



**CONSEIL EUROPÉEN DES
SYNDICATS DE POLICE**

International Non-governmental
Organization of the Council of Europe

2025

5052

*'Society grows great when old men plant trees
whose shade they know they shall never sit in.'*

Anonymous European Proverb



Introduction

The European Council of Police Unions (hereinafter CESP) is an independent and autonomous organism, attached to Human Rights and with a democratic and modern conception of police work. CESP is a member of the International Non-Governmental Organizations of the Council of Europe (INGO) and has a seat in the Human Rights Commission.

The main objectives of our Council, are the improvement of the rights and quality of life of police officers, development and harmonization of police work procedures in an open and more complex European framework, support to the enforcement of solutions to national problems in the countries of its members, as well as participation in the creation of a safe and secure Europe with the help of the implementation of the European Police Officer Social Charter and the unique Statutory rights of the European police.

Our association has a relevant position in the Council of Europe and in the defense of the rights of police work in the European space. Since the beginning, we have been actively working in the last 30 years in this framework in order to defend the values of the human rights and liberty all over Europe and have been contributing with other social partners in all subjects related with the activities of the Police in this space of freedom.

We have participated in all relevant texts related to the Police elaborated by the Council of Europe in these last years.

We are members of the Liaison Committee of the INGO, and we have had relevant positions in the Executive Bureau of the Assembly of Non-Governmental Organizations, as a Spokesman, Vice-Chair and Secretary of different groupings and member of Steering Committees.

Nowadays with a new board elected, we want to cooperate in any means available with the European institutions. We believe in Europe and in equality and that it's a premise we don't renounce.

The CESP is also entitled to lodge complaints against states that have accepted the collective complaints procedure. We are clearly identified as the pioneer organization of the European Police Officers in the Council of Europe and we are very proud of our role within this institution, one of the main engines of the European Values and Spirit.

The European Parliament, European Commission, United Nations and the main international police associations are priority partners to achieve our primary objectives.

In our meetings and conferences, we debate in-depth about the professional issues that affect the security of our fellow European citizens in order to tackle with the new trends of criminality. We also try to improve the status of Police Officers all over Europe and balance differences among the different countries and different police forces.

As CESP, we follow the five key principles, underpinning the European Agenda on Security:

- 1) Ensure full compliance with fundamental rights;
- 2) Increase transparency, accountability and democratic control to give citizens confidence;
- 3) Ensure better application and implementation of existing EU legal instruments;
- 4) Foster a more joined-up inter-agency and a cross-sectorial approach;
- 5) Bring together all internal and external dimension of security.

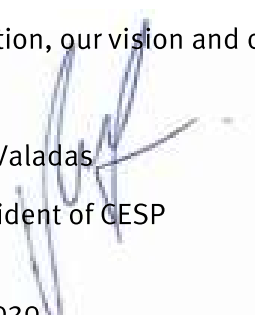
Nevertheless, we need to approach some urgent issues, and one of the main areas of focus of

the new Executive Bureau is the migration movements and the conditions of police officers who are involved in the critical areas (safety, equipment, mental state etc.). Another main area of focus is the matter of suicidal tendencies among police members, active and retired and the new criminology phenomena and of course the education.

We strongly think that Education has a very important role in the future of police work all over Europe and we hope we can contribute with relevant information and experience to improve this mission.

After 30 years of activity we can assure that, it will be impossible to deal with the problems of this broad free area without the expertise of the professionals of the public security and justice that we proudly represent.

COVID-19 pandemic had postponed the presentation of our program, but we can provide our ideas in a new form, defending the future of the European Police. The document below is our contribution, our vision and our project for the next 5 years.



Ricardo Valadas
The President of CESP

March 2020







Object

Since the first sociological definitions (1830 – Conte e 1895 - Durkheim), until the first steps of the professions sociology in the late 90's, the definition of a profession had hundreds of sociological definitions.

The study of the professions is characterised by professions as occupations (with a focus on professional work, labour markets and inequalities), and professions as part of social order and regulation (Adams2015). Professionalization involves strategies and practices by which a group make claim for authority, expertise and status. (Cantand Sharma 1995)

We still have the thought that 'The Professions' were an elite (Collins et al. 2009) including classic professions such as medicine and law, and semi-professions such as social work and nursing.

Early studies of professions, focused on the traits or attributes, which separated professionals from other workers.

In our days, the work done in the investigation of the professions, had known some excellent advances, mainly with the introduction of the concept of identities and with the extension of the empirical search to new categories with a sensitive public visibility like police officers.

Some authors like Dominique Monjardet (1994) and Manuel Fernandez (1990) made an approach to the police work, or in our new methodology, to the police profession. The difference between the police work and the police profession. In addition, Peter Neyroud (2011) said that the Police need to move from being a service that ‘acts professionally’ to becoming a ‘professional service’.

... ‘It is a profession, it isn’t job’. He’s now the Chief Inspector of the HMIC [...] he wants it to be like [...] lawyers and doctors are seen as a profession [...] So that’s why we’ve got the College of Policing [...] that’s meant to be the hub of excellence. (Interviewee 5, Temporary Inspector, UK police)

Here’s a definition:

A Profession is a disciplined group of individuals who adhere to ethical standards and who hold themselves out as, and are accepted by the public as possessing special knowledge and skills in a widely recognised body of learning derived from research, education and training at a high level, and who are prepared to apply this knowledge and exercise these skills in the interest of others. It is inherent in the definition of a Profession that a code of ethics governs the activities of each Profession. Such codes require behaviour and practice beyond the personal moral obligations of an individual. They define and demand high standards of behaviour in respect to the services provided to the public and in dealing with professional colleagues. Further, these codes are enforced by the Profession and are acknowledged and accepted by the community.

In the European society, being a member of a traditional Profession is generally seen as an indicator of integrity, ethics, trust and expertise.

Ritzer (1975) identifies 11 characteristics for a profession. Those includes definitions of Power, a doctrine, rational training, vocational qualifications, specialization, full-time occupation, having “clients”, salaries, promotions and professional duties.

What are the points or the criteria that separates a profession from the other occupations? (Carr-Saunders, Parsons, E.Hughs, T.Johnson, M.Larson, M.Maurice agree on the next points)

- High-level education, demanding and extensive.
- Conscience of a unique service rendered to the society
- Profound expertise of the knowledge a technical domain on its practical appliance.
- Capacity to self-judgement on the technical acts specifics of the profession and its correspondence legal responsibility.
- Restrict and controlled access to exercise the profession.
- College control of the access of the professionals and about the conditions of the exercise.
- Official and public recognition of the profession.

The Associação Sindical Funcionários Investigação Criminal – Polícia Judiciária (Portuguese Police Union) in 2019, claimed 8 characteristic’s that supported the condition of the criminal police in Portugal. University degree (high education), healthiness, risk, availability, exclusivity, hardness, mobility, specific knowledge and competency. Those items cumulatively, are required to enter to that specific type of police. They created the basis for the recognition of the profession in the future. However, the work with the Portuguese example didn’t start 3 years ago. The paradigm started by understanding that the recognition of the society is the most difficult asset

and the point of criteria most difficult to achieve. The Judicial Portuguese Police has this kind of social recognition.

Talcott Parsons, the role of the professionals exerts in the relationship with the clients and their asymmetric reciprocity (knowledge/ignorance) that allow it's institutionalization (authority/trust).

We in CESP are strongly motivated to explain, how such an important asset, must be protected by the European institutions and how this doctrine must be implemented in the European countries in order to balance the differences and simultaneously satisfy the various demands of the different countries, with the different needs they have.

With the globalization and the technological disruption we assist in these days, the capacity of the company's and the institutions to adapt is the key element for survival.

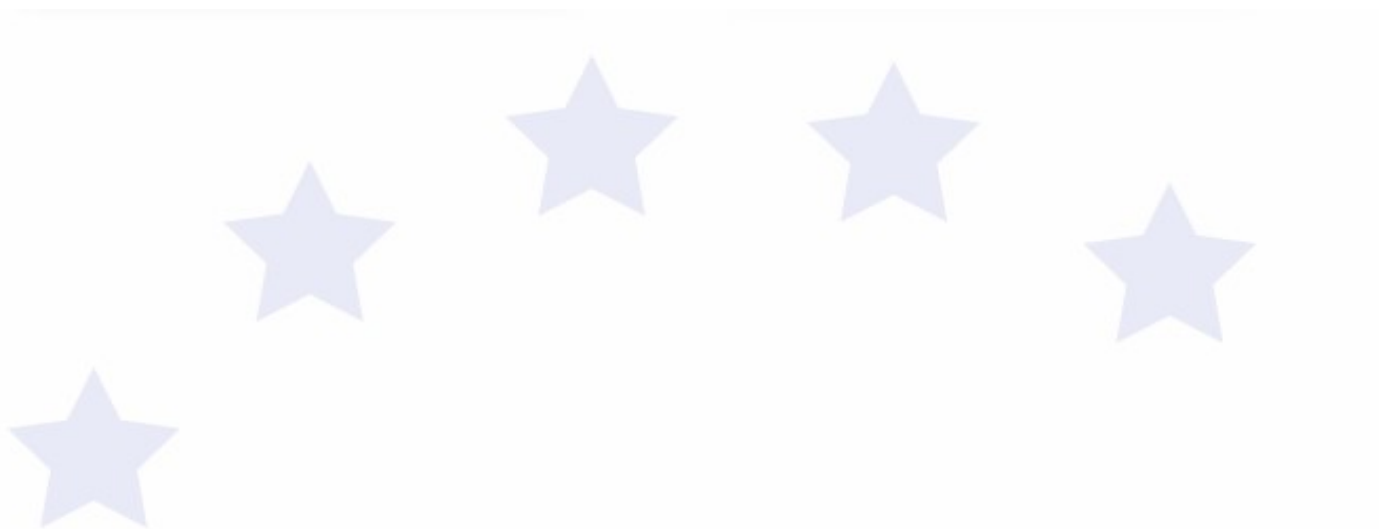
In our suggestion for the next 5 years of the CESP approach, the mind-set must be changed. We will explain that the Police officers of Europe are professionals of one fundamental state function. We are professionals of Security and Justice. In addition, given that, we have a profession.

CESP knows its role. The members of CESP know their part in the process, to achieve a more equitative and fair Europe for the protection of our citizens.

We have a profession. The same profession all over Europe and we will be recognized like that.

We strongly believe that the recognition of the profession is the main base to solve issues related and discussed in a separated form. We believe in the path for Excellency.







CONSEIL EUROPÉEN DES
SYNDICATS DE POLICE
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European Police Statute

Education

European Standards

Migration and border controls - police cooperation

Civil Police work vs Military Police work

Crimes against Children and Women - Human trafficking

Digital police and Modern police work - Equipment

Human Rights

New criminality phenomena

National Support with European tools

Mental and physical health - suicide among police officers

European code of ethics

Violence against police officers

Anti-Corruption

European Police Statute

In all the institutions of the modern governments, police occupies a place that reveals a special interest: she is, at the same time, the best known but least understood of all" - (Egon Bittner 1974)

The second Congress of CESP was organized at the Council of Europe under the theme "Police in the Europe of its citizens". CESP has adopted the European Police Charter, which is a continuation of Resolution 690 with new provisions.

CESP presented this Charter to the Council of Europe officials and the Parliamentary Assembly (hearing before the Legal and Human Rights Commission in September 1993) and this resulted in a proposal for a directive principle of the Charter without going into details.



The European Charter of Police

In the preamble, what guided our approach is the often-repeated commitment of our organization to human rights. The Charter is divided into 3 parts:

- a) Organizational and functional aspect, what I will call the organization of the Police.
- b) Relations with the Community, or the ethics of the police officer
- c) Personal and professional status of the police officer.

A) Organization of the Police

- Affirmation of the quality of Public Service
- Independence from political power
- Police control must be done by the legislature and, of course, by the judiciary.
- The deconcentrated organization must allow for a closer police-population relationship.

However, this should not provoke confusion in the missions of the police and in the minds of people, as it is happening in some countries because this so called “police war” is harmful to the public service.

- Total demilitarization of the police service. In a democracy, the civil society, by its very essence, must be protected by a civil security force. CESP does not understand that these military policies (Gendarmerie, Guardia Civil, Carabinieri, etc.) still remain, which are not a democratic guarantee.

B) Deontology

In this chapter, CESP recalls that police officers perform their duties in the service of society as a whole, within a clearly established legal framework and that they are responsible for their actions before that society. For this, CESP focuses on:

- Respect for the human in all these aspects, whatever the reason for which they were arrested.
- the obligation to prevent any abuse of power or any act of corruption,
- Attention to the use of weapons. This can only be done in the case of self-defence or defending others
- The possibility of derogating from professional secrecy if it covers activities pursued by the law.
- The individual responsibility of the police officer in the performance of his duties and his duty to refrain from obeying illegal orders (taking orders from an illegal force).

C) Status of the Police

In order for the police officers to be able to meet their obligations, society must provide them with guarantees in their personal and professional life, if only to avoid certain guilty temptations.

CESP consider the following guarantees as essential:

- Appropriate initial and continuous training, with emphasis on Human Rights,
- Normal working conditions and fair remuneration.
- Equal rights and freedoms as other citizens. The police function should not limit these rights.
- Legal and social protection of the state for the police and their families.
- A guarantee for the police officers, in case of infringements, to be subjected to the same courts as other citizens, under the same conditions of judgment.
- Effective and official recognition of the right to organize for all police officers in order to ensure the transparent functioning of the institution. State support for trade union organizations to ensure their independence.

I would like to remind you that the adoption of this Charter was carried out in the context of a Congress in which the theme was "Police in the Europe of the citizens", which is a good indication of the concern of CESP to promote a police service for all in accordance with Article 12 of the Declaration of the Rights of Man and Citizen.

Some countries have adopted a Code of Ethics for the Police, the CESP would like the supranational institution of the Parliamentary Assembly of the Council of Europe to adopt the principles of this Charter, at a time when the Police must increase its role of guarantor of individual freedoms, for all, taking into account in particular the rights of minorities.

In the event that the wish of CESP was followed by the facts of the Parliamentary Assembly, we

proposed that - like the French Ministry of the Interior, which has posted the Declaration of Human Rights in all police services - the Council of Europe Resolution resulting from this Charter is posted in all the police services of the member countries.

These principles are reflected in the proposal for a directive, which is submitted to the Parliamentary Assembly, but we would also like to recall the terms of Declaration 690/79 of the same Parliamentary Assembly.

In November 2018, in the congress of CESP in Kaunas the delegation of Portugal and Spain presented a project to the STATUT of THE EUROPEAN POLICE, to restart the work made before and to target the European Standard to all the countries involved in CESP. These two strategic documents are the focus of CESP for the next 5 years. Moreover, we hope to achieve good results.



Police Officer European charter

This Charter was developed by the 2nd Congress of the European Council of Police Unions organized in 1992 in Strasbourg (France) in the buildings of the Council of Europe and amended by the Executive Committee of Sofia (Bulgaria) in November 1999.

Organizational and Functional Aspects

The Police must be a public service, to serve the community. Its mission is to guarantee the free and peaceful exercise by all citizens of the rights and freedoms granted to them by the Law.

In this aim, the community must ensure:

- The absence of any type of illegitimate political interference in the Police's activities,
- The demilitarization of all aspects of police services,
- The respect and protection of citizens' fundamental rights,
- The transparency of the actions of the Police and the control of its activities and its leading bodies by the executive and legislative powers,
- The limitation of the Police's action to the field of the struggle against all forms of criminality.

The police Institution must depend on the executive power and its activity must be controlled by the legislative power, according to each country's constitutional legal framework.

The rules for the running and activity of the police organization must allow each of its members to exert their individual or collective rights and freedoms. They must not include any other restrictions or limits than those defined by the legal and constitutional systems and aimed at ensuring the following aspects: performance of their function by police officers, in full impartiality and without any discrimination for racial or ideological reasons, without being accessible to corruption and without obeying orders likely to involve the performance of actions breaking the Law.

