

# REPORT



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STRENGTHENING  
CIVILIAN OVERSIGHT OF  
INTERNAL SECURITY FORCES  
PROJECT PHASE III

## Comparative/Compliance Analysis - compliance analysis with EU and international standards and best practices

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III. AŞAMA

STRENGTHENING  
CIVILIAN OVERSIGHT OF  
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PROJECT - PHASE III



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<b>Reference to the Description of the Action</b>	
<b>Component</b>	A. Legislative and Institutional Framework
<b>Activity</b>	A.3. Preparation of recommendations for the development of draft legal framework for the establishment of “National Crime Prevention Office” under Ministry of Interior
<b>Output</b>	Comparative/compliance analysis - compliance analysis with EU and international standards and best practices
<b>Description</b>	Carry out a technical visit to a selected EU member state with the aim of reflecting on international experience in legal framework drafting processes on institutions similar to the envisaged National Crime Prevention Office. In total up to 10 representatives including officials from MoI, Gendarmerie, Coast Guard Command and Police, and 2 PT members will participate in the visit. The technical visit will have a duration of 4 days, and the EU member state, where the visit will be conducted, will be determined during the Inception Phase of the Project based on clear criteria for serving as a good practice example. The findings of the technical visit will be compiled in a report which also addresses the comparative/compliance analysis on the subject matter.



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## 2 Object

The legal text (draft law) under study establishes at the national level the National Crime Prevention Council and the National Crime Prevention Department, and the local level The District Prevention and Security Boards and the Provincial Crime Prevention Commissions. The draft law states the duties and missions, composition and organisation of each body as well as their working relations.

## 3 Methodology

The work presented here compares the main sections of the document (the draft law establishing the National Crime Prevention Council) with EU standard and good practices, France being the main (but not only) benchmark. To do so, we have applied the following methodology:

- Analyse systematically the equivalent legislation in European Countries (France mainly, but also with some references to the Netherlands), by looking at the organisation of crime prevention at the national and levels (councils, funding, etc.).
- Examine European soft law produced by European networks, such as the European Union Crime Prevention Network (supported by the European Union), or the European Forum for Urban Security (which is a network of European cities).

## 4 Main conclusions

Our analysis confirms that:

- The draft law is aligned with French legal foundations, but also practices. The National Crime Prevention Council, the National Crime Prevention Department are similar to the organisational architecture that may be found at the national level in France: existence of a council favouring coordination between a variety of actors, involvement of NGOs, legitimacy of crime prevention as a national public policy. Although chaired by the governor (in France they are chaired by the mayor), the district prevention and security boards share many characteristics with the French local prevention and security councils: they gather a variety of partners, collect information on the diversity of security demands of the population, elaborate strategies based on crime prevention principles.



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- The articles of the draft law are also connected with other principles that may be found within the European Union. The legitimacy of crime prevention as a general principle of security policies is now widely recognised within EU countries and institutions. The European Union Crime Prevention Network is a clear expression of this trend as one of its goals is to support crime prevention activities at national and local level. We also find some illustrations in various manifestos of European cities (such as the European Forum for Urban Safety) and in initiatives trying to connect local authorities and civil society organisations at the local level in a broad range of European countries.



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## 5 COMPARATIVE ANALYSIS

Turkish legal proposals	EU Countries' standards and examples
<b>GENERAL PRINCIPLES</b>	
<p>Some general principles underpin the general organisations and policy orientations of the crime prevention apparatus (art. 4). The objectives of these institutions are to prevent and reduce harm inflicted to citizens by daily crime, misdemeanour and disorders. Civil society organisations, local administrations, professional associations should play a role, aside the Law enforcement agencies (LEAs: police, gendarmerie, coast guards) and governorship in the definition and implementation of crime prevention priorities, plans and actions.</p> <p>These actions of crime prevention should be based on evidence-based approaches. They should also be based on the principles of impartiality and fairness and should be beneficial to all segments of society (more specifically vulnerable groups).</p>	<p>These general principles are in line with existing recommendations in EU countries.</p> <ol style="list-style-type: none"> <li>1. Crime prevention</li> <li>2. Civil society organisations.</li> <li>3. Evidence based.</li> <li>4. Impartiality and fairness.</li> </ol> <p>The general principles expressed are in line with the <b>European Union Crime Prevention Network (EUCPN)</b>. This network has the following goals: expand the EUCPN database (good practices, policy, research...), develop crime prevention campaigns, research on crime prevention, deliver output: toolboxes, policy papers, newsletters, monitors, represent the EUCPN externally and promote crime prevention, organise meetings and workshops with experts, stakeholders, Crime Prevention Councils.</p> <p>They do also align with the proposals contained in various EFUS' (<b>European Forum for Urban Safety</b>, an organisation gathering various urban cities) manifestos.</p>



