit based system in the selection and recruitment of personnel of the Ministry and of the police, since the selection procedures were conducted without any transparency and without applying the set forth criteria. Furthermore, the lower level of training and education of recruited personnel, having undergone only basic training of nine months and practical training of three months, later resulted in numerous cases of police brutality, abuse of police authorities, and abuse of the security services for private and political party interests.<sup>30</sup>

28 Paterson, C.; „Adding value? A review of the international literature on the role of higher education in police training and education“; *Police Practice and Research*, 12(4); 2011.

29 Law on the Police Academy, Official Gazette of the Republic of Macedonia No. 40/2003; Articles 33 and 34.

30 This is confirmed by the Annual Reports of the Ombudsman, reports of certain civil society organizations, which monitor the work of the police, the periodical reports of the UN Committee against Torture and reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).  
Official Gazette of the Republic of Macedonia Nos. 13/06, 86/08 and 6/10.

Certain good practices show that highly specialized police education offers significant advantages, as compared to basic police training, since it produces improved intellectual and logical capacities of candidates for police officers, advanced problem and conflict resolution skills, better profiling of professional skills and knowledge, more extensive knowledge about human rights and freedoms, etc.

With a view to establishing the state of play in relation to the selection and recruitment of candidates possessing a higher education degree at the MoI and at the police, requests for access to information of public character were filed, in pursuance with the Law on Free Access to Information of Public Character.<sup>31</sup> Such requests were filed with the MoI, the MoI Training Centre and with the Faculty of Security- Skopje. The analysis of the answers received following the requests for access to information of public character shows that partial information was given, considering that, holders of such information had not provided relevant information in answer to some of the questions and requests.

In the context of answers and data provided in reply to the question about the approach to evaluating the possession of higher education degree at the MoI and at the police in the procedure for selection, recruitment and promotion of police officers, there was especially indicative information given in reply to the question «What is the number of personnel at the MoI possessing higher education degree (or VIII/1 degree- four year studies) or having a degree with at least 240 credits, who have been employed with a diploma from the Police Academy/Faculty of Security -Skopje». According to the received data out of the total number of 3,112 newly recruited personnel, only 207 newly recruited are personnel, who have graduated from the Police Academy or the Faculty of Security - Skopje. In the context of these numbers, it should also be mentioned that large number of the newly recruited personnel -graduates from the Police Academy or Faculty of Security are personnel, who have previously already been employed at the Ministry, with a lower degree of education and after acquiring higher education degree they have applied for higher ranking jobs, moving thus more quickly along the hierarchy ladder at the Ministry and at the police. Furthermore, the answers provided show that out of the 3,112 newly employed personnel at the MoI and at the police, in the period from 2008 to 2016, 1,182 personnel were assigned to the job position of a “police officer» for which only secondary education diploma is required, while in the same period 1,021 students graduated from the Police Academy and the Faculty of Security, acquiring diplomas in a number of specialized fields (criminalistics, security, operative police work, criminological-criminalistics specialization, private security, security and financial control, etc.)<sup>33</sup> Such information imposes numerous dilemmas about the irrationality of the decisions and about the inefficient utilization of funds of the Budget of the Republic of Macedonia and of the budget of the MoI by high-ranking managerial structures at the Ministry and at the police in defining the policy priorities as regards the quality of work of the Ministry and the style of managing the Ministry’s present and future human resources.

In the last 10 years, the unsystematic approach of the so called political level management at the MoI, has left the Ministry and the police with an unsatisfactory level of professionalization,<sup>34</sup> neglected ethical and value systems and extremely badly

31 Official Gazette of the Republic of Macedonia Nos. 13/06, 86/08 and 6/10.

32 See Table 1 (Annex).

33 See Table 2 (Annex).

34 Which are noted in the European Commission Reports and in the two reports prepared by the Senior Experts’ Group on Systemic Rule of Law Issues (the Priebe Reports).

managed budget funds, which on its part further feeds the perpetuation of training of people for recruitment at the police and at the MoI by organizing only nine-month courses, while students having graduated from the Academy/Faculty, who are qualitatively and quantitatively better educated and possess more specialized knowledge about certain complex aspects of the police work, or of the overall security system, including human rights and ethical treatment of citizens, are prevented from becoming part of the structures of the Ministry and high percentage of such students face unemployment after their graduation. An especially concerning fact is that in answer to the questions *“Does the Faculty of Security –Skopje has records of or has made research about the number of students having completed graduate studies who have been employed in the law enforcement bodies in the Republic of Macedonia? In case there is such information could the Faculty share it?”* the Faculty of Security stated, *«The Faculty does not keep records of and has not conducted any research about the number of students having completed graduate studies who have been employed at law enforcement bodies in the Republic of Macedonia.»*

Such a situation evidently shows lack of objective and systematic approach of the Ministry and of the police to evaluating the education competences of candidates and already employed personnel, this being one of the most important conditions for having a functional and efficient merit based system in the selection, recruitment and career development in the police.