To guarantee a police service which respects human rights and to fight more effectively against the development and the widening of international criminal network, it is absolutely necessary to harmonize the specialized legislation taking into account the national specificity.

Collaboration between police at a European level must be accompanied by a cooperation of all competent NGO or intergovernmental organization that works in this field.

Relationships with the Community

When performing their professional activity, police officers shall:

- Dedicate themselves fully to the performance of their task;
- Prevent any abusive, arbitrary or discriminating practices likely to result in acts of physical or moral violence, and oppose any act of corruption;
- Treat citizens correctly and with consideration ; try to assist and protect citizens, as well as be able to make the necessary decisions at the right time to prevent any serious, immediate and irreparable consequence; comply with the principles requiring police officers to use the means put at their disposal at the appropriate time and advisedly;
- Use weapons only in situations endangering their life or physical integrity or those of other persons, while complying with the principle requiring them to use those only at the right time and advisedly;
- Respect the honor and dignity of individuals and take care of the life and physical integrity of those whom they will arrest or who are entrusted to their custody;
- Accomplish the required formalities and respect the time limits provided for by the judicial system when arresting a person;
- Keeping information of any nature they may obtain during their activity secret; however, professional secret shall not conceal activities regarded as offences by the Law.
- Police officers are personally and professionally responsible for all actions, breaking the law or regulations that they may commit during the performance of their task. The obedience owed by police officers to their superiors does in no way release them from the responsibility of the actions that they may commit as a response to orders and that obviously represent offences or breaches of the Law.
- Participate in confirmation of the image and goals of the police, which wants to serve citizens and respect Human rights.

Personal and Professional Status

Public Authorities shall grant Police Officers the right to:

- Form trade unions in the same conditions as other officers of the Public Administration. They must have the right to freely and democratically elect their representatives. They must have the right to belong to such organizations arbitrating and solving disputes as may be created, as well as the right to be heard in these organizations.
- Receive proper training to perform their professional functions, particularly as regards Human Rights and public freedoms;
- Obtain, owing to this training, the professional, social and human promotion required, according to principles of objectivity and equality.
- Receive a just salary taking the specific factors of police duties into account and providing them with the required economical safety and employment, in order to prevent them from being prone to corruption, and to guarantee their integrity;
- Working hours, working conditions and regulations enabling them to keep in the good psychological conditions required for the performance of their difficult mission;
- Be submitted to no restriction or limitation, arising from their condition of Police officers, of the rights and freedoms granted to them by the Law as individuals or as citizens;
- Be submitted to no restriction or limitation, arising from their condition of Police officers, of the rights to form unions or associations that are granted to them by the Law as people exerting a paid profession.
- Any Police officer against whom disciplinary or penal proceedings are instituted must have the right to be assisted by a lawyer and to refer to administrative regulations before ordinary Courts.

- During the performance of their professional duties, even when their guilty neglect or breach of rules has been evidenced, Police officers must have the right to expect legal defense from the State.
- Police officers must be entitled to an appropriate social protection for themselves and their families. The State must guarantee this protection to them, taking the special risk resulting from their activity as police officers and the time devoted to this activity into account.
- The State shall guarantee the economical and material conditions required to allow the development of trade unions while ensuring their independence from political parties or any other ideological or religious group or any union.
- No police officer cannot be dismissed, even temporarily or as a measure of conservation unless the intervention and the control of Justice Courts.
- Police officers shall only be judged or deemed responsible for the professional activities they have performed in compliance with the laws of their country, under any political system or government, in cases where these activities represented a breach of Human Rights and included common law crimes or offences. In no cases shall Police officers collectively be regarded as responsible or sentenced to collective punishments or sanctions.
- Trade unions must be able to institute any legal action for the benefit of a police officer, a group of officers or the police institution. They must also be consulted and take part in the drawing-up and revision of wages, recruitment, training, promotion and assignment systems, disciplinary rules, etc.
- No trade union leader or affiliated members can be dismissed because of his trade union activities and accountabilities within the framework of the trade union organizations or professional associations.

Studies for the design of a Statute for the Police at European level

Article 1

Object

This letter of intent lays down the general basis for the exercise of the rights and compliance with the duties of all officials of EU Member States who perform police duties, whatever the contractual link, and it defines the guiding principles of their careers.

Article 2

Scope of application

- 1 This letter applies to all officers and officials of the Member States of the European Union with police duties, in the area of internal security, hereinafter referred to as police officers.
- 2 For the purposes of this letter a police officer is a member of a body or structure of any of the EU Member States with the purpose of defending democratic legality, internal security and citizens' rights, established in a special career with policing duties, subject to the status of the police, with an employment relationship based on appointment and specific training, as provided for by law.
- 3 This letter applies to personnel with policing duties in the police services in the areas of Justice, Public Security, Foreigners and Borders, Maritime, Food and Economic Safety and Forest Rangers.

Article 3

Definition

The status of the police is characterised by:

- a) Subordination to the Constitution of each country and to the law;
- b) Defending democratic legality, internal security and the fundamental rights of citizens, in accordance with the Constitution and the law;
- c) Being subject to the risks arising from the performance of the missions assigned to them;
- d) Subordination to the chain of command existing in each of the institutions;

- e) Being subject to its own disciplinary rules;
- f) The existence of a work schedule in each of the police careers;
- g) Permanent availability to work, as well as for instruction and training;
- h) Restrictions on the exercise of rights, pursuant to that established in the Constitutions and in the law;
- i) Adopting, in all situations, a standard of personal and professional conduct in accordance with the ethical principles of the duty of the police;
- j) The consecration of special rights in matters of compensation for risk, health and hygiene and safety at work, in the careers and training to which they relate, pursuant to the law;
- k) The consecration of special rights, compensation and benefits, namely in the fields of Social Security, assistance, remuneration, coverage of risks, careers and training.

Article 4

Respect for legality

Police officers have a duty to respect the Constitution and other laws of each Member State and undertake to comply with the regulations and orders relating to them, pursuant to the law.

Article 5

Working Hours

1 All police officers are entitled to the legal and statutory establishment of working hours that do not exceed 35 hours per week and two days of weekly rest.

2 All work carried out beyond the limits referred to in the preceding paragraph shall be remunerated as overtime and give rise to compensatory rest equal to the number of hours of overtime worked.

Article 6

Disciplinary scheme

- 1 The police status is characterised by the existence of its own disciplinary scheme.
- 2 In disciplinary proceedings, police officers are guaranteed the right to a hearing, defence, filing complaints and hierarchical and litigious appeal.

Article 7

Legal support

Police officers are entitled to legal aid, which includes the hiring of a lawyer, waiver of the payment of court costs and other procedural charges, whenever they participate in proceedings in the capacity of party, person of interest to the investigation, plaintiff or defendant, in order to defend their interests and rights, and the proceeding arises from the performance of their duties, by means of a reasoned order from the hierarchical superior with powers for this purpose, either on his/her own initiative or at the request of the interested party.

Article 7-A¹

Medical and psychological support

To support and promote the physical and psychological recovery of the police officer who, through the full performance of his/her duties, experiences situations of emotional destabilisation as regards comprehensive and objective integration and that must be defined considering the higher interests of the employee and the institution.

¹ The emotional demands arising from the performance of the duty of police officer are greater in some contexts than the resources available, generating traumatic stress situations that shape the emotional stability of the professionals at a given time, covering long periods in some cases and having a severe emotional impact, limiting them in their personal, social and work spheres. It is imperative in these situations that the institution be held responsible, together with the officer, for finding ways to support his/her psychological rehabilitation, while safeguarding the higher interests of the person and the institution, particularly in the definition of his/her place of work and duties. We believe that a rehabilitation perspective should prevail and not something bordering on punishment at a time of greater vulnerability.

A practical illustration of this is: the suicides that occur within the different police entities. Situations that always have an expected cause, given the evident psychological degradation of the employee, but which institutions rarely acknowledge as a result of work activities.

Article 8

Free access

1 When properly identified and in an act or mission concerning their duties, police officers may freely enter establishments and other public places or those open to the public for supervision or prevention purposes.

2 In order to carry out criminal investigation or judicial assistance proceedings, police officers, when properly identified and on duty, have the right of access to any public offices or services, commercial or industrial enterprises and other public or private facilities, in accordance with the law of each State.

Article 9

Use of public transport

1 Police officers, when duly identified and on duty, are granted free access throughout the national territory to public land, river and maritime transport.

2 Police officers are entitled to free use of the transport referred to in the preceding paragraph when travelling on duty within the area of their jurisdiction and between their usual residence and the location where they work, up to a distance of 50 km. (see if this is possible)

3 The scheme for the use of public transport needs to be adapted to the law of each Member State.

Article 10

Use of arms

1 Police officers are entitled to carry, use and possess weapons of the classes approved by each Member State, regardless of holding a licence, and are required to register cases, pursuant to the law, when they own any, otherwise they are liable to the disciplinary penalty of expulsion.

2 The exemption established in the preceding paragraph is automatically suspended when a judicial or disciplinary measure of disarmament or prohibition of the use of arms has been applied.

Article 11

Imprisonment

1 Being remanded in custody and custodial sentences and detention of police officers is performed in prisons that are legally intended for the internment of detainees and prisoners who work or have worked in the security forces or services.

2 In cases where it is not possible to comply with the provisions of the preceding paragraph, the prison where internment occurs shall ensure separation from the other detainees or prisoners, including during their removal and transportation.

Article 12

Uniform

1 Police officers are entitled to reimbursement by each State for expenses incurred in the acquisition of uniforms, through an annual reimbursement to be governed by the legislation of that State, or the provision of uniforms by the entity employing them, in accordance with any related regulations.

2 Police officers are entitled to receive a uniform when they join the police force.

Article 13

Accommodation

Police officers are entitled to housing from each Member State, for themselves and for their immediate family, when their usual residence is more than 50 km from the head office, unit, sub-unit or service in which they are posted.

Article 14

Training

1 Police officers are entitled to and have the duty to receive initial and permanent general, civic, scientific, technical and professional training and instruction appropriate to the full exercise of the functions and duties assigned to them.

2 Police officers also have the right and the duty to receive continuous professional training for refresher, retraining and progression purposes, with a view to their human and professional development and career advancement.

Article 15

Joining the reserve, pre-retirement, voluntary retirement and availability

Police officers are entitled to transition to a situation of voluntary retirement, pre-retirement, joining the reserve, availability and retirement in accordance with rules set forth in legislation specific to each State of the European Union.

Article 16

Risk, hardship and hazardous environment subsidy

Police officers are entitled to a risk, hardship and hazardous environment allowance, established in specific legislation, taking into account the nature of their duties.

Article 17

Combination with public duties

Combining police duties with other public duties

1 The exercise of police duties may be combined with other paid public duties, provided that the combination is in the public interest and only in the following cases:

- a) Participation in committees or working groups;
- b) Participation in advisory councils and in supervisory committees or other collegiate bodies for the supervision or control of public funds;

- c) Teaching or research activities of a duration not exceeding one year, without prejudice to compliance with weekly working hours and which do not overlap by more than one quarter the working week of the main employment duties;
- d) Conducting conferences, lectures, short-term training courses and other activities of an identical nature.

Article 18

Combination with private activities or duties

- 1 The performance of police duties cannot be combined with private duties or activities, exercised on a self-employed or subordinate basis, with or without remuneration, that compete with, are similar to or in conflict with their public duties in general.
- 2 For the purposes of the previous article, private activities that have the same content as the public duties performed are considered to be competing, similar or in conflict with public duties in general when carried out on a permanent or regular basis and directed at the same audience.
- 3 The performance of police duties can be combined with private duties or activities that:
 - a) Are not legally considered to be incompatible with public duties in general;
 - b) Are not performed in overlapping working hours, even if partially, with those of the police duties;
 - c) Do not jeopardise the exemption and impartiality required for the performance of the police duties;
 - d) Do not prejudice the public interest or the legally protected rights and interests of citizens.
- 4 In the exercise of the authorised private duties or activities, no acts contrary to the interests of the service to which they belong or conflicting with this may be carried out.

Article 19

Authorisation for combining duties

- 1 The combination of duties under the terms provided for in the previous articles requires the prior authorisation of the competent authority.
- 2 The request to be filed for the purpose of combining duties shall contain the following details:
 - a) Place of performance of the duty or activity to be combined;
 - b) Times when it is to be performed, when applicable;
 - c) Remuneration to be earned, when applicable;
 - d) Autonomous or subordinate nature of the work to be carried out and its content;
 - e) Justification of the manifest public interest in the combination of the duties, when applicable;
 - f) Justification of the absence of conflict with public duties, when applicable;
 - g) Commitment to immediately ceasing the combined duty or activity in the event of the supervening occurrence of conflict.
- 3 It is the responsibility of the holders of managerial positions, under penalty of termination of their position, in accordance with their status, to verify the existence of situations of combination of unauthorised duties, as well as to supervise compliance with the guarantees of impartiality in the performance of public duties.

Article 20

Compensation for damages

Police officers are entitled to special compensation for death, disability or damages arising from the performance of their duties, to be governed in specific legislation and in accordance with the legislation of each Member State.

Article 21

Right to health

Police officers and their families have the right to their own specific health service independent from the national General Health Service, as well as the services responsible for occupational hygiene, health and safety.

Article 22

Supplementary social welfare

Police officers and their families have the right to supplementary social welfare, through their specific Social Services.

Article 23

Progression and careers

- 1 All police officers are guaranteed the right to career advancement, under the terms established in the statutory laws.
- 2 The development of careers is guided by the following basic principles:
 - a) Relevance of the improvements provided by police training;
 - b) Making use of the professional capacity, evaluated according to the competence shown and experience;
 - c) Adaptation to innovation and transformation resulting from scientific, technical and operational progress;
 - d) Harmonisation of individual interests and skills with the interests of the service;
- 3 No police officer may be prejudiced against or benefitted in their career by reason of parentage, sex, race, territory of origin, religion, political or ideological beliefs, economic situation or social status.
- 4 The professional performance of police officers must be subject to a specific performance appraisal system, to be regulated by a specific instrument and in which the interested party's right of participation, defence and appeal are safeguarded.

Article 24

Right of association

All police officers have the right to organise themselves into socio-professional or trade union associations for the pursuit and defence of the interests of their class.

Article 25

Right to strike

All police officers have the right to strike in accordance with the laws in force in each Member State.

Article 26

Right to public demonstration

All police officers have the right to assemble peacefully in public places, open to the public and to private individuals, irrespective of authorisations, for purposes not contrary to the law, morals, the rights of natural or legal persons, public order and peace, and in accordance with the laws in force in each Member State.



Education

...learning to know, learning to do, learning to be and learning to live together.

UNESCO – Pillars of Education

The Law enforcement training is, like the basic education process in all societies, the main point of security investment, which any country should prioritize.

Since the 1th of July of 2016, CEPOL became the European Union Agency for Law Enforcement Training. CEPOL assumes a leading role in the setting up of the Law Enforcement Training Scheme (LETS).

Nevertheless, this board of CESP identified 3 different levels in the education for the police work, which has to be common to all the European police forces, in order to balance the differences between countries. This is not only a question of the academic education, but also the specialized education and the continuous education along the career. We need a common framework and significant investment for education in the Police Education.

1 level – Procedures and Minimum Education Standards – Standard procedures among all police forces in Europe is a basic measure to approach the corporations of different nationalities into the outbreak of several types of criminality, that requires a more and more global approach. The criminality as turned international, has the police keeps some of the procedures and training on a national level and attitude. To turn European in the procedures it's to implement high standards of police work in all the European countries. One police officer in one European country should be treated has police officer in all the European countries. It's a European police officer.

2 level – **Opportunities** – All the countries should have the same opportunities to receive training and to participate in the formation processes. The opportunities and breaks to enter in the exchange programs between countries and to work in the international organisms, should be applied in equality and transparency, to all officers and ranks, and not as a life career reward.

3 level – **Sharing** – Implement and reinforce via CEPOL, the training and experiences in each country to face the new phenomena, the new procedures and techniques.