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	<p>It is for instance stressed that “given the multifaceted aspects of security and the increasing role of multiple stakeholders such as private security providers, non-governmental organisations and civil society bodies, the question of the co-production of security which relies necessarily on prevention, now has come to the fore” (Manifesto, Security, Democracy and Cities, 2017). It points the importance to adapt working methods, in order to share information and reinforce transparency and accountability.</p>
<p><b>NATIONAL CRIME PREVENTION COUNCIL</b></p>	
<p>The <b>National Crime Prevention Council</b> (NCPC) is in charge of defining the national crime prevention priorities. It prepares as National crime prevention strategy and ensures the participation of relevant stakeholders (art. 5).</p> <p>Chaired by the deputy minister of the interior, it is composed of the directors of the relevant administrations (police, gendarmerie, coast guards but also prisons and detention, social policies, national education, etc.) as well as representatives of civil society (academics, lawyers, etc.) and representatives of local authorities. The ombudsman may be appointed as an observatory member (art. 6).</p>	<p>The existence of a national council gathering several institutions concerned by the issues of crime prevention is common to several UE countries.</p> <p>In France, The <b>National Council of Cities</b> (CNV) participates in the construction of urban policy. Created by decree on 28 October 1988, it originally brought together local elected officials, association leaders and trade unionists. Since 2015, the CNV has involved inhabitants of the priority neighbourhoods of the urban policy. The CNV is responsible, at the request of ministers, for producing opinions on all bills related to urban policy or the fight against discrimination. It can refer to itself on subjects that it considers important. The minister responsible for urban policy informs the National Urban Council of the follow-up to its opinions and recommendations and also reports to it on the</p>



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	<p>decisions taken and the budgets allocated, both nationally and locally.</p> <p>More specifically in relation to crime prevention issues, policies are built according to an interministerial logic by bringing together 20 ministries that pool their network and expertise within the <b>CIPDR (interministerial committee for the prevention of crime and radicalisation)</b>. Its approach is therefore both decentralised and deconcentrated.</p> <p>The CIPDR meets under the chairmanship of the Prime Minister with all the ministers that make up the Committee, in order to adopt and evaluate these public policies. It recently met on 23 February 2018 in Lille for the presentation of the National Radicalisation Prevention Plan (PNPR) and on 11 April 2019 in Strasbourg to assess this plan and launch a consultation on the future delinquency prevention strategy.</p>
<p><b>NATIONAL CRIME PREVENTION DEPARTMENT</b></p>	
<p>The <b>National Crime Prevention Department (NCPD)</b> is in charge of the secretariat of the NCPC. Its main missions are to follow up the implementation of the recommendations of the NCPC, to establish relations with the Local Prevention and Security Boards and the Provincial Crime Prevention Commissions, but also the various civil society organisations mobilised around these issues (art. 7). It is in charge of outlining the</p>	<p>In various EU countries, there are some governmental departments in charge of coordinating the activities of interministerial councils.</p> <p>In France, this is for instance the role of the <b>General secretary of the interministerial council for crime prevention and radicalisation (SG-CIPDR)</b>. In order to ensure the coherence of the policies implemented, the SG-CIPDR carries out its work in the field of crime</p>



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<p>general orientations regarding crime prevention activities, to conduct or commission research on crime prevention, to review and disseminate good practices found at the local level, to approve the budget of the NCPC.</p> <p>It is affiliated to KIHBI (refers to Smuggling, intelligence, operations and information gathering) within the Ministry of interior, and its director should be appointed by the ministry of interior. It is composed of several units (Crime prevention statistics and information unit; Analysis, evaluation unit; Crime prevention project and budget unit; etc.) (art. 7).</p>	<p>prevention around the prefectures and in partnership with local players, primarily local authorities and associations. It plays a role of support, expertise, advice and leadership with prefectures, local authorities and all actors in charge of the prevention of delinquency and radicalisation. It develops decision-making tools and disseminates research results, identifies and promotes good practices, promotes the training of state services local authorities and associations.</p> <p>In the Netherlands, there is a <b>Centre for Crime Prevention and Safety (CCV)</b>, an independent foundation that helps to identify and solve safety problems. Our aim is to make safety policy more effective and easier to implement. To that end, we offer information, know-how, instruments and tailored advice directed at safety at home, safe working and safe living. A preventative approach is always the starting point.</p>
<p><b>BOARDS AT THE MUNICIPAL/DISTRICT LEVEL</b></p>	
<p>The <b>District Prevention and Security Boards (DPSBs)</b> are established in each first degree district (may be established in other ones at the request of the District governor or mayor or Provincial Crime Prevention Commission). These boards should prepare a local crime prevention and security plan, based on information collected from LEAs, local yearly statistics, citizens' expectations, to follow up its implementation</p>	<p>The existence of boards at the municipal (or district) level is in line with what most European countries have developed. A council (or board), in charge of organising the dialogue between various actors (local state administrations, including of course LEAs, local officials, and civil society representatives). The collection of a variety of data (official statistics and citizens' expectations) is also very much similar to what has</p>