# Analysis of the State of Play of the Competence and Merit Based System in the Selection, Recruitment and Career Development at the Mol and at the Police

The European Commission Reports on the progress of the Republic of Macedonia towards fully-fledged membership of the European Union are especially indicative of the situation regarding the respect for the principles of the merit based system in the selection and recruitment of new personnel at the Mol and about the quality of development and respect for principles of the established career system at the Ministry.

One of the recurrent remarks of the European Commission, repeated in almost all EC Annual Progress Reports on Macedonia, is that there are strong arguments confirming political interference and politicization in the recruitment and system of promotion within the internal organizational units at the Ministry and at the police.<sup>35</sup> In this context, it should be underlined that the European Commission has noted the progress made with regard to the established legislative framework, consisting of general and special legislative provisions, which directly regulate the fundamental principles that must be applied in the selection, recruitment and career system at the administration, including at the Mol and the police. However, the EC states that this is not sufficient, especially in light of widely spread practice of not abiding by and the deficient application of the existing legislative provisions relating to the merit based system and the system of professional competences.<sup>36</sup>

In some of its Reports, the European Commission emphasizes that the non-application of the merit based recruitment and career systems jeopardizes the operational functioning and efficiency of criminal investigations in certain cases led by personnel of the Ministry and of the police.<sup>37</sup> As regards the operative functioning of the police, it is concerning that according to some public opinion polls, the majority of the public, i.e. 62% of citizens believe that politicians directly influence the operative functioning of the police.<sup>38 39</sup>

The Commission also takes note of the practice of recruitment or promotion of officers without internal or public vacancy announcements.<sup>40</sup>

In one of its Reports, the Commission underscores the fact that the potentials of the Police Academy were little used by the Mol and by the police, owing to problems with its legal status and budgetary constraints of the Ministry.<sup>41</sup> This brings to light the real problem at the Ministry and the then leadership of the Ministry who owing to their lack of an appropriate strategy, vision and knowledge, undermined the entire potential of the Academy that could have been used for professionalization of the Ministry and of the police overall.

35 2016 Report of the European Commission on the Progress of the Republic of Macedonia, pp. 54 and 69; 2015 Report of the European Commission on the Progress of the Republic of Macedonia, p. 64, etc.

36 Ibid, 2016, p.10; Ibid, 2015, p.10, etc.

37 Ibid, 2012, p.57; Ibid, 2011, p. 68; Ibid, 2008, pp. 64 and 66.

38 „Public Opinion about the Police”, part of the action Western Balkans Pulse for Police Integrity and Trust: POINTPULSE; Analitika - Skopje; This action is supported by the European Union under the Programme Civil Society Facility; Skopje 2017; p. 20.

39 55% of citizens covered by the poll in 2016.

40 2011 Report of the European Commission on the Progress of the Republic of Macedonia, p. 68; Ibid, 2012, p. 9, etc.

41 2007 Report of the European Commission on the Progress of the Republic of Macedonia, p.11.

If such deficiencies noted by the European Commission are considered in the context of the two-year profound political crisis following the unlawful interception of communications disclosed in the spring of 2015, then the serious nature of such deficiencies gains particular importance and reaffirms the necessity of undertaking a sweeping reform of the merit based system of selection, recruitment, transparency, accountability and of the career promotion and competence system at the Mol and at the Macedonian police service.

The negative trend of politicization of the civil service and the total disregard of the principles of transparency, merits and equitable representation in the recruitment in the civil and public service have also been noted in the published Recommendations of the Senior Experts' Group on Systemic Rule of Law Issues relating to the communications interception revealed in Spring 2015.<sup>42</sup> The said Recommendations clearly point out state institutions, which do not function in pursuance with the fundamental rule of law principles and which are captured by politicization and by the lack of division between state and ruling political party functions.