CESP can, exclusively, give the tools to this academy in order to mitigate some of the needs of some European countries. Some of our union members have national academy models (BDK Kripo Akademie in Germany) that could be a positive asset in the police training.

To balance the knowledge in patterns of Excellency, independently of the country. With the COVID-19 pandemic situation, some technologies – video calls i.e. - with more than 10 years of existence, served to avoid some tasks to stop completely. The distance educations using these technologies should be a priority, concerning the costs and the equality of opportunities, to balance the training among the members and to approach the knowledge of the different agencies/countries.

In other hand, reinforcement of the exchange programs, in order to give the international experience and the real dimension of importance of cooperation and training in the fight to the organized crime.

One of the goals of the European Union is to offer its citizens a region of freedom, security and justice without internal frontiers, with respect for fundamental rights. To pursuit that purpose, the European Union Agency for Law Enforcement Training (CEPOL) was established to train a facilitate the cooperation in this matters between countries of the EU.

For CESP, despite all the education agencies and entities that operate in the EU, CEPOL is the key agency for cooperation and coordination, and to develop a systematic process (EU-Strategic Training Needs Assessment 18-21) to identify and address, strategic training needs of each of the European security/justice agencies.

Educated officers are correlated with specific positive outcomes. We believe that a high education program can make the difference. The philosophy that guides the police in a designated country, the vision and the programs it implements, strategies for the future it uses, and the decisions that are taken.

Educate to balance the rights, to protect. Educate to the human rights and to equality. Educate to be a police officer.

In resume, educate to the knowledge, educate to do, educate to be and educate to live together and to protect the others.



European Standards

Never doubt that a small group of thoughtful committed citizens can change the world. Indeed it's the only thing that ever has" (Margaret mead)

The (already old) new threats, such as, terrorism organized crime and human traffic, are the consequences of the globalization, the new technologies disruption, and wakes a need for a European security platform instead of the security autonomy that each of the state's struggle to keep. The combination of justice and internal security of the states, demands standards, equality, harmonized procedures against common threats (human trafficking, human rights, hate crimes)

Standards

Standards are documents that provide rules, guidelines or characteristics for activities or their results, for common and repeated use and set requirements for specific items, materials, components, systems and services, or describe a method or procedure. We speak about technical specifications defining requirements for products, production processes, services or test-methods and are created by bringing together all interested parties including manufacturers, users, consumers and regulators of a particular material, product, process or service.

Standards ensure interoperability and safety, reduce costs and facilitate actors' integration in the laboral scenario. Everyone benefits from standardization through the increased process of safety and quality. In the same way, standardization provides individuals and all kinds of organizations a common basis for mutual understanding. A standard represents a model specification, a technical solution that codifies best practices and is usually state of the art.

While in the private sector this is unquestionable, within public administrations it is easy this level of demand to be neither implemented nor intended to be implemented. In many cases, public administrations require technical or material requirements for the exercise of their activity from private institutions or companies that they do not meet.

Private VS Public Sector

European standards are a key component of the European single market. Although they are quite technical and unknown to the public and the media, they represent one of the most important issues for the companies, but not so much for the public administrations.

The question is why the public administration, in charge of designing and enforcing these standards, being able to do so, in many cases does not apply them?

Why do public administrations, which demand and sanction for breaches of strict regulations for the prevention of health and safety risks at work in the private sector, not set an example in some countries and protect their police officers and facilities where they work with similar regulations?

The management of the different risks must be included in the strategic plans of the organizations as an essential factor for their success, including the public organizations as well. All organizations committed to risk management are aware that the implementation of standards gives them a possibility to carry out the management more effectively, maximizing opportunities and increasing productivity and efficiency.

Applied to the public sector, this framework would help in the implementation of the policies, procedures, and controls necessary for the public administration to achieve the best working

conditions and health and safety in the workplace, aligned with the best practices being internationally recognized.

In this sense, as an example, we will refer to two ISO standards that may be applicable to the public sector.

ISO 45001 Occupational Health and Safety Management Systems.

It replaces the old BS OHSAS 18001 standard. It establishes an effective occupational health and safety management system that will help protect and enhance the most critical infrastructure of organizations, their personnel, in order to promote excellence in public service.

It is an ideal tool for all those organizations with a desire for continuous improvement, regardless of their size, type and sector, for managing their risks, being more effective and efficient, reducing accidents and diseases, increasing operability by reducing emergency situations and sick leave.

Some of the benefits for organizations would be:

- Decrease in the rate of occupational accidents and OHS risks.
- Improved performance and effectiveness of OHS.
- It shows the administration's commitment to the protection of its officials.
- Motivation and commitment of officials, increasing productivity.
- Employee participation through direct consultation or through their representative unions.
- Development, in the field of OHS, of a preventive culture in the organization.

But the European Standard is something much more relevant than this. The CEN-CENELEC Internal Regulations, Part 2, states that the EN (European Standard) "carries with it the obligation to be implemented at national level by being given the status of a national standard and by withdrawal of any conflicting national standard".

ISO 22320 Emergency Management Certification

In order to respond effectively and in a coordinated manner to the various risks derived from these emergencies, it is necessary to have common and agreed objectives when managing preparedness and action in these situations.

UNE-ISO 22320: 2013 collects the best global practices to establish order and organizational control of structures and procedures, decision making, traceability and information management.

Organizations that implement the Emergency Management in their organization according to UNE-ISO 22320 shall:

- Develop and improve capabilities in all kinds of emergency responses of any dimension, whether from an incident, a crisis, and interruptions of activity or a disaster.
- Guarantee that the information is truthful and reliable since information and data management processes are established.
- Minimize misunderstandings by establishing a basis for coordination and cooperation between the parties involved.
- Provide efficient management of shared resources.

Application areas

All the necessary requirements for the exercise of any professional activity in the private sphere are regulated and known in advance.

In the public sphere, this is often not the case, even within the same country. The facilities do not meet a series of minimum conditions, the materials are not the most appropriate, the academic requirements and the training of the workers are not homogeneous, etc.

This implies, in the case of the security forces and, although it is addressed in other points of this document, that the same police work is carried out under very different conditions:

- The educational requirements are completely heterogeneous, in each country, a different academic level is required. (To be a medical doctor i.e. everyone knows what to study, but to be a Police officer there are no European Standards)

- The approved materials for the performance of the police work must also be in accordance with a common regulation and enforceable by the administrations.

- The facilities must have a lowest common denominator with a homogeneous and occupational health and occupational risk prevention policy enforceable by administrations.

- The technology used must follow similar parameters in order to increase the effectiveness of investigations and security operations.

- Data base software's and information data centres.

- Special mention should be made of the action protocols and the rules of engagement.

- In this sense, we must consider the use of certain types of weapons such as non-lethal weapons ('taser' pistols, etc.), which is allowed in some states and not in others. Even within the same country, there are police forces that use them and others are not allowed to do so.

All this needs an effort of harmonization at a general level and in line with the human rights policy that the European institutions defend.



Migration and border controls - police cooperation

“There are no problems we cannot solve together, and very few that we can solve alone.” – Lyndon Baynes Johnson

Immigration, as it is now known, is one of the first issues on the Agenda of all Agencies, Competent Bodies / Working Groups / National and European level as well as at the International level.

It's a mistake to think that this challenge only touches the members states with external border and not all the EU member states.

We are witnessing incidents on a daily basis in some member countries (Calais, Lesbos, Lampedusa, Idomeni, South of Spain, etc), demonstrating that immigration has now become a problem of trafficking of irregular migrants, into a multifaceted and multidimensional problem related to Trafficking in Human Beings, Organized Crime, Terrorism which influence the Public order and Security. Between 2016 and 2019, more than 850.000 migrant arrived to Europe, and between 2018 and until the middle of 2020, 4500 deaths are estimated.

As an example, statistically, it is reported that in 2014 the number of illegal immigrants who entered the territory of the Republic of Cyprus amounted to 970, while by October 2019 their number was 6,471.

The number of asylum applications received in 2014 in that country was 1,382 and relates to the category of immigrants who obtained illegal entry into the territory of the Republic of Cyprus, as well as those who obtained legal entry. The number of asylum applications submitted from 1/1/2019 to 31/10/2019 was 10,487.

According to the Director of the Asylum Service in Cyprus, the sum of 16,000 asylum applications remains pending. This has a negative impact on the efforts made to repatriate irregular migrants to their countries of origin. It is noted that due to the political instability in Syria, at this stage, the repatriation of its nationals is becoming extremely difficult. The immigrants arriving in Cyprus illegally come mainly from Syria, Cameroon, Pakistan, Bangladesh and Iraq.

As already mentioned, the problem of migration is linked to Organized Crime – Human trafficking, Terrorism, Public Order and Security. The involvement of Syrian immigrants who arrived in Cyprus illegally is revealed in recent serious criminal cases in Nicosia and the nature of their activities, came to the light during the investigations in the above cases, which demonstrate their involvement in offenses related to providing protection up to Organized Crime. Another example was the Bosnia increasing of migrants entering into the territory of Bosnia and Herzegovina, and especially in the Unsko-Sanski Canton and Sarajevo Canton, from which the police agencies most often do not have any identification or other form of data.

We are aware, that is common find persons with weapons in their possession, and a worried that they have been lately inclined to commit various forms of criminal offenses that results into several accusations according to Bosnia and Herzegovina laws

In order to address the problems arising from the presence of irregular migrants in Europe, close co-operation between the various Divisions / Departments / Units / Police Services / member states is needed, covering the areas of information exchange, in-depth investigation of cases. As well as coordinating the efforts of the Competent State Agencies / Services to repatriate irregular migrants. No nation could deal with this problem by their own.

The human suffering has political propaganda had not results in the reinforcement of police officers, or in the conditions of work in the critical areas.

Furthermore, Irregular migration is a blow to control state sovereignty over the territorial component. It is perceived as a "threat" to public order, the public health and other socio-economic issues (unemployment, social benefits). The illegality regime may grow abusive behaviours and general insecurity.

It should be noted that the efforts of the Police to tackle this problem effectively should focus on identifying and arresting traffickers, combating illegal employment, virtual marriages and any other offenses they may have committed by irregular immigrants.

We also need to protect the ones that arrive and are victims of exploitation, slavery, prostitution or any other kind of offenses.

Steps to addressing the problem internationally are the development of cooperation between the Member States of the European Union in the fields of exchange of information, the development of operational activities and the training of staff involved in both border security and the fight against and detection of cross-border crime.

The development of the above cooperation can be carried out under the coordination of competent European institutions such as FRONTEX, in the field of border protection and the fight against cross-border crime. Interpol and Europol in the field of information exchange and coordination of business activities, as well as CEPOL in the field of education for the above mentioned fields.

Additionally, developing co-operation with third countries, neighbouring European Union Countries or from countries where immigration illegality begins can have positive effects.

In the State traditional model, it was its responsibility to ensure citizens protection in its

sovereign territory, but new configurations has a result of evolution of the concept of State, and the concept of the EU, brought new questions to the debate.

Schengen's Agreement promotes People circulation more easily, but also brings new problems, in the lack of more control in frontiers.

As a result, it will be necessary a better control of the EU territory. This control must be part of common foreign and security policies, to allow security forces to elaborate strategies to fight the international crime organizations and phenomenon's.

We identified several challenges in this field of work: the cross boarder cooperation's with reliable and fast information, equipment, technical expertise and foreign languages knowledge.

The State security is now more dependent from actions coordination between states, because of greater interdependence in economic and political Relations, which calls for deeper measures in foreign and security and for further research, better equipment's in the arrival areas/countries (safety/security) and fast answers from the technological systems available.



Civil Police work vs Military Police Work

"Divire et impera" - César

Historically, in Europe, there are different police models depending on the nature of the different bodies that operate in each country. Thus, some countries have chosen to have a civilian police model, in which all of the police forces that make it up are civil in nature. From this point of view, they are not part of the army and their members are not subject to military discipline. Great Britain and Germany are such examples.

Other states have opted for a military-style police model, in which the various organs are integrated into the state's military forces, its members are governed by military regulations, and their activity is carried out in accordance with the principles of hierarchy and discipline of military organizations. In Europe, Russia and some former Soviet republics have this model.

Finally, other countries have historically adopted a mixed police model in which military police forces coexist with others of a civilian nature. The military structures of the countries, which have opted for this model, tend to have a double dependence, on the one hand from the Ministry of the Interior and on the other hand from the Ministry of Defence.

It was a widespread model in the last century, and nowadays, in France, Spain, Italy and Portugal, civil organizations coexist with others of a military nature.

This fact creates major dysfunctions, which must be resolved in the future in order to achieve the necessary harmonization within the European Union in a fundamental area such as security.

We are faced with a historically abnormal situation, which has been authorized by the affected States and by the European institutions since there are no clear and forceful regulations in this regard. It is time for this question to be asked, for a corresponding debate to take place, and for measures to be taken to guarantee citizens uniform security services, of a civilian nature only, in accordance with the spirit of the construction of the European Union. European common space, which is nothing other than the homogenization of the provision of services.

As it has been mentioned before, one of the great objectives of CESP and this project is that the police profession is not properly recognized from a normative point of view in the European Union.

Consequently, it is necessary to advance in the regulation of this professional activity, which makes it possible to establish specific standards in various matters so that the services provided to citizens are the same in any part of the territory of the Member States.

These advances necessitate changes in the design of the security services, and it is necessary that their civilian character be clearly established.

In only four countries of the EU, the civilian and military police coexist. In the rest of the states, the character of the police force is civil and in the rest of the world, this character prevails in the police.

In general, the military police of these countries (Guardia Civil in Spain, Carabinieri in Italy, Gendarmerie Nationale in France and Guarda Nacional Republicana in Portugal) have limited powers depending on certain parameters such as territorial scope or functional scope. Thus, some of them have exclusive competence in rural areas while others have it in certain areas such as border control.

The situation in countries with civilian and military police tends to perpetuate itself and, with it, perpetuate the specific problems that this situation generate and which presupposes that the security services are not provided under the appropriate conditions.

Some of these problems are being defined below and the specific situation in the different countries shall be presented.

Operational problems of coordination and desertion of functions

In such a globalized world, where information flows at breakneck speed, the police must articulate equally agile information flow systems. It is the basis of good coordination. The opposite is contrary to operational efficiency.

In countries where the civilian and military police forces coexist with similar powers, differentiated only by geographic scope, they pose increasing problems of operational coordination since the communication of information is subject to complex processes. There is no doubt that the transmission of information works much better when it takes place within the same organization than when different police services participate in this process.

Manifestation of this problem in different countries:

In Spain, the Guardia Civil is following a strategy aimed at converting these police forces into a kind of Spanish “FBI”, which implies that they do everything in their power to carry out investigations, which do not correspond to them because of their functional skills and territorial competences.

At the same time, in the rural area which corresponds to their territorial competency, they abandon the basic functions of public security with closure of outbuildings, reduction in the number of police officers in each station. The same happens in Portugal.

The specific problems that this entails are:

The loss of immediacy in the transmission of information is constant since the Policía Nacional and the Guardia Civil do not share the same protocols for the transmission of operational information, there is no communication between the intelligence units and, in addition, on too

many occasions, there is no flow of information to the other organization with corporate interests.

Although a national coordination centre for terrorism and organized crime issues has been established, it is yet another obstacle for information to reach the best possible (and the fastest possible) level to whom should conduct the operational performance

- It should be noted that in Spain, members of the Guardia Civil have abandoned their duties due to improper practices consisting in refusing to collect or deal with complaints concerning events occurring in their demarcation area, which implies that citizens have to go to the Policía Nacional. In this sense and throughout the year 2019, it was noted that the Body of the Guardia Civil referred to the Policía Nacional more than 5,000 complaints lodged within its territorial framework.
- In addition, there is an abandonment of police stations under the jurisdiction of the Civil Guard with the significant deficit of attention to citizens that occurs. These activities directly influence the decrease in efficiency since if there is no police station or if there is no report of crime in a particular place and it must be reported in another location, investigation and prompt resolution is not possible.
- Spain is running Operation Minerva, at Frontex, to combat irregular immigration to the south of Spain. The Policía Nacional is the director of this operation and the Guardia Civil should collaborate in providing information. Well, in recent years there has been a deliberate lack of transfer of information on specific events detected by the Guardia Civil and therefore cannot be calculated by the Policía Nacional. What they are looking for is to leave the above operation without content so that Frontex does not provide the means necessary for its maintenance.