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<p>and ensure the coordination of crime prevention efforts (art. 12).</p> <p>They are chaired by the district governor or by the deputy governor. They are composed of members coming from the local state administration (law enforcement agencies, national education, etc.), municipal administration (the mayor), and various non-governmental organisations (chamber of industry and commerce, provincial bar association, university, youth centres, school-parent associations; etc.) (art. 11). The total number of members should not exceed 30 members. The secretariat is managed by the district governorate (art. 10). In each DPSB, there exists an executive committee, under the responsibility of the district governor office (and composed of the district mayor, district heads of the LEAs, district chief of education, chair of the chamber of tradesmen and craftsmen, etc.). (art. 13).</p>	<p>been developed in various European countries. The existence of local crime prevention and security plans is also perfectly parallel to what can be observed in EU countries.</p> <p>In France, the <b>local security and crime prevention council</b> is the framework for consultation on priorities in the fight against insecurity and crime prevention in municipalities (it can also be intermunicipal). It promotes the exchange of information between the heads of the institutions and public and private organisations concerned and can define common objectives for the preservation of public safety and peace.</p> <p>It is chaired by the mayor and composed of local state administrations (LEAs, national education representatives, etc.), municipal administrations, social workers and civil society organisations.</p>
<p><b>BOARDS AT THE PROVINCIAL LEVEL</b></p>	
<p>The <b>Provincial Crime Prevention Commission</b> is established in each province under the chair of the Provincial governor. Its duties are to coordinate and provide technical and advisory support and guidance to the DPSBs, to ensure the compliance of the local plans to the legal provisions and priorities established</p>	<p>The role of commissions open to civil society at the intermediate level (between municipalities and the national level) is compliant with what can be observed in EU countries. They represent an intermediary level of coordination and exchange.</p>



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at the national level (and to indicate which actions need financial support from the NCPD) (art. 15).

It is composed of a variety of actors: local state administrations (provincial directors of LEAs, provincial director of national education, etc.), local administration (president of the city council), civil society's representatives (identified by the governor). It meets at least twice a year. The secretariat is carried out by the legal affairs unit of the office of the governor (art. 14).

For instance, in France, the **departmental** (the French equivalent of the provinces) **council for the prevention of delinquency and radicalisation and the fight against drugs, sectarian aberrations and violence against women** is placed under the authority of the departmental prefect who chairs it.

The missions of the CDPR, defined by the internal security code, are to examine the report on the state of delinquency in the department; examine the draft plan for the prevention of delinquency and radicalisation; examine the prefect's annual report on actions financed by the FIPD (interministerial fund, see below); ensure the coordination of prevention actions in the department; draw up the departmental plan to combat drugs and prevent addiction; ensure that the programmes are carried out.

It is composed of Magistrates belonging to the courts; representatives of State services (National police and gendarmerie, economy and finance, equipment, women's rights and equality, health and social affairs, national education, youth and sports, etc.), representatives of local and regional authorities and their public institutions, representatives of associations and organisations working in the areas concerned.

**WORKING RELATIONS BETWEEN THE VARIOUS COUNCILS AND FUNDING**



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#### **Relations between the NCPD, PCPCs and DPSBs**

The NCPD establishes communication and contacts with DPSBs through the Office of the Governor. An information centre within the NCPD stores and shares documents (such as the local crime prevention and security plans). The NCPD is in charge of evaluating and identifying good practices at the local level and to disseminate them (art. 17). It should also circulate more broadly policy messages to the general public (art. 18).

An annual budget in the ministry of interior should be provided to fund the crime prevention activities. Support for the DPSBs projects is decided by the NCPC in April of each year, upon the proposal of PCPC and approval of the NCPD.

The existence of relations of coordination between various bodies (at the municipal, departmental and national levels) is common to most EU countries, as well as a dedicated budget for crime prevention actions.

In France, **the SG-CIPDR** is in charge of coordinating crime prevention activities and implementing the national crime prevention strategy. Under the terms of Article 5 of the Act of 5 March 2007, an **inter-ministerial crime prevention fund (FIPD)** was created, 'intended to finance the implementation of actions within the framework of crime prevention plans and within the framework of the contractualisation implemented between the State and local authorities in the field of urban policy'. The FIPD enables the financing of delinquency prevention actions and, since 2016, radicalisation prevention actions in association with local authorities and associations. The fund, which until 2016 was supplemented by various sources of funding or budget transfers, is now financed from the general budget of the Ministry of the Interior and managed by the SG-CIPDR.