Reports prepared by numerous civil society organizations and by independent experts in the Republic of Macedonia that in the last two years have prepared annual documents containing proposals for urgent reform priorities,<sup>43</sup> also underline the abuse of the civil service, including the abuse of the Mol and of the police by political parties part of the then ruling coalition.<sup>44</sup>

It is disappointing that even two years after the first Priebe Report, the second such Report prepared by the same Senior Experts' Group upon the request of the European Commission and published in September 2017, underlines that the deficiencies have still not been eliminated. The second Report notes that "that the recruitment and promotion process for officers is not yet transparent and it appears to be strongly influenced by political party belonging."<sup>45</sup> "This is facilitated by a lack of strong promotion/appointment criteria and lack of binding link between positions and ranks."<sup>46</sup>

Hence, in the part of the Report containing recommendations relating to "Capacity, independence and accountability of law enforcement and prosecution service", the experts recommend that "The Ministry of Interior should apply clear and transparent criteria for recruitment, promotion and reassignments and establish coherence between positions and ranks."<sup>47</sup>

42 [https://ec.europa.eu/neighbourhoodenlargement/sites/near/files/news\\_corner/news/news-files/20150619\\_recommendations\\_of\\_the\\_senior\\_experts\\_group.pdf](https://ec.europa.eu/neighbourhoodenlargement/sites/near/files/news_corner/news/news-files/20150619_recommendations_of_the_senior_experts_group.pdf) June 2015.

43 146 representatives of 73 civil society organizations, scientific workers, and independent experts took part in the preparation of the Proposal for Urgent Democratic Reforms, July 2016, Skopje and of the Proposal of Civil Society Organizations for Urgent Democratic Reforms, July 2017, Skopje. They were involved in relevant areas, i.e. working groups in following with their respective expertise and long year civic and academic activism.

44 Proposal for Urgent Democratic Reforms, July 2016, Skopje, p. 32; Proposal of Civil Society Organizations for Urgent Democratic Reforms, July 2017, Skopje, p. 37.

45 The former Yugoslav Republic of Macedonia: Assessment and recommendations of the Senior Experts' Group on Systemic Rule of Law Issues 2017; Brussels, 14 September 2017, p. 16.

46 Ibid, p. 16.

47 Ibid, p. 17.

It is also concerning that state administration bodies themselves, higher education institutions (in the specific case of the MoI and the police, the Faculty of Security, or related Faculties at private universities), including the Macedonian Academy of Arts and Sciences have not prepared any serious and argument based analysis (similar to the Priebe Report) regarding such problems and serious deficiencies, remaining thus passive observers of the developments.

The need to consolidate the merit based system of recruitment and promotion is more than evident. It is also the indispensable prerequisite with a view to encouraging professionalism, competence and service oriented policy in the functioning of the MoI and of the police.

## Conclusion

In general terms, the organizational system of the Mol and of the police is founded on legislative conditions required for the establishment of a merit based system for selection, recruitment and career system at the Ministry and at the police. However, such legislative framework is not practically and fully implemented. Laws, secondary legislation and other strategic documents containing pertinent provisions and defining goals relating to the establishment or advancement of the merit based system are often adopted without previous relevant analyses, then without precisely defined commitments, prescribing thus inconsistent systemic solutions, owing to which their practical application is slow, featured with inefficient utilization of available financial, material and human resources- a situation exacerbated by the fact that such laws and strategic documents have not been harmonized amongst themselves and are inapplicable.

Despite the pursuance of systemic reforms of the civil service and of the police, the influence and interference by political elites is still strongly present as regards the recruitment and promotion of personnel at the Mol and at the police. Such a situation reaffirms that the principles of the merit-based system and the principles governing the operative police work are not consistently and fully implemented.

The inconsistent application of the principles of the merit based system in the selection, recruitment and career system at the Mol and at the police prompts suspicions and undermines the trust of potential candidates, of already employed personnel and of citizens as regards the organizational values and principles of the police. Furthermore, the lack of transparency and objectivity create ideal conditions for spreading conflicts of interest and corruption at the police.

The Ministry and the police do not pursue strategic commitments to attracting candidates for police officers who have higher education degrees, better quality knowledge, or candidates with diverse profiles of qualifications and skills. Such an approach prevents the establishment of sustainable foundations for a functional merit based system, leading instead to applying an utterly inappropriate approach to human resource management. In addition, following the restructuring of the Police Academy, the Mol and the police no longer have serious scientific and analytical and research capacities that would facilitate the design of specific policies, strategies, drafting of laws and secondary legislation, which on its part has proven to be a serious deficiency illustrated by often and numerous amendments and supplements to laws pertaining to the Ministry, as well as by the rulings of the Constitutional Court to annul certain articles of pertinent laws. Such deficiencies are furthermore brought to light by non-achieving or slow dynamic in attaining the defined strategic goals and action plans, then by the increased number of cases of police brutality, the inability to detect perpetrators of serious crimes, etc.

Similarly, proceedings following objections and complaints against results of selections, recruitments and promotions in the service, are reduced to formal technical proceedings, featured with lack of transparency.

Such negative trends also result in a standstill in the process of European integration of the Republic of Macedonia and in a delay of its fully-fledged EU membership.