In France since 2009, the Gendarmerie has integrated the Ministry of the Interior, (the one that

coordinates all security) while depending on the Ministry of Defence with regard, in particular, to the management of their military status.

While gradually integrating services hitherto solely police, they have created and / or developed competing structures in the judicial field, technical and scientific police, and intelligence. It was therefore necessary to create coordination structures to improve information sharing, while the logic would have been to create unique, non-competitive structures, made up of police and gendarmes.

Since then, all structures are doing exactly the same thing: cybercrime, judicial police, intelligence have been created.

When it is decided to reorganize the territory, the civil police are removed and the gendarmes are put in it.

Conflicts of jurisdiction

The coexistence of civilian and military police bodies with similar functions is complicated given the tendency of some of them to occupy the jurisdiction of the other body. With this, what is generated is a climate of mistrust between the bodies, which only hinders the police response demanded by the citizens.

Even governments sometimes take sides for one body at the expense of the other, which is always unfair and becomes an element of distortion that ends up hurting proper police activity which should not be seen except for the sake of citizens.

Situation in various countries:

In **Spain**, the Guardia Civil continues to interfere in the powers attributed exclusively by the organic law of the security forces and organizations to the Policía Nacional. And they do so

through the facts and with the consent of the political decision-makers of the Ministry of the Interior.

The most relevant concurrent interference is:

- **Airports:** In 2019, there were more than 100 incidents at different national airports. The most common consists of examining the passenger lists via the ADVANCED PASSENGER INFORMATION (API) application and acting on the plane when they detect a person with a signal, all without waiting to perform the compulsory entry control which falls under the competence of the Policía Nacional in which the designated person would be arrested if necessary. With that, they try to manipulate their stats without much effort.
- **Ports:** In 2019, more than 190 incidents were recorded in state ports.
- **Irregular immigration:** Throughout 2019, 6 conflict situations were calculated during this period. It should be noted that the Policía Nacional directs the so-called MINERVA operation, framed by the actions of FRONTEX, and the departures from the Guardia Civil are constant during the transfer of information
- **Rail transport:** although it is the Policía Nacional which deploys its police officers on the trains which circulate on the national territory via the units of the mobile transport police brigade, during the year 2019, more than 10 cases of interference de Guardia Civil have been accredited by incorrect identifications and controls in the means of transport.
- **Judicial police:** in 2019, more than 15 incidents due to the interference of the Guardia Civil in the scope and jurisdiction of the Policía Nacional were discovered. Despite the existence of coordinating bodies for investigations in the area of the judicial police, there are conflicts since, in most of the interference cases detected, the civil guardias do not respect what was agreed after the meetings of the corresponding coordination and try to appropriate the cases with different manoeuvres, mainly anticipating with reports to the judges so that they assign the investigations to them.

- Information: in 2019, 5 incidents due to irregular practices were identified as part of investigations by the Policía Nacional and which were the subject of interference by agents of the Guardia Civil. What they hear is to set off the investigations or try to advance by reports to the judicial authority so that they are attributed to them to the detriment of the Policía Nacional.

In **France**, competition is used by the justice system, which, in criminal cases, makes double referrals, or divests one in favour of the other. Information sharing is not always relevant. While theoretically there is a territorial distribution between the police (urbanized area) and the gendarmerie (rural area), it is common for the Gendarmerie to make inquiries, verbalizations, arrests in urban areas. Only dealing with 20% of delinquency in 90% of the territory in the least criminogenic areas, they may have time to deal with cases outside their areas of competence.

Even on communication, there is competition.

Thus, on the protest movements known as "yellow vests" the gendarmes communicated to sell a technicality of the maintenance of order superior to that of the police, while the two forces were engaged one beside the other, facing the same protesters.

In Portugal, the situation is very similar with Guarda Nacional Republicana entering in all the competence matter of the Judiciary Police, The Polícia de Segurança Pública, and including in the army/navy matters, without any responsibilities or consequences for this redundancy on equipment or human resources.

Different social workers rights

The legal status of the members of the civilian police organs is different from that of the military police organs. The latter do not enjoy the same social and labour rights as the others. The police officers of military corps are functionally police but legally military, and this alone makes them

lose many rights or that their exercise is very limited. With this, we find ourselves in an unfair situation in which one police force has recognized a series of social and labour rights, which are denied to the other body. The European Union aspires to be a common space for the enjoyment of certain social and labour rights that will evolve and improve over time, which directly runs up against the current situation of differentiation of rights between members of the police force who perform the same functions.

An example is the impossibility of carrying out genuine trade union activity in military bodies. They have no opportunity to form or belong to unions, so they really lack representatives who defend their labour rights.

But we must also refer to other fundamental questions for professional and personal development as important as working hours, pension systems, social assistance systems, health protection systems, etc. which in the military police force imply an unjustified restriction of the fundamental rights of each worker. Even those who have devoted themselves to the study of this question indicate that military status implies an unjustified reduction of fundamental rights such as freedom of movement and freedom of expression. An important aspect to emphasize is the existence of certain privileges granted to the Spanish Guardia Civil, because it has both permanent residences and vacations under advantageous conditions, which considerably reduces the costs in the event of transfer by promotion and allows them to enjoy a vacation at a lower cost.

Police activity is a profession and must be recognized as such.

It is therefore not possible that those who develop the same profession in the same country have a completely different legal status. This is not designed in other professions but exists in the field of police.

The military status of those exercising police functions can even have a negative influence on the provision of police services, since it is difficult to understand that an organization based on discipline, hierarchy and military values with the rigidity that ensues can adequately ensure the provision of police services to citizens, which implies a heavy burden of initiative, discretion, dynamism or rapid decision-making.

Situation in various countries to the work rights:

In Spain and Portugal, members of the Guardia Civil and GNR cannot form unions or belong to any union. They are allowed the creation of associations but lack a real capacity for negotiation due to the law restrictions. It is necessary to underline this significant fact. Within the Policía Nacional (Spain) there is a common representative body, the Consejo de Policía, which is the real forum for discussion between the Administration and police representatives. However, in the area of Guardia Civil, there is also a similar body, the Consejo de la Guardia Civil, but which does not have the capacity to negotiate working conditions.

If we look at the details, the police representatives in their Consejo de Policía are not obliged to attend meetings, they must not be in uniform and can use pressure measures such as collective disputes (like the rest of the workers) but in the Consejo de la Guardia Civil, presence is compulsory in uniform and the Civil Guard cannot adopt pressure measures such as collective disputes. This implies a significant reduction in activities which require an improvement in working conditions and the defence of acquired rights, which should not be allowed in the European Union.

It is not fully understood how it is possible that within the group of civil servants who provide state police services in Spain, some have the capacity to negotiate and others do not.

The working hours are also completely different, with different recognition of rights; The

conditions for access to retirement are different, as are the social benefits granted by the State or the different health coverage schemes of the two state bodies. The consequence of this is the existence in Spain of significant discrimination in the workplace, which has been tolerated by different governments.

In France, through the CESP, the SCSI approached the Council of Europe to denounce this problem, in particular the absence of a union within the Gendarmerie on the sole grounds that it is a military force.

Europe has called on France to comply. In 2014, the President of the Republic instructed Mr PECHEUR to study the different options allowing France to respond to the principles of the ECHR.

In 2015, the creation of associations representing military gendarmes was validated. They are associations with statutes very close to those of the police unions but with the fundamental difference, that they must communicate the list of names of their members ... moreover a council of the gendarme function was created within the General Direction of the gendarmerie, with elections of gendarmes representative of the different trades. Nevertheless, the candidates must be validated by the Direction ...

With regard to the defence of social rights, the gendarmes systematically benefit from the achievements obtained by the representative police unions on the grounds that the police and gendarmes perform the same missions, but the reciprocity is not true.

For example, the gendarmes pay only 25% of the price of train tickets, while the police pay 100%. The gendarmes all benefit from official accommodation while only a few police department heads benefit from it ...

In terms of medals, the gendarmes trust 3/4 of the medals, awarded within the Ministry of the Interior, on the grounds that they are under military status.

The National Gendarmerie applies the principle of 11 hours of weekly rest minimum recommended by the European directive on working time since 2017, while in the police despite the recourse established by SCSi and the CESP in 2008, this guarantee will only come into effect in 2020.

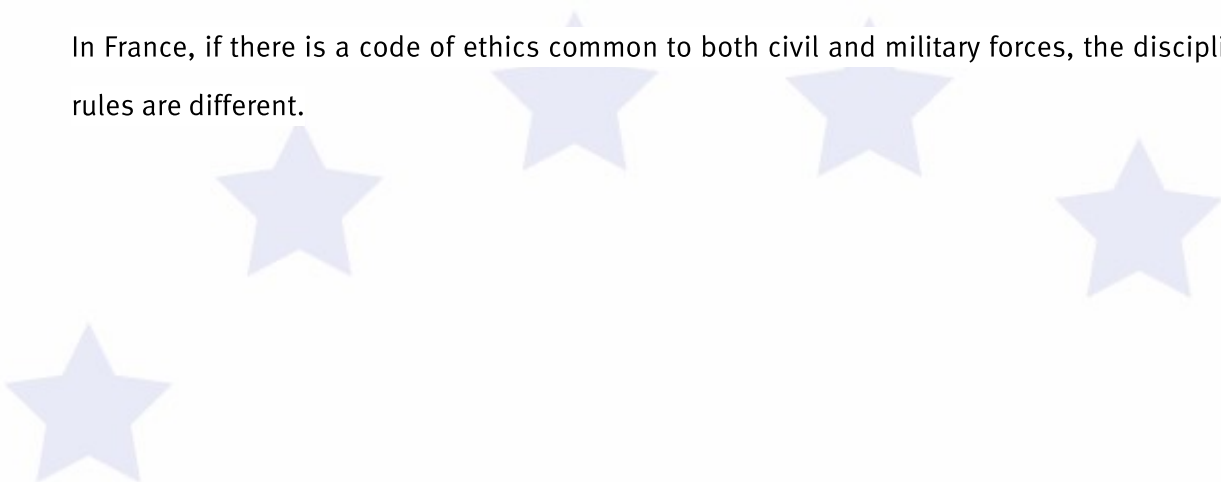
Different treatments at disciplinary and penal levels:

Although the functions developed by members of the civil and military police forces are basically the same on the same territory, they are nevertheless subject to very different disciplinary and criminal liability rules, the military being particularly penalized. This implies different and unjustified treatment depending on the group to which you belong.

Situation in various countries:

In Spain the same disciplinary or criminally punishable behaviour committed by a member of the Spanish Guardia Civil is punished more severely than if it had been committed by a member of the Policía Nacional. In the criminal field, the same thing happens. Civil guards in particular cases are subject to a much more severe military penal code than that applicable to the Policía Nacional.

In France, if there is a code of ethics common to both civil and military forces, the disciplinary rules are different.



Exercise of most civil police functions:

The coexistence of police bodies of a military and civil nature is also difficult to achieve because the vast majority of the actions carried out daily by the police belonging to a military body do not require the prerogatives that the military status attributes to the persons involved. Almost all of the work done by the military police can be done by the civilian police. Consequently, the military is not required to perform them, a condition which implies an unnecessary excess which does not occur in other professions.

The reality in these countries is that military status is only necessary for the exercise of functions in international missions in which there is direct cooperation with members of different armies and for which it is recommended that the police have a status military.

In Spain, despite the absence of reliable data, it is easy to prove that almost all of the activities carried out by the guardia civil police officers do not require the status of military officer and are similar to that developed by the officers of policía nacional, of a nature civil. The only thing that differentiates them is the territorial extent in which they operate.

In France, the various parliamentary reports published, establish that the purely military activities of the gendarmes amount to a maximum of 2%. In fact, this contains training missions, advice, and cooperation abroad.

The police also carry out this type of mission in parallel but often in different countries. There is also real competition on this subject.

Efficiency issues:

The coexistence of civilian and military police forces creates a duplication of functions as well as structures which considerably increase expenditure and cause serious efficiency problems. These problems would not arise if there was only one police civil force.

Some of the benefits would be:

- Cost reduction thanks to the possibility of achieving economies of scale, which implies the possibility of acquiring material means at lower cost, the homogenization of purchases avoiding the diversity of current models and brands, which would imply a simplification and less maintenance.
- Reduction of organizational structures at all levels, elimination of the current duplication of services, which would lead to a significant reduction in expenditure and the possibility of rationalizing and simplifying management structures with the possibility of devoting more staff to operational tasks.
- Disappearance of competing conflicts with what implies a simplification in the coordination bodies now essential.
- More rational distribution of the police force which would also be positive from the point of view of efficiency.

Uniform and equipment management and optimization of human resources, avoiding unnecessary duplication.

Situation in various countries:

In Spain, according to data published periodically by EUROSTAT, the ratio of police officers to the number of inhabitants is traditionally the highest in Europe. Only Cyprus has a higher ratio. The lowest rates are found in countries with only one state civil police (Finland, Denmark, Sweden, Germany and the United Kingdom). The main cause of this situation is due to the significant duplication of services and structures due to the coexistence of the Policía Nacional and the Guardia Civil.

Differences in training:

Members of the civilian and military police operating in the same country exercise the same police functions. However, the conditions for access to the police profession and internal training are completely different. The same qualifications are not required for access and internal training activities either. Consequently, the conditions in which the police are confronted with situations on a daily basis are not the same, which directly affects the existence of differences in treatment with regard to citizens depending on the body to which the acting agent belongs. Police activity is a profession and as in all professional fields the conditions of access and training must be the same for all professionals.

Situation in various countries:

In Spain, the conditions of access to the police function are different in the Policía Nacional and the Guardia Civil. The training regime at different scales and categories is also different. Much of the training that civilian guardias receive is of a military nature, which does not correspond to the fact that the vast majority of the activities they carry out are carried out as civilian police officers. The promotion conditions are also different, much more demanding in the area of Policía Nacional.

In France, concerning training, the fundamental difference lies in initial training where the gendarme has a real military function. For the rest, it's exactly the same thing. There are also more competitions to become an officer in the Gendarmerie. 85% of the officers come from the first corps of gendarmes, while in the police is just over 50%.

Conclusions

One of the objectives pursued by CESP and the European Union is the standardization and homogenization in the main activities which regulate the life of its citizens. From this assertion, the regulatory standards of the security forces and organs cannot be excluded. Just as the regulatory standards for the various professions in the European Union are being homogenized, progress must be made in the homogenization of the regulations governing the police profession.

The CESP has set itself the objective of obtaining a basic status for police officers within the framework of the European Union and the Council of Europe and this can only be achieved by progress in the homogenization of the various regulations which govern the organs and the security forces.

The fact that four European countries have military police forces is contrary to this necessary homogenization.

This is why it is recommended to move forward quickly in what should be the most important step: ensuring that all European police forces have a civilian character.

The EUROPEAN POLICE CHARTER that we exposed above defends a total demilitarization of the police service.

In a democracy, a civil security force must protect the civil society, by its very essence. CESP does not recognise that the concept of a military police (Gendarmerie, Guardia Civil, Carabinieri, etc. ...) still endures and reinforce in each opportunity there competencies and ranks.

The history teaches us that this type of model does not reflect a democratic guarantee.



Crimes against Children and Women

“there is one universal truth, applicable to all the countries, cultures and communities: violence against women and children is never acceptable, never excusable, never tolerable” – Ban Ki-moon

The universal legal principles include equality between men and women and are included at the international level in different normative texts on human rights in order to combat all the manifestations that still exist of inequality or discrimination, directly or indirectly, and to promote real equality between men and women in order to remove the obstacles that prevent reaching it.

Thus, the United Nations General Assembly in December 1979 approved a Convention on the elimination of all forms of discrimination against women. Subsequently, the monographic World Conferences, in Nairobi in 1985 and Beijing in 1995, returned to influence the subject and collected the advances made up to now.

At the European level, all the Union's constitutive treaties included this principle as fundamental and as an objective that must permeate all the policies and actions of the European institutions and their members and were, therefore, embodied in different directives.

Similarly, in 2011, the Council of Europe approved the Istanbul Convention on preventing and combating violence against women and domestic violence.

At the local level, the EU countries and the CoE have gradually adapted their legislation to these principles by publishing regulations that include and defend the right to equality and non-discrimination.

In this way, the position of women in society has evolved significantly. The gradual incorporation of women into the labour market has, in turn, led to the increasing involvement of men in housework and caring for children and elderly dependents of the couple.

The roles of men and women have been progressively modified, although there are still aspects that remain unsolved, such as the wage gap due to social and cultural patterns that have not yet been fully overcome.

Gender wage gap

One of the clearest aspects of this inequality is the so-called 'salary gap' between men and women, understood by such, according to the ad hoc report of the European Commission, the difference between the wages received by workers, calculated on the base of mean difference between gross hourly earnings of all workers.

The social agents and the administrations have expressed their concern about this matter, studies have been carried out, actions have been launched to visualize it and remedy it to the point of designating a European Equal Pay Day to draw attention to this inequality so unjustified and launch initiatives that promote the fact that 'equal work, equal pay', a fundamental right established by the International Labor Organization since 1919.

And if it is important to measure the wage gap, it is as important or more to quantify wage discrimination, that is, the part of that inequality that is not justified by a different contribution of value in the performance of the same job and that is only explained in function of the sex of the person who performs it.

Crimes against children and women

When speaking of crimes against children and women, we tend to speak of a very specific criminal typology that affects the human dignity of people in a very specific way.

It seeks to prosecute any violation of the rights that imply or may imply for women or children damage or suffering of a physical, sexual, psychological or economic nature, including threats to carry out such acts, coercion or arbitrary deprivation of liberty, in public or private life, etc.

Crimes against women and children, as a frequent and serious violation of the most basic human rights, affect thousands of people in Europe, with the most stark effects on several levels. Domestic violence, sexual exploitation, human trafficking are examples of crimes in which citizens most frequently report to the police forces.

These are the crimes against people that are most frequently reported to the security forces and which, due to their inherent complexity, require a greater effort in prevention, incident management and investigation.

This is not a recent or transitory phenomenon, so it is important to ensure the investment that has been made in the qualification of human resources, service spaces and procedures in police matters, seeking a permanent improvement of the police response.

Legislation to combat sexual abuse and sexual exploitation of children and images of child abuse was praised (Directive 2011/93 / EU), and although all the laws of European countries, in one way or another, have transposed the regulations to their national legislation, we continue to observe the need to pay special attention to it.

Domestic violence

"Domestic violence" means all acts of physical, sexual, psychological or economic violence that occur in the family or at home or between spouses or former or current partners, regardless of whether the perpetrator of the crime shares or has shared the same address as the victim;

There have been many cases of domestic violence before women decided to go to court, situations that did not lead to a judicial process, either because they were not reported to the police, or because women withdrew their complaints for various reasons or one combination of these, indicating an acute situation of vulnerability.

Domestic violence affects women disproportionately, however European law recognizes that men can also be victims of domestic violence. Even so, women and girls are more exposed than men to a high risk of gender-based violence, however, boys, in the same way, are victims of domestic violence, even as witnesses of violence within the family .

We agree that we must aspire to create a Europe free of violence - in all its manifestations - against women and children and domestic violence.

New technologies

The rise of new technologies and the presence in the networks of a greater part of the child population is making the police forces have to update at the same rate to guarantee the safety of minors online. Online child sexual abuse and sexual exploitation (CSA/CSE) are relatively recent phenomena that require a high level of expertise due to the fast changes of tools and techniques.

In the same way, criminal networks are present by adapting their criminal activity to the virtual world in all areas, including minors.

The new forms of cybercrime, in which borders and laws are crossed in an invaluable way, force states to globalize their security policies, emphasizing the defence of the most disadvantaged, also online, developing a digital surveillance that guarantees security in cyberspace.

The promotion in some contexts of sexist, racist or xenophobic stereotypes in minors are behaviours that the laws persecute and the police fight to see that they are complied with. The fact that children spend more time online, possibly unsupervised, than before, makes education in the use of technical means, especially mobile phones, more important in the family environment.

The mobile phone, with internet access, of course, is one of the gifts that children are given the earliest and almost the one that they most surely yearn for the most, thus, it becomes one of the greatest dangers for them since, unless parental control measures are installed, they can have access to all kinds of content, including adult content, which is not beneficial to their integral development as a person.

When we speak about crimes against Children and Women, we tend to speak about a very specific kind of criminality that puts in cause the human dignity of these victims.

They need a fast, concrete and pragmatic answer of the public politics imposed directly from the highest international institutions: United Nations, Council of Europe and European Union. Legislation to combat the sexual abuse and sexual exploitation of children and child abuse images (Directive 2011/93/EU) but also fast mechanisms of international cooperation.

The crimes against women and children, as a frequent and serious violation of the most basic human rights, affects thousands of persons in Europe, with the most austere effects at several levels. Domestic violence, sexual exploitation, human trafficking are examples of crimes that most frequently are participated by citizens to the police forces.

Those crimes demand, by its complexity, an extra effort in terms of prevention and management of the investigations.

It is one of the crimes against people that is most frequently reported to the security forces, and that, due to the inherent complexity, requires an increased effort in terms of prevention, incident management and investigation. This is not a recent or transitory phenomenon, so it is important to ensure the permanent investment that has been made in terms of the qualification of human resources, service spaces and procedures in terms of policing, seeking a permanent improvement of the police response.



Digital police and Modern police work

“Who controls the past controls the future. Who controls the present controls the past.” – George Orwell

The dangerous levels of the terrorist action have been increasing because of the new technologies and communication facilities as well as capital transfer facilities, which justify the need to strengthen a common security policy in the EU.

To this phenomenon, we add cybercrime and organized crime.

All the police must be equipped with technological instruments that allow greater protection and responsiveness. It's impossible to face the new challenges without new methods and new technologies.

However, new technology doesn't mean less human resources. It's means more workforces but mainly, better formation.

With advanced technology but less prepared man, we face insufficient protection for all the citizens but also for the citizens.

In other hand, technology approached the police academies and the officers. Different ways of teaching.

On July 24th 2020, the European Commission established a new EU Union Security Strategy for the period 2020-2025, focusing on priority areas where the EU can bring value to help Member States promote security for all who live in Europe.

Some of them are old threats in new environments. Others are new modalities arising from technological advances. For all of them, the strategy establishes tools and measures that will be developed in the next 5 years to guarantee security in our physical and digital environment.

Fighting terrorism and organized crime, preventing and detecting hybrid threats and increasing the resilience of our critical infrastructure, promoting cybersecurity and promoting research and innovation are some of the crimes more characteristic in these digital spaces that the strategy addresses.

Among the challenges of this strategy, we could highlight:

- Improvement of consumers' and business' access to digital goods and services in Europe and provide the Union with an advanced system of business protection and consumer rights.
- Promotion of digital transformation, guaranteeing connectivity- even in the most disadvantaged areas- creating the right conditions for individuals, companies, particularly small and medium-sized enterprises to achieve access to digital services and networks, including 5G and reinforce the security of these virtual environments so that the necessary security and trust conditions are maintained for the progress of the countries.
- Promotion of research, development and innovation policies in the digital world to maximize the growth potential of the digital economy, paying special attention to the development of artificial intelligence and the modernization of public services, especially those related to security.

Digital services:

Technological development and globalization have long meant proliferation of electronic commerce and remote services for citizens and the public administration has not been immune to these technological advances.

The security forces, likewise, have been able to adapt to this environment and there are more and more police services available to citizens in digital environments that must be increasingly secure.

The virtualization of the Police Stations and many of the services that can be provided to the citizens, the development of mechanisms to guarantee the verification of identities and avoid impersonations, the development of mobile emergency applications, the use of tools based on artificial intelligence to improving police work, are some of the advances that we have seen in recent times.

Still, it is necessary to equip sufficient qualified personnel with material resources to face the challenges in such a changing future.

Citizens and administration must collaborate in the improvement of these public services.

Both in the digital world and outside it, citizens' collaboration in the police task of maintaining security is essential. Being close to citizens' security needs is important, but also it is essential that citizens inform the police forces of criminal acts of which they are aware and provide all relevant information or data that can affect any investigation.

For their part, the security forces must procure mechanisms that allow the agile management of the intelligence generated from this information.

We can thus say that the safety is everyone's responsibility.

Coordination: 3 levels.

Coordination between relevant European agencies and institutions is needed, especially the European Prosecutor, Eurojust, Europol, CEPOL, etc both at a higher level with Interpol and at a lower level, among the different security operators responsible in each country for this competence.

The coordination of the different security forces of the same country involved in guaranteeing the safety of citizens is of a key importance.

Encouraging competition in the private sector can be very beneficial for citizens. However, in the public sector it can cause different police or security forces to do the same job at the same time, with the consequent loss of efficiency, a considerable increase in public spending and, in all probability, an invasion of competences forcing interpretations of the law to achieve an alleged individual 'success'.

Hybrid threats

The so-called hybrid threats are all kinds of coordinated and synchronized actions that can come from anywhere in the world, both by state and non-state actors, and deliberately attack state vulnerabilities to influence state decision-making, using political means, economic, military, civil and information.

It is crucial to obtain results without resorting to real war, confronting societies and not armies, almost completely breaking the distinction between combatants and citizens.

Cyberspace is thus articulated as a true extraterritorial ecosystem- without borders- and represents a challenge to the traditional idea of security.

In it, the internal and external dimensions of state security are blurred, which makes it possible for less economically favoured actors - public or state - to easily amplify their attempts to influence through cyber attacks, disinformation and propaganda.

In a "hybrid" scenario, it is often asserted, the intended confrontation is that of the societies involved, not that of the armies.



Human Rights

"A right is not what someone gives you; it's what no one can take from you." – Ramsey Clark

Article 29 of the Universal Declaration of Human Rights

- 1. Everyone has duties to the community in which alone the free and full development of his personality is possible.*
- 2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.*
- 3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.*

This historic document worked, and with a great responsibility of Elisabeth Roosevelt, was adopted and proclaimed by the General Assembly of the United Nations on the 10th of December of 1948.

30 articles where the Human Beings are considered equal and in the possession of inalienable rights, foundation of freedom, justice and peace.

The article above, in his number 2, proclaims a general clause for the Police. *"In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."* This clause has the columns and the limits of all the police actuation.

The police is the protector of the Human Rights. The Police officer is the guardian of the rights of all the human beings.

This most honourable but simultaneously heavy legacy must be respected by all and for all.

The respect for Human Rights and Freedoms, contained in the basic international legal acts, is the most essential basic criteria on which the existent modern state and the rule of law are being based.

Countries like the Republic of North Macedonia, relatively young, its independent existence aims and is being oriented towards joining the European family of democratic countries within the European Union.

For these reasons, this countries in the process of harmonizing its domestic legislation with the European legislation and in this sense, it implements the legal norms in the field of human freedoms and rights in the domestic law as a “sine qua non” (a condition that is necessary) to achieve that historic goal.

However, the legislation does not refer only to the existence of the legal norms, but rather to the legal remedies for their protection within the meaning of “ubi jus ibi remedium”; (where there is a right, there is a remedy). Human rights and freedoms as standards must be respected and contained in all spheres of everyday human life in the country and should promote and guarantee them as its basic obligation to the citizens. Instruments and mechanisms for their protection should be provided, especially where they are most sensitive and most subject to violations and that is in police procedures.

Although the International Law recognizes a series of legal acts on human freedoms and rights, we would like to focus on:

- The Universal Declaration of Human Rights;
- International Covenant on Economic, Social and Cultural Rights;
- International Covenant on Civil and Political Rights;

- Optional Protocol to the International Covenant on Civil and Political Rights;
- Second Optional Protocol to the International Covenant on Civil and Political Rights;
- International Convention on the Elimination of All Forms of Racial Discrimination;
- Convention on the Elimination of All Forms of Discrimination against Women;
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Convention on the Rights of the Child;
- Optional Protocol for Sale of Children, Child Prostitution, Child Pornography;
- Optional Protocol for Involvement of Children in Armed Conflicts;
- Convention for the Protection of the Rights of All Migrant Workers and Members of their Families;
- European Instruments for the Protection of Human Freedoms and Rights;
- European Convention on Human Rights and
- Other Instruments (Reports, Recommendations, Comments)

Despite countless campaigns, no one advocates and asks the following questions:

1. Are police officers second- class citizens and do all these Conventions, Protocols and Recommendations apply to them?
 2. Is the Human Rights education in the police academies being apply?
 3. Is anyone taking care of the rights of the police officers as citizens, despite their professional tasks?
 4. Are the education and formation being considered in the selection of new Police officers?
 5. The police selection considers the possibility of violent persons being hired?
- ... and a number of other questions that we will open in the course of our work.

This is a solid base for CESP to work on, to show to Europe and to the world that police officers are also citizens and have their rights. All those conventions, protocols, recommendations and other legal acts also apply to them. They, too, are people with feelings and families and public opinion cannot be created, based on some negative police actions: The police officers are honest people who perform their duties accordingly, the exceptions are just that: exceptions, and those must be punished consequently.

Police officers deal, every day, with lots of humanitarian problems. We in CESP are trying to change, from inside, from the unions as a political instrument, the political decisions, because this is not a matter of traditional unionism;

In the police, CESP defends there are no space for human rights violations; there are no space for violations of the liberty of the persons that police should defend; there are no space for governments that treats human rights has a second plan priority;

Police exist to defend freedom and the others. It's not acceptable that the full protection of human rights by the police, are not the first rule to be apply by the police work. The fundamental objective of the police is the protection of human rights. There are no conflict between effective policing and human rights protection.

Police officers are in the real sense, the day-to-day defenders of the human rights of all citizens. The supreme protectors of all citizens!

Said in other words: Constant caring and serving others.

New criminality phenomena

“When spiders unite, they can tie down a lion” – Ethiopian proverb

After 30 years of activity in CESP we can assure that, it will be impossible to deal with the problems of this broad free area without the expertise of the professionals of the public security and justice.

Between the challenges that we think Europe has in the near future, besides the global market and the domestic democracy versus the European democracy, we think the great agreement passes through control or reach an agreement to the uncontrolled power of the world market and the multinational companies.

All the social issues – criminality involved – have something to say regarding this problem. The extraterritorial domain is the great free field of the international markets and the big companies that will do everything to avoid his regulation or internal control. The European project has plenty of difficulties to say something in this domain.

The field we talk about is also an open field to money laundering – that is the main motive and consequence of all the big criminal phenomena carrousel involving terrorism, human and drugs traffic, cyber criminality – corruption, tax evasion etc.

All the European countries have improved in lots of domains due to the European initiatives, but the sentiment of being European still is challenge in nowadays.

If the European federation did not achieve to overpass this sentiment, thought the densification of the democratic content his legitimacy will be seriously affected.

That's why we defend the creation of the European Prosecutor in the sense of a European Public prosecutor to help in this task.

The set of social transformations of recent times, which has come to be called globalization, has led to the emergence at the international level of new threats to security, although many of them were already a cause for concern in the internal order of the States. They have evolved to acquire an international entity, becoming "transnationality" one of the defining features of this criminal activity.

The advance of technological developments has also involved a change in the conception of social structures and relationships. Cyberspace enables universal connectivity and facilitates the free flow of information, services and ideas stimulating socio-economic progress in all sectors.

This virtualization of economic scenarios has caused countries to gradually adapt the legal framework to provide security to this new social scenario, regulating, preventing and punishing crimes committed in the virtual space.