## Recommendations

This analysis offers the following concrete recommendations that could contribute to improving the practical implementation of the merit based system at the Mol and at the police, and that could prompt further public debate and consideration of the practice of lack of transparency and objectivity in the recruitment and promotion procedures:

- Defining precise criteria for assessing the degree and quality of education and other competences of potential candidates for recruitment or for promotion at the Ministry and at the police;
- The process of selection, especially the assigning of points and the ranking lists presenting results of candidates should be made public and transparent and reasoning should be offered as to why certain candidates have been admitted or promoted, or why some candidates have not been admitted or promoted;
- Whenever there is an announcement for more than three vacancies, the committees for selection and for promotions at the Ministry and at the police should have on board as members representatives of political parties that are not part of the ruling majority and/or representatives of the Ombudsman's Office, and/or representatives of civil society organizations, which have proven long-year experience in areas of public service and police oversight, in order to monitor the procedures with the ultimate goal of re-establishing the trust in and transparency of the selection, recruitment and promotions at the police;
- Establishment of a transparent and objective procedure for filing objections and complaints against the results of the selection, recruitments and promotions in the service;
- Promoting openness to a substantive and continual cooperation and dialogue with the public, experts, civil society organizations working on researches on these issues, as well as with experienced police officers and retired police officers, especially in the design and adoption of specific strategic documents relating to the improvement of the merit and competence based system;
- Facilitating a more effective mechanism for external and internal control of the police, which, inter alia, would be prepared to investigate and prevent political interferences in the procedures for selection, recruitment and promotion at the Ministry and at the police;
- Re-establishment of the Police Academy as an organizational part of the Mol, under a process of incorporation and comprehensive restructuring of the Faculty of Security

-Skopje and the MoI Training Centre. Thus, the Police Academy would comprehensively systemize and will serve as a link between higher education, continual education and induction training for present and future personnel of the Ministry and of the police. In addition, the Police Academy will enable the MoI to significantly enhance its capacities for producing thorough and relevant scientific, legislative and strategic analyses;

- The existing Faculty of Security-Skopje, as the legal successor or the Police Academy, should conduct a research of the number of students who have completed their graduate studies and who have been employed at law enforcement bodies in the Republic of Macedonia, and then collect pertinent statistics on this issue and keep such statistics updated;
- Higher level of transparency of the MoI about the cost of the induction training for the position of “police officer” and how much were the costs for four-year studies at the Police Academy, in the period when the Academy was part of the organizational structure of the Ministry;
- Organization of continual trainings for the personnel of the Ministry and of the police about the importance of a functional merit based system and how to defend its principles and mechanisms when they are jeopardized;
- Transfer of good practices in areas of the merit based system and human resource management of other European police services, by using the EU pre-accession assistance instruments;

# ANNEX

Table 1

	Total Number of Personnel at the Mol	Total number of Personnel at the Mol having a diploma from the Police Academy/Faculty of Security-Skopje
Total personnel	3112	207*
		*the number of newly recruited personnel having graduated from the Police Academy is 34, and the number of newly recruited personnel having graduated from the Faculty of Security –Skopje is 173. <sup>48</sup>

\*\*\*Data for the period from 2008 to 2016

Table 2

NUMBER OF FULL-TIME AND PART-TIME GRADUATE STUDENTS FOR EACH ACADEMIC YEAR IN THE PERIOD FROM 2008 TO 2016 HAVING GRADUATED FROM THE FACULTY OF SECURITY-SKOPIE									
ACADEMIC YEAR	CRIMINALISTICS		SECURITY AND FINANCIAL CONTROL		SECURITY		CRIMINOLOGY AND CRIMINAL POLICY		Total from all study programmes
	FULL-TIME	PART-TIME	FULL-TIME	PART-TIME	FULL-TIME	PART-TIME	FULL-TIME	PART-TIME	
2007/08	107	39	/	/	/	/	/	/	146
2008/09	84	49	/	/	/	/	/	/	133
2009/10	48	34	2	/	/	/	/	/	84
2010/11	35	45	6	2	/	/	/	/	88
2011/12	37	39	21	23	/	/	/	/	120
2012/13	27	21	10	11	/	/	/	/	69
2013/14	36	35	19	20	/	/	/	/	110
2014/15	42	34	31	13	////	/	/	/	120
2015/16	33	32	10	14	/	/	/	/	89
2016/17*	37	17	2	6	/	/	/	/	62
<b>Вкупно</b>	<b>486</b>	<b>345</b>	<b>101</b>	<b>89</b>	<b>/</b>	<b>/</b>	<b>/</b>	<b>/</b>	<b>1021</b>

\*\*\*Data for the 2016/17 academic year is related to the period up to 10 May 2017

48 After 2008, the Faculty of Security- Skopje became the legal successor of the Police Academy. At that time the then Police Academy-Skopje was restructured into two separate legal entities- Mol Training Centre and Faculty of Security-Skopje