This virtualization leads to the emergence of new forms of crime that have, in turn, led to a redefinition of crime. In fact, virtually all crimes that can be carried out in the real world can be carried out in virtual environments.

Crime has discovered a new dimension in cyberspace and has acquired an unprecedented

importance and financial weight, to the point of becoming one of the most flourishing, branching and profitable sectors of the international-illegal-economy.

In this area, it not only exploits the vulnerabilities of the most disadvantaged countries on the planet, but it also enters the first world in search of scenarios and markets in which to establish and develop their illicit, highly lucrative activities.

Therefore, a comprehensive vision is needed that provides a global response that involves all public security operators, as the boundaries between nations' external and internal security are blurred. Thus, challenges such as irregular migratory flows, economic and financial instability, emergencies and catastrophes, epidemics and pandemics and the effects of climate change, cross borders and invade global common spaces for the entire international community, breaking that dilemma between territorial scope internal and external, between the real and the virtual.

The European Challenge

The internet is configured as a borderless universe that overlaps states and international supranational organizations.

The lack of network sovereignty must be combined with state regulations and the social rights of citizens and internet users to make the virtual world a safe place.

Europe, to which the member states have transferred part of their national sovereignty, must maintain the guarantees of citizens in cyberspace as it does in the physical world without forgetting the responsibility that each country has in this field.

These are some of the issues that we can highlight at this point:

- The permanent updating of the legal regulations that are developed at the European level, such as the European Cybersecurity Strategy or the Council of Europe's Convention on Cybercrime.
- Maintain constant coordination between states through tools such as the European Cybercrime Center (EC3), establishing information exchange channels between the competent authorities of the Member States, the private sector and users of ICTs.
- Improvement of the political and legal framework for cyber defense within Europe to protect citizens and public and private institutions by constantly improving channels for the exchange of information in the fields of national security and defense.
- Promotion of investment in I+D+I in the area of new technologies and artificial intelligence.
- Development of harmonious cybersecurity policies in the different forums in which the European States and Institutions participate: EU, CoE, OSCE, OECD, UN, NATO, etc.
- Improvement of information exchanges within the European Union and interoperability between different agencies to avoid duplication, increase synergies and achieve greater effectiveness in the fight against cybercrime.
- Development measures in third countries to implement cybersecurity policies.

Cybersecurity is everyone's business

The globalization of communications and the economy that is not accompanied by a corresponding globalization of the law and its guardianship techniques would imply the powerlessness of the law, that is, its inability to produce rules to meet the new challenges opened by globalization.

The international community has always stressed the importance of strengthening the police and judicial cooperation at the international level in order to dismantle illicit networks and tackle all criminal modalities: drug trafficking, environmental crime, transnational organized crime, including money laundering, corruption, trafficking in human beings, trafficking in small arms and light weapons and the proliferation of weapons of mass destruction, etc. that continue to threaten national security and undermine sustainable development and rule of law.

This police and judicial cooperation takes on special importance in the fight against crime in cyberspace where the absence of sovereignty, its weak jurisdiction, ease of access and the difficulty of attributing the actions carried out in it, make it one of the more favorable scenarios for the development of criminal activities, both on a small scale and on a global scale.

Citizen collaboration becomes equally essential in the prevention of any crime but much more in the virtual world. Developing a culture of cybercrime prevention is the responsibility of both the authorities and citizens.

As we have seen, due to its characteristics of transnationality, flexibility, adaptability and recovery, cybercrime is able to interact with other risk-generating threats such as armed conflicts, terrorism, espionage, cybercrime and threats to critical infrastructure.

Other aspects to consider

Intangible technology transfer and intangible transfer of technology, especially those subject to export control. Regulation (EC) No 428/2009 — EU regime for the control of exports, transfer, brokering and transit of dual-use items, for example.

The internet of things and the personal data protection will be an important issue in the close future. The paradigm of personal freedom and security will once again be in conflict.

Strengthen intelligence structures to promote the generation of information and intelligence as vehicles for anticipation against these phenomena. Prevention is a fact that in the field of security must always be taken into account.

Promote the investigation of the economic and financial structure of criminals and criminal organizations to achieve the seizure of illicit benefits as one of the most effective responses to neutralize their criminal activity.

Require telecommunications operators, providers of information society services and electronic commerce and social networks that users, individuals or corporations can have verification mechanisms for their personal or professional profiles through digital certifications to increase transparency in communications and prevent fraud on the internet.

Provide necessary and sufficient means, material and human resources with adequate training to all sectors of the administration involved in the fight against these new criminal models and establish internal and external coordination mechanisms in the country, avoiding duplication in order to save costs, improve efficiency and eradicate this type of crime, giving citizens the service and security they deserve.

Constant improvement of information exchange mechanisms, international cooperation and coordination in the police and judicial fields and the private sector.



National Support with European tools

“We must learn to live together as brothers or perish together as fools” – Martin Luther King

In addition to the political and legal benefits of an equal membership in the European Union that guarantee political stability, respect for human rights, referring especially to discrimination and its legal implementation, as well as modernization of countries with human rights implementation, there are also some important economic benefits. The membership in the European Union significantly increases the human rights index development that combines life expectancy, education and income.

The European Union itself has a wide range of tools at its disposal with which dedicatedly assists its countries in a systematic manner maintaining them on an equal level, but also monitors and helps candidate countries in the EU accession process. The basic and most commonly used principle is the principle of solidarity, i.e. the larger ones helping the smaller ones. In addition to the solidarity and strong international cooperation, the European institutions have an important role in solving national problems, which in the past have proven to be quite productive and useful.

The importance and role of the European partners and the good international cooperation had played a crucial role in the recent developments within the trade union movement in several countries.

The Republic of North Macedonia in a particular case, and an example, when the current Minister of Interior, Nake Chulev has sent direct threats to the leadership of the Macedonian Police Union to withdraw the union demands, with a direct threat that another Union will be formed which shall have the right to negotiations with the Ministry of Interior.

The Minister has formed a new police union within the Ministry of Interior, but due to the quick and timely reaction by the European Council of Police Unions (CESP) and the President of CESP, Mr. Ricardo Valadas, as well as the series of written reactions and letter from all CESP members to the leadership of the Ministry of Interior of the Republic of North Macedonia has proven effective and stopped the Minister in his intention.

This direct and most recent event confirmed the benefits of being member of CESP, and the principle of solidarity and efficiency of the European tools have demonstrated in practice the resolution of national issues.

Using tools like the European Social Charter and the Charter of fundamental Rights /Council of Europe, we can find dozens of examples regarding the necessity of the European institutions serve our most basic needs and rights. A great step into the reinforcement of these tools was the definitely implementation of a general European Prosecutor in the name and to benefits the European citizenship.

Europe in the space of liberty, security and justice and the reinforcement of this office will strengthen liberty democracy and the spirit of solidarity between countries. The recognition of an intervention of European level in social right subjects should be the first step to a less technocratic and bureaucratic and a more democratic Europe.

We sincerely hope that in future with joint efforts of all member states of the European Union and of all countries aspiring to become part of the European family, we shall work on deepening of the principle of solidarity and the international cooperation as well as we shall find new European tools that will be even more effective in solving national problems.

Mental and physical health - suicide among police officers

“Anything that is human is mentionable and anything that is mentionable can be manageable” - Anonymous

‘A healthy mind and a healthy and fit body ensure well-functioning police officers.’ In addition to the personal commitment to achieve this goal, the employer has a vital role in maintaining the well-being of its employees.

Recognise and acknowledge occupational diseases:

Within the police organisation, there is always a chance that occupational diseases such as PTSD, mental exhaustion or a burnout might be contracted. The symptoms are usually perceivable in an early stage. The employer ought to train managers to recognize these symptoms and to make an effort to support the concerning employee. The employer must also acknowledge the occupational diseases as such, curate, and use a fixed list of these diseases. In addition, the employer ought to acknowledge (financial) responsibility for the injury and residual damage. This must be based on a clear protocol.

Service accidents:

Employees who have an accident while performing their duty must be supported by their employer in their recovery process. The employer must take responsibility for this. The employer ought to bear all costs that the employee incurs within the context of the injury that are not reimbursed by insurance. A ‘service accidents’ protocol must be established for all employees.

Access to care providers:

The employer must appoint, train and facilitate care providers.

Mental support and social work:

Within every police organization, it is desirable that general social work is available for professional personnel and that access is arranged. This also applies to mental support. Every police organization should have mental supporters. These supporters should also be easily accessible.

Healthy aging:

By increasing the retirement age, police employees must continue working within the police up to a higher age (60 +). It is the employer's responsibility to facilitate and support employees in such a way that they can continue to perform their duties. This includes: night shift exemption, step-by-step reduction in the number of hours, nutritional protocols, sports facilities, early retirement and the like. All measures to be taken must also be recorded in writing in protocols.

A safe working environment:

Every police employee must be ensured that he or she has a safe workplace within the police. There must not be any discrimination based on religion, belief, political affiliation, race, gender or on any grounds whatsoever. The employer is obliged to ensure that the above is prevented. If such cases do occur, the employer is obliged to take action:

In prevention - Timely identification of physical and psychological changes, which hinder personal, family and / or professional well-being, and which often manifest themselves in a slow and subtle way, but can be detected through psychological check-up;

In adapting to the new stage of life, which is retirement - Being a period of change, it involves



psychological, physiological and behavioural changes, which are expressed differently in each person and sometimes cause some emotional suffering;

In acting in crisis situations - Depression, generalized anxiety, panic attacks, phobias, post-traumatic stress, isolation, insomnia, eating disorders, addictions, relational conflicts, difficulties in controlling impulsivity / aggressiveness, among others;

In promoting skills - Self-knowledge, motivation, creativity, self-esteem, optimizing family and social support, defining or redefining life goals, allowing for greater personal, professional fulfilment and a better quality of life.

‘A healthy mind and a healthy and fit body ensure well-functioning police officers.’ In addition to the personal commitment to achieve this goal, the employer has a vital role in maintaining the well-being of its employees.

Recognise and acknowledge occupational diseases:

A clear recognition of a catalogue of occupational diseases in the field of police services, both physical, psychological and mental is necessary.

Within the police organisation, there is always a chance that occupational diseases such as PTSD, mental exhaustion or a burnout might be contracted. The symptoms are usually perceivable in an early stage. The employer ought to train managers to recognize these symptoms and to make an effort to support the concerning employee.

The employer must also acknowledge the occupational diseases as such, according to a defined list of these diseases. In addition, the employer ought to acknowledge (financial) responsibility for the injury and residual damage. This must be based on a clearly defined protocol.

The departments for the prevention of occupational risks and health at work should be in charge of this task in compliance with the protocols and mechanisms of the European Agency for Safety and Health at Work (EU-OSHA), harmonized by respective national legislations.

Suicide prevention:

A special mention deserves the issue of suicide prevention in the police forces.

Suicide is currently the leading cause of unnatural death in many countries. According to the WHO, more than 800,000 people die each year from suicide, and this is the second leading cause of death among people between the ages of 15 and 29.

For national responses to be effective, a comprehensive prevention strategy is needed, harmonized and adapted to the specific circumstances of each job and the countries involved.

Few countries have included suicide prevention among their priorities, mainly due to the lack of awareness about this problem, which prevents it from being openly discussed and has become a taboo subject.

Hence, the importance of EU-OSHA being clearly involved in this matter and developing and harmonizing a protocol for preventing suicide in the field of the security forces.

Service accidents:

Employees who have an accident while doing their duty should be supported by their employer in their recovery process. The employer must take responsibility for this. The employer must bear all costs incurred by the employee in the context of the injury that insurance, if any, does not reimburse. A "service accident" protocol must be established for all employees.

Access to care providers:

The employer must appoint, train and facilitate care providers.

Mental support and social work:

Within every police organization, it is desirable that general social work is available for professional personnel and that access is arranged. This also applies to mental support. Every police organization should have mental supporters. These supporters should also be easily accessible and under conditions that guarantee confidentiality.

When analyzing the demands of the job, it is important not to confuse psychosocial risks such as an excessive workload with situations that, although stimulating and sometimes challenging, offer a work environment in which the worker is supported, receives adequate training and is motivated to do their job to the best of their ability.

Healthy aging:

By increasing the retirement age, police employees must continue working within the police up to a higher age (60 +). It is the employer's responsibility to facilitate and support employees in such a way that they can continue to perform their duties. This includes: night shift exemption, step-by-step reduction in the number of hours, nutritional protocols, sports facilities, early retirement and the like. All measures to be taken must also be recorded in writing in protocols.

There are several fields in which we can act clearly and progressively:

In the field of prevention: timely identification of physical and psychological changes, which hinder personal, family and / or professional well-being, and which often manifest themselves slowly and subtly, but which can be detected by means of a psychological check-up;

When acting in crisis situations: depression, generalized anxiety, panic attacks, phobias, post-traumatic stress, isolation, insomnia, eating disorders, addictions, relational conflicts, difficulties in controlling impulsivity / aggressiveness, among others;

In the promotion of skills: self-knowledge, motivation, creativity, self-esteem, optimization of family and social support, definition or redefinition of life goals, allowing greater personal and professional satisfaction and a better quality of life.

By adapting to the new stage of life, which is retirement: being a period of change, it implies psychological, physiological and behavioural changes, which are expressed differently in each person and sometimes cause a certain emotional suffering;

A safe working environment:

Every police employee must be ensured that he or she has a safe workplace within the police. There must not be any discrimination based on religion, belief, political affiliation, race, gender or on any grounds whatsoever. The employer is obliged to ensure that the above is prevented. If such cases do occur, the employer is obliged to take action.

Stress is usually a common element in the workplace and manifests itself in a loss of working hours or productivity. In general, stress is usually interpreted as a personal defect and not as a problem of organizations, however, it is necessary to change this vision and seek shared responsibility between the worker and the work environment.

In this way, stress can be prevented and managed like any other risk to health and safety at work.

Factors such as poor ergonomic design at work and poor organization and management of public services can contribute to deteriorating the work context and lead to negative physical or

psychological results for occupational health such as stress, exhaustion or depression, or locomotor diseases.

A favourable psychosocial environment fosters good performance and personal development, as well as the mental and physical well-being of the worker.

Some aspects to consider would be the following:

- Avoid excessive workloads, which must not be confused with demanding work.
- Establish clearly the roles and responsibilities of the job.
- Avoid arbitrariness over subordinates.
- Participation in decision-making.
- Support from superiors in the exercise of functions.
- Promote communication and empathy in the workplace.
- Encourage the development of family reconciliation measures and, where appropriate, teleworking in those jobs that allow it. It is about conjugating the verb 'to do' more than the verb 'to be'. *Do your best.*
- Promote a culture of prevention by involving those responsible who empathically know how to put themselves in the place of the workers in their charge.

The department of prevention of occupational risks and health at work has to 'work so that others work better'.



European code of ethics

“The man of upright life is obeyed before he speaks” - Confucius

The police is an organization composed of many individuals. In the EU case, the attempts to create a role model that gains the trust and confidence of every citizens of the different states, are a big problem into the future uniformisation of the european police.

The European code of ethics for the police could be considered inessential to secure the common police standards, but CESP deffend that without one, such a process, and every specific topics of this 2025 plan, has little hope of succeeding.

What makes the police different from many other institutions is that police officers have a large number of day-to-day interactions with citizens in which they have considerable discretionary autonomy (Bittner, 1980; Muir, 1977). This must be multiplied by the different countries and societies we have in Europe.

However, they also represent a unique state institution with a particular, peculiar place in public consciousness. As such, they have an important societal, symbolic role (Loader & Mulcahy, 2003) Trust implies taking a risk that is willingly accepted (Luhmann, 1988): trust means that we expose our vulnerability but expect the other party not to take advantage (Montgomery, Jordens, & Little, 2008)

In this chapter, CESP recalls that police officers perform their duties in the service of society as a whole, within a clearly established legal framework and that they are responsible for their actions before that society.

We need to comprehend police organizations—what they are, what they do, and how they came to evolve into the organizations that they are.

The belief and expectation of the people into the pursuit of trust is that the police, either as individuals or as an institution, fulfill their function ‘well.’

First and the main goal for the building of this fundamental relations is, for CESP, the urgent creation of an European code of ethics for police officers.

The Council of Europe Committee of Ministers recommended in 2001 that governments of member states be guided in their internal legislation, practice and codes of conducts of the police by the principles set out by the European Code of Police Ethics.

Lots of member states didn’t answered with this recommendation.

The European Code of Police Ethic addresses issues such as the objectives of the police, the legal basis of the police under the rule of law, the relationship between the police and the criminal justice system, the organizational structures of the police, police action and intervention, police accountability and control, and research and international cooperation.

For this, CESP focuses on:

- Respect for the human in all these aspects, whatever the reason for which they were arrested.
- the obligation to prevent any abuse of power or any act of corruption,
- Attention to the use of weapons. This can only be done in the case of self-defence or defending others
- The possibility of derogating from professional secrecy if it covers activities pursued by the law,
- The individual responsibility of the police officer in the performance of his duties and his duty to refrain from obeying illegal orders (taking orders from an illegal force).

The European citizen must trust the European Law Enforcement Officer, as a profession that serves the persons and their property against oppression or intimidation and the peaceful against violence, or disorder, respecting and defending the rights of all to liberty, equality and justice.

The police officer, independently of the country of Europe where they are, cannot act officiously or permit personal feeling, prejudices, political beliefs, aspirations, animosities or friendships to influence the decisions.

The police officer, must be the reference against acts of corruption or bribery, and put the cooperation with all legally authorized agencies and their representatives has a priority.

The European code of Ethic should rule the responsibilities, accountability, high ethical standards, training, human rights, the discretion, the use of force, confidentiality, integrity and cooperation with other countries or agencies meanwhile it has strong rules to protect the private life of the police.

THE EUROPEAN CODE OF ETHICS based on Recommendation Rec (2001)10 adopted by the Committee of Ministers of the Council of Europe on 19 September 2001

Object

This code applies to traditional public police forces or police services, or to other publicly authorised and/or controlled bodies with the primary objectives of maintaining law and order in

civil society, and who are empowered by the state to use force and/or special powers for these purposes.

Objectives of the police

1. The main purposes of the police in a democratic society governed by the rule of law are :

- to maintain public tranquillity and law and order in society ;
- to protect and respect the individual's fundamental rights and freedoms as enshrined, in particular, in the European Convention on Human Rights ;
- to prevent and combat crime ;
- to detect crime ;
- to provide assistance and service functions to the public.

Legal basis of the police under the rule of law

2. The police are a public body which shall be established by law.
3. Police operations must always be conducted in accordance with the national law and international standards accepted by the country.
4. Legislation guiding the police shall be accessible to the public and sufficiently clear and precise, and, if need be, supported by clear regulations equally accessible to the public.
5. Police personnel shall be subject to the same legislation as ordinary citizens, and exceptions may only be justified for reasons of the proper performance of police work in a democratic society.

The police and the criminal justice system

6. There shall be a clear distinction between the role of the police and the prosecution, the judiciary and the correctional system ; the police shall not have any controlling functions over these bodies.

7. The police must strictly respect the independence and the impartiality of judges; in particular, the police shall neither raise objections to legitimate judgments or judicial decisions, nor hinder their execution.
8. The police shall, as a general rule, have no judicial functions. Any delegation of judicial powers to the police shall be limited and in accordance with the law. It must always be possible to challenge any act, decision or omission affecting individual rights by the police before the judicial authorities.
9. There shall be functional and appropriate co-operation between the police and the public prosecution. In countries where the police are placed under the authority of the public prosecution or the investigating judge, the police shall receive clear instructions as to the priorities governing crime investigation policy and the progress of criminal investigation in individual cases. The police should keep the superior crime investigation authorities informed of the implementation of their instructions, in particular, the development of criminal cases should be reported regularly.
10. The police shall respect the role of defence lawyers in the criminal justice process and, whenever appropriate, assist in ensuring an effective right of access to legal assistance, in particular with regard to persons deprived of their liberty.
11. The police shall not take the role of prison staff, except in cases of emergency.

Organisational structures of the police

A. General

12. The police shall be organised with a view to earning public respect as professional upholders of the law and providers of services to the public.
13. The police, when performing police duties in civil society, shall be under the responsibility of civilian authorities.
14. The police and its personnel in uniform shall normally be easily recognisable.

15. The police shall enjoy sufficient operational independence from other state bodies in carrying out its given police tasks, for which it should be fully accountable.
16. Police personnel, at all levels, shall be personally responsible and accountable for their own actions or omissions or for orders to subordinates.
17. The police organisation shall provide for a clear chain of command within the police. It should always be possible to determine which superior is ultimately responsible for the acts or omissions of police personnel.
18. The police shall be organised in a way that promotes good police/public relations and, where appropriate, effective co-operation with other agencies, local communities, non-governmental organisations and other representatives of the public, including ethnic minority groups.
19. Police organisations shall be ready to give objective information on their activities to the public, without disclosing confidential information. Professional guidelines for media contacts shall be established.
20. The police organisation shall contain efficient measures to ensure the integrity and proper performance of police staff, in particular to guarantee respect for individuals' fundamental rights and freedoms as enshrined, notably, in the European Convention on Human Rights.
21. Effective measures to prevent and combat police corruption shall be established in the police organisation at all levels.

B. Qualifications, recruitment and retention of police personnel

22. Police personnel, at any level of entry, shall be recruited on the basis of their personal qualifications and experience, which shall be appropriate for the objectives of the police.
23. Police personnel shall be able to demonstrate sound judgment, an open attitude, maturity, fairness, communication skills and, where appropriate, leadership and management skills. Moreover, they shall possess a good understanding of social, cultural and community issues.
24. Persons who have been convicted for serious crimes shall be disqualified from police work.
25. Recruitment procedures shall be based on objective and non-discriminatory grounds, following the necessary screening of candidates. In addition, the policy shall aim at recruiting

men and women from various sections of society, including ethnic minority groups, with the overall objective of making police personnel reflect the society they serve.

C. Training of police personnel

26. Police training, which shall be based on the fundamental values of democracy, the rule of law and the protection of human rights, shall be developed in accordance with the objectives of the police.

27. General police training shall be as open as possible towards society.

28. General initial training should preferably be followed by in-service training at regular intervals, and specialist, management and leadership training, when it is required.

29. Practical training on the use of force and limits with regard to established human rights principles, notably the European Convention on Human Rights and its case-law, shall be included in police training at all levels.

30. Police training shall take full account of the need to challenge and combat racism and xenophobia.

D. Rights of police personnel

31. Police staff shall as a rule enjoy the same civil and political rights as other citizens. Restrictions to these rights may only be made when they are necessary for the exercise of the functions of the police in a democratic society, in accordance with the law, and in conformity with the European Convention on Human Rights.

32. Police staff shall enjoy social and economic rights, as public servants, to the fullest extent possible. In particular, staff shall have the right to organise or to participate in representative organisations, to receive an appropriate remuneration and social security, and to be provided with special health and security measures, taking into account the particular character of police work.

33. Disciplinary measures brought against police staff shall be subject to review by an independent body or a court.

34. Public authorities shall support police personnel who are subject to illfounded accusations concerning their duties.

Guidelines for police action/intervention

A. Guidelines for police action/intervention: general principles

35. The police, and all police operations, must respect everyone's right to life.

36. The police shall not inflict, instigate or tolerate any act of torture or inhuman or degrading treatment or punishment under any circumstances.

37. The police may use force only when strictly necessary and only to the extent required to obtain a legitimate objective.

38. Police must always verify the lawfulness of their intended actions.

39. Police personnel shall carry out orders properly issued by their superiors, but they shall have a duty to refrain from carrying out orders which are clearly illegal and to report such orders, without fear of sanction.

40. The police shall carry out their tasks in a fair manner, guided, in particular, by the principles of impartiality and non-discrimination.

41. The police shall only interfere with individual's right to privacy when strictly necessary and only to obtain a legitimate objective.

42. The collection, storage, and use of personal data by the police shall be carried out in accordance with international data protection principles and, in particular, be limited to the extent necessary for the performance of lawful, legitimate and specific purposes.

43. The police, in carrying out their activities, shall always bear in mind everyone's fundamental rights, such as freedom of thought, conscience, religion, expression, peaceful assembly, movement and the peaceful enjoyment of possessions.

44. Police personnel shall act with integrity and respect towards the public and with particular consideration for the situation of individuals belonging to especially vulnerable groups.

45. Police personnel shall, during intervention, normally be in a position to give evidence of their police status and professional identity.

46. Police personnel shall oppose all forms of corruption within the police. They shall inform superiors and other appropriate bodies of corruption within the police.

Police investigation

47. Police investigations shall, as a minimum, be based upon reasonable suspicion of an actual or possible offence or crime.

48. The police must follow the principles that everyone charged with a criminal offence shall be considered innocent until found guilty by a court, and that everyone charged with a criminal offence has certain rights, in particular the right to be informed promptly of the accusation against him/her, and to prepare his/her defence either in person, or through legal assistance of his/her own choosing.

49. Police investigations shall be objective and fair. They shall be sensitive and adaptable to the special needs of persons, such as children, juveniles, women, minorities including ethnic minorities and vulnerable persons.

50. Guidelines for the proper conduct and integrity of police interviews shall be established, bearing in mind paragraph. They shall, in particular, provide for a fair interview during which those interviewed are made aware of the reasons 11 for the interview as well as other relevant information. Systematic records of police interviews shall be kept.

51. The police shall be aware of the special needs of witnesses and shall be guided by rules for their protection and support during investigation, in particular where there is a risk of intimidation of witnesses.

52. Police shall provide the necessary support, assistance and information to victims of crime, without discrimination.

53. The police shall provide interpretation/translation where necessary throughout the police investigation.

2. Arrest/deprivation of liberty by the police

54. Deprivation of liberty of persons shall be as limited as possible and conducted with regard to the dignity, vulnerability and personal needs of each detainee. A custody record shall be kept systematically for each detainee.

55. The police shall, to the extent possible according to domestic law, inform promptly persons deprived of their liberty of the reasons for the deprivation of their liberty and of any charge against them, and shall also without delay inform persons deprived of their liberty of the procedure applicable to their case.

56. The police shall provide for the safety, health, hygiene and appropriate nourishment of persons in the course of their custody. Police cells shall be of a reasonable size, have adequate lighting and ventilation and be equipped with suitable means of rest.

57. Persons deprived of their liberty by the police shall have the right to have the deprivation of their liberty notified to a third party of their choice, to have access to legal assistance and to have a medical examination by a doctor, whenever possible, of their choice.

58. The police shall, to the extent possible, separate persons deprived of their liberty under suspicion of having committed a criminal offence from those deprived of their liberty for other reasons. There shall normally be a separation between men and women as well as between adults and juveniles.

Accountability and control of the police

59. The police shall be accountable to the state, the citizens and their representatives. They shall be subject to efficient external control.

60. State control of the police shall be divided between the legislative, the executive and the judicial powers.

61. Public authorities shall ensure effective and impartial procedures for complaints against the police.

62. Accountability mechanisms, based on communication and mutual understanding between the public and the police, shall be promoted.

63. Codes of ethics of the police, based on the principles set out in the present recommendation, shall be developed in member states and overseen by appropriate bodies.

Research and international co-operation

64. Member states shall promote and encourage research on the police, both by the police themselves and external institutions.

65. International co-operation on police ethics and human rights aspects of the police shall be supported.



Violence against police officers

“Violence is the last refuge of the incompetent” – Isaac Asimov

In any democratic country, CESP deduces that aggression against a police officer is not a simple phenomenon of aggression. In the face of any aggression against a police professional, it is not the individual figure of the police that is involved, but the authority of the State itself.

The problem of constant violence against police officers on duty has reached levels, which are no longer tolerable with thousands of injured - even in very serious form - in all the countries of Europe.

The assaults occur mainly during street demonstrations but also, unfortunately, during simple traffic control services or during judicial police operations.

The proportions of this phenomenon require a deep reflection and the implementation of new clear rules which allow the police to defend themselves without risking being accused of assault as well as to provide operators with new tools, such as Taser, useful to carry out an action and above all to dissuade the potential attacker, but also to avoid any direct physical contact with the police.

Here are some proposals from which to start promoting, at Council of Europe level, the approval of unambiguous directives, which oblige each state to adopt new appropriate measures to protect the work of the police.

Functional protection

Operational protection – rules of engagement

When exercising their functions, the police officer is called, in certain cases, to limit the rights of the citizen and to resort to the use of force.

As we know, the legitimate defense and the legitimate use of weapons are governed by articles of the Criminal Code (for example, in Italy articles 51 and 53 of the Criminal Code).

However, the regulatory framework of the articles is not sufficient to guarantee for the officer. In fact, the changes in judicial law, accumulated around the interpretation of a given regulation constitute the result of normal dynamic hermeneutic activity, and to a certain extent, they represent a legal physiological component.

The result is judicial law that is unlikely to be consistent, particularly in the sector to which we belong and, because of its importance, it is an area of political confrontation.

Jurisprudence Directives, as shown in cases in which the media has taken an interest, raise serious concerns with regard to the protection of the legitimate expectations of the operator on the possible consequences of conduct in the performance of his duties, and they can expose the police officer to harmful and sometimes unpredictable consequences.

We believe that it is necessary to introduce an operational protocol for national police operators, which indicates as a precaution and in a clear and unambiguous manner when and with what methods weapons can be used and what other means of physical force are allowed to be used (batons, stinging spray, moisturizers, Tasers, etc.).

Bordering scrupulously the field of legitimacy of these instruments, in fact, we avoid, on the one hand, the critical questions arising from the uncertainty of being able to do and not having to do the part of the police officers, and the other, it will be easier to identify unfounded claims at the

expense of the latter. This would, therefore, increase the feeling of security for men in uniform in the exercise of their functions and also clarify the consequences to those who come in contact with the police; that is to say that, for example, the demonstrators will have the opportunity to know the application of the law and the limits not to be exceeded, without incurring the legitimate action of the State, all this with a huge advantage for the certainty of the law and the free and conscious exercise of their faculty.

Functional Guarantees

This is one of the most significant problems. The constitutional hypotheses to which we all have equality before the law, whatever the qualities covered, cannot affect the need to strengthen the protection of the police who, because of their profession, are exposed to the risk of litigation much more - and therefore differentiated - legal compared to the *quisque de populo*. The entry of the police officer in the Register of suspects (register present in the Procure of the Republic, committed to conduct all criminal investigations), in fact - unlike what happens in the case of a normal citizen - brings with it a series of harmful and serious consequences related to the coated quality, ranging from blocking the career progression plus judgment and as a consequence economic repercussions, as well as the start of a disciplinary procedure of the administration to which they belong to, etc.

Furthermore, functional guarantees also act in the general interest: the community has the right and the interest to know as quickly as possible the loyalty of an agent of the State; not to mention that the police officer involved in legal proceedings is generally suspended from service or employed in non-active services, thus negatively affecting the security needs of citizens.

Consequently, we ask for a new legal procedure for the facts accomplished in the exercise of its functions or concerning the use of weapons with the intend to create a specific file, named: "acts relating to..." .

It requires an amendment to the Code of Criminal Procedure giving the Attorney General of the hierarchically superior district the competence to carry out a prior assessment (guarantee) of the facts including the origin and the cause of the police service, with the introduction of particular form of storage, request by reasoned decision, if the behavior of police operators could be valid with regard to a cause of justification (in Italy, for example, provided for in Articles 50 and 54 Criminal Code - in self-defense, the legitimate use of weapons, the performance of a duty, etc.). Currently, even under the above-mentioned assumptions, for police services carried out in the interest of the state, the procedure provides for an ordinary judicial review, with all the material and economic obligations incumbent on the individual operator.

EXAMPLE OF A MODIFICATION OF THE ARTICLE (OR ARTICLES) CONCERNING THE INVESTIGATION OF A POLICE OPERATOR (for example, in Italy, the article is No. 335 OF THE CODE OF CRIMINAL PROCEDURE

It should be substituted by the following

Article 335 – Crime reporting register

1. The Prosecutor immediately enters each crime notice that is received, or that has been handled on his own initiative and, at the same time or when it is, the name of the person to whom the offense itself is attributed in the register kept at the office.
2. If, during the preliminary investigation, the legal classification of the fact or of the circumstances changes, the Public Prosecutor updates the entries provided for in paragraph 1 without making new registrations.
3. With the exception of cases where one of the offenses is referred to in article 407, paragraph 2, letter a) (always the Italian example which concerns a very serious crime), the entries provided

for in paragraphs 1 and 2 are communicated to the person. to whom the offense is attributed to the person and to their respective defenders, if they request it.

3- bis. If there are specific needs related to the investigative activity, the Prosecutor may decide, by reasoned decision, to keep the registrations secret for a period not exceeding three months and not renewable.

4. Before registering a police operator in the register of persons under investigation, the Attorney General at the Court of Appeal having territorial jurisdiction, conducts a prior assessment of the facts with the origin of the guarantee and the cause to the police department and, by reasoned decision, it decides to close the investigation if the behavior of the police operators falls within the hypotheses referred to in articles 51, 52, 53 and 54 of the penal code - articles which regulate the use of weapons and other means of physical strength, still using Italy as an example".

Legal protection provided by the administration

The police operator investigated for events occurred during his service is obliged to defend himself personally against any accusation. This means that sometimes a criminal action defined by the Code has been instituted as "we had to act", only in order to allow the operators concerned to benefit from the procedural guarantees provided only for suspects, such as the possibility of delegating a lawyer for possible specific legal assessments. It is not acceptable that this burden, even an economic one, should be left to the operator and his family.

The Administration must, with designated professionals, be able to participate in the procedure for representing operators because they do not act alone but in the exercise of the institutional functions for which they have been ordered.

It is precisely for this reason that defense by State lawyers should be provided.

In addition, in the event that the costs of the process are condemned to the counterparty, the Administration cannot exercise recourse against the operator but take measures against the counterparty to recover the amount advanced to the operator.

This would avoid the distorting effects of legislation which, in the case where there is a maximum sum, has been advanced for legal costs, allows the administration to appeal against the staff when the counterpart to the judgment has been condemned at the expense but appears to be without means of subsistence.

Resistance to official audience

In order to guarantee greater protection to law enforcement officials, the sanctions for the above-mentioned crimes must be reinforced so that the preventive action of the sanction is reinforced. Those who work in the exercise of their functions don't act in their own interest, but in that of the State, thus pursuing objectives of public interest.

Guarantee by the authority of the public official by dissociating these types of crime for the application of "house arrest" instead of prison, also applicable for crimes committed against the public official because or in the performance of duties.

If this penalty is reached, at most, arrest "at home" automatically becomes the main punishment and no longer the prison.

Video cameras on uniforms, cars and safety rooms

It is a proposal to make every police action / operation available to a judge to review, to avoid false complaints and accusations and to provide a guarantee for citizens.

We consider that the use of video cameras in the provision of specific services is essential for the protection of the police operator.

The use of such equipment would reduce media cases which often arise during police interventions.

In fact, the resumption of police activity would facilitate the verification of the truth during the trial, would make it almost automatic and would avoid the harmful economic and moral effects that a long process produced not only at the operator but also at his family.

Appropriate instruments for a safe and effective police intervention

Police equipment must constantly be adapted to new technologies and the tools necessary for police action must be increasingly safe and efficient. Consider, for example, cut resistant gloves, protective bodies, Bola wrap, etc.

In addition, it must be possible to have appropriate instruments to use any force necessary to overcome resistance or to reject violence under the principle of proportionality. In this regard, Taser type instruments or rubber bullets should be introduced.

Protection rules for official service personnel

Staff who, due to service, report injuries must be able to access health services under the ticket exemption regime.

The procedure for recognizing dependence of the disease following service must be completed

within one year. It is unacceptable that law enforcement officers injured in service must assume all health costs until the recognition of the dependence of the disease due to service.



Anti-Corruption

"Fighting the cancer of corruption that degrades the dignity of the person". Pope Francis.

We could affirm that the phenomenon of corruption has existed since man has been a man and that, from that very moment, they have tried to put the means to combat it.

We could also define corruption as the abuse of power for private gain, a social scourge that undermines relationships, destroys lives and families, and hurts the person in the depths of their dignity.

We can affirm that corruption is a complex social, political and economic phenomenon that affects all countries, it can appear in any area of society, affect anyone and manifest itself in multiple ways, but always with the common denominator of putting the rights first. particular interests to general ones. An injustice, in short.

It undermines democratic institutions by distorting their processes, perverting the rule of law and creating bureaucratic quagmire, whose only reason for being is to serve in a spurious way the private interests of the corrupt.

It atrophies the foundations of personal development and imposes excessive burdens on other people who become, in many cases, competitors to beat.

In the economic sphere, it discourages foreign direct investment and it is often impossible for small national companies to overcome the costs required by corruption, not only economic but other, such as the lack of information that prevent them from competing on equal terms.

Manifestations of corruption

Forms of corruption vary, but the most common are the unlawful use of inside information and patronage; in addition to bribery, influence peddling, tax evasion, extortion, fraud, embezzlement, prevarication, co-optation, nepotism, etc.

As societies advance in their development, the manifestations of corruption adapt to more silylline forms.

The lack of objectivity in the assessment of professional performance or the establishment of subjective measures in the job promotion and promotion systems, including in the reassignment of jobs or the exclusion of professional promotion, are other forms of manifestation.

In organizations, especially in public ones, and each one in its scope of action, it would be the practice consisting in the use of the functions and means of those for the benefit, financial or otherwise, of their managers.

Quantifying corruption is not an easy task, especially in cases other than bribery, proper or improper, and cannot be calculated solely on the amount of bribes or the diversion of public funds. It must also include the loss of production due to the misallocation of resources, the distortion of incentives and other inefficiencies that have their origin in corruption, in addition to the moral damages in the case of the injustices they produce.

There are many personalities, including Pope Francis, who have insisted that spurious interests should not be allowed to affect the legitimate exercise of their respective professional obligations and to ruin their mission, service to others, each in their position of work, especially public employees, since we are all obliged to prevent ourselves from falling into the temptation

of corrupt behavior or assimilated to corruption.

Transparency

Fighting corruption is not an easy task, but it is not impossible either. One necessary measure against the opacity that corruption processes imply, transparency and integrity in any of the affected sectors, public, private, third sector, will promote fewer opportunities for corruption to flourish.

This will translate into greater competitiveness, greater tax collection and more efficient public spending, achieving the consolidation of the rule of law.

Similarly, political neutrality, the independence of public powers and the promotion of the principles of seniority, merit and ability in employment and the development of professional activity in the performance of their duties, will not allow personal interests to influence over general interests and never take advantage of your position for your private interests.

It is necessary to establish a series of transparency and good governance mechanisms as well as protocols that allow achieving objectivity in management -especially in the public sphere, both in the economic sphere and in the management of socio-labour rights-, as well as development of control and audit measures that allow correcting the deviations that occur.

Investing in police training and in the mechanisms to provide means to fight corruption accordingly, should be a priority to all the European governments that defend the rule of law. Investigating the phenomenon is important but more important and more promiscuous should be the correct and necessary investment in the criminal police forces and provide the agreements between the universities and the police academies to mitigate this social disease. It is always an investment and never an expense to provide means to fight corruption.

Finally, a punitive system in all the jurisdictional orders affected would also help prevent the appearance of corruption phenomena.



Conclusions

Founded in 1988 in Avila (Spain), the European Council of Police Unions was officially recognised by the Council of Europe as a Non-Governmental Organisation with a consultative status and is a member of the Joint Commission of the NGO since 1998.

The CESP is the outcome of a project to create a European Union Space for polices and this resulted into an agreement to form an independent organisation when the opening of borders became a reality.

It appeared necessary to the founders of the European Council of Police Unions to organise various ideas to harmonise police and judicial structures from within a credible and representative organisation. This vision of the future of Europe is, before everything, an economic necessity and concerns each European citizen by the new regulations coming from it, and the effect they will have on freedoms. At the heart of the debate of course, is the security that each State must ensure its citizens and which must be considered at European level.

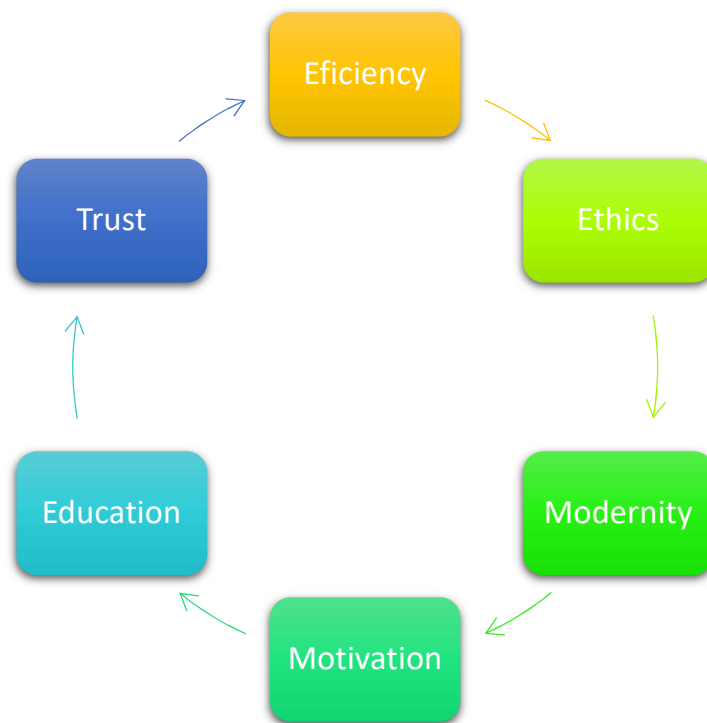
In the absence of institutional responses, one of the objectives of the European Council of Police Unions is to be a professional force to make propositions in all types of crime enforcement.

The European Council of Police Unions, independent and profoundly attached to the principles of the Declaration of Human Rights, makes constructive claims towards the European institutions and national governments. It is working to implement real police co-operation free from political considerations. The free circulation of people must not in any way allow a country to become a sanctuary for different sorts of criminals. The guarantee of individual freedoms will exist because of this co-operation.

Likewise, the European Council of Police Union is attached to the idea that trade-union freedom

in the police should be respected in every country of Europe. Police trade unionism must be a necessary counter-power to avoid abuse of the police by a government. The activity of police trade-union organisations must also have a pedagogical role, and show that the police do not only have a role in the suppression of crime, but also in guaranteeing citizens' rights.

We believe in a model for the European Police Institutions, based in ethics, modernity, motivation, education, trust and efficiency.



Whereas Europe is constructing every day, the European Police Officers are confronted with several situations which they do not control or little and which however has unquestionable consequences on their daily work.

The European Council of Police Unions intends to fully take part in the realisation of this new judicial and police European space.

Its objective is to group professionals of the security whose ground experience put them into a position of proposing adequate and sometimes alternative solutions to institutional responses.

It makes a point of raising this daring but essential challenge, the creation of a unified, interdependent and effective Europe space where Police officers can work together.

To reach that point and with the aim of improving the mission of public service given to the police officers, CESP takes up the challenge to re-valorise the police function thanks to the responsible trade-union organisations which make it up.

It is by this action that CESP has a direct action in the life of the police officer.

The synthesis of the trade-union experiments of its members tends to improve the life and working conditions of each police officer to enable him as well as possible to ensure the security of its fellow citizens. That's why CESP takes an active part in the works of the Council of Europe (www.coe.fr) by its membership to the NGO Joint Commission and collaborates in the various groupings of the NGO and more particularly in the fields of the "Social rights, European Social Charter", of the "Civil Society in New Europe" and of the "Human Rights".

For this reason it contributes to the programme of "Police and Human rights" (www.humanrights.coe.int/police) of the Direction of the Human Rights.

Since 2003, it is registered on the list of the Bureau for Workers' Activities (ACTRAV) of the International Labour Office (www.ilo.org/public/english/dialogue/actrav/index.htm) at Geneva and is invested near the European Commission and the European Parliament.

This work allowed, and will still make it possible, to obtain progress as regards social and judicial

protections for the police officer in countries where they do not exist or little and to get improvements where they are already a reality.

In nowadays these scenarios are even more close to reality, due to the appearing of populist speeches and political movements that block the union activity and the freedom of association.

In addition, CESP studies concerning the comparisons of treatments, premiums, welfare benefits will have a beneficial influence on the career and the economic situation of many police officers in the context of the European construction.

The opening of the borders and its effects on the work of the Police force were not really measured by those who built “The Europe of Trade”. The migration movements are a very big concern mainly in the human rights point of view.

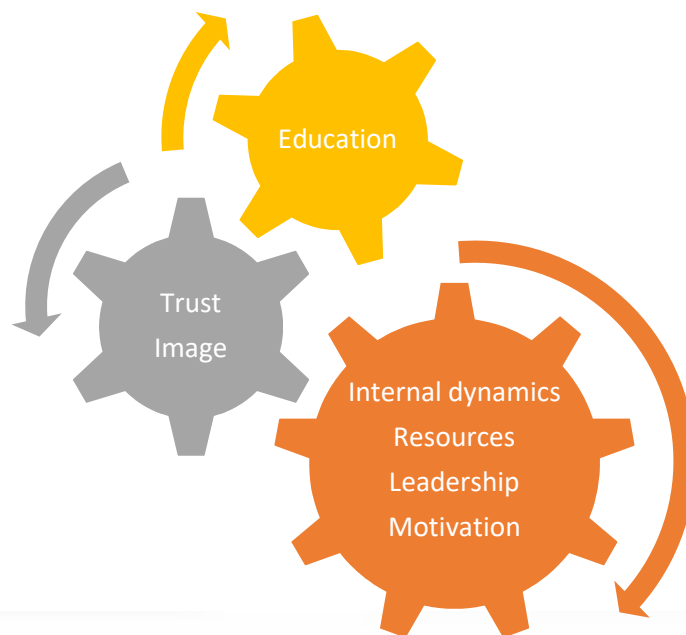
CESP claims for and works to the realisation of a police judicial organisation close to the citizen and able to fight effectively against all the forms of delinquency and in particular against the organised crime, which undermines the Democracy.

This ambitious programme, that covers several areas, supposes a perfect knowledge of the various European police forces and of their specificity and the need to implement a common structural base for a new approach, based on education for Human rights. That education is the only solution to strength the trust of police forces into the citizens and consequently their image in the society.

We urge for a new internal dynamics, based on education, in the investment of the governments in human resources, technical and tactical equipment, best leaderships and work conditions to attract best leaders and motivate the professionals.

Promoting the rule of law and accountability, advocating for transparency, combating any form of discrimination, combating hate speech, supporting crime prevention and empowering youth, women and persons belonging to minorities and other group risks, are also some of the tasks of police in a democracy space like Europe. We risk saying, very important tasks to balance the democracy. We need conditions to fulfil our tasks and the new challenges.

Does it exist a better space for dialogue, exchanges and work than the one that the European Council of Police Unions has been able to build since 1988?



CESP is a 34 years old organization daily works to improve the quality of police officers work around the European space.

With that quality, the Police can definitely protect, defend and serve the European citizens.

This view is presenting a worldwide model that, once again shows the world that Europe can and must be in the front line of the progressive ideas and in the human rights protection.

The solidarity, the resolution of local issues with European approach, humanitarian unionism, helping each other and fighting together against common threats are the solutions to a better and united Europe.

Without this, we are lost in individualism and Europe as unionism does not make sense. Definitely, the Police exists to protect and to defend. Said in other words: constant caring and serving others.

We are here. For you.



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