

Policing and Harm to Marginalised Groups

Dylan O'Driscoll
University of Manchester
18 April 2018

Questions

What is known about the harm that policing interventions in Fragile and Conflict Affected States can cause to marginalised groups? What is known about what increases or reduces the risk of harm? What lessons can be applied to the design of policing interventions?

Contents

1. Overview

2. Increased Risk of Harm

3. Reduced Risk of Harm

4. Lessons to Inform Programme Design

5. References

The K4D helpdesk service provides brief summaries of current research, evidence, and lessons learned. Helpdesk reports are not rigorous or systematic reviews; they are intended to provide an introduction to the most important evidence related to a research question. They draw on a rapid desk-based review of published literature and consultation with subject specialists.

Helpdesk reports are commissioned by the UK Department for International Development and other Government departments, but the views and opinions expressed do not necessarily reflect those of DFID, the UK Government, K4D or any other contributing organisation. For further information, please contact helpdesk@k4d.info.

1. Overview

This rapid review synthesises data from academic, policy and NGO sources on the impact of international policing interventions on marginalised groups in fragile and conflict-affected states. Interventions will be defined broadly as any circumstance where international actors have invested time or resources on policing. Policing includes the police, prisons and security actors carrying out the duties of the police. Marginalised groups include ethnic minorities, women and girls, people with physical and mental disabilities, and Lesbian Gay Bisexual Transgender Queer and Intersex (LGBTQI) people.

There is a considerable lack of reflection on the negative impact of police interventions within the literature. Due to the nature of donors, reporting tends to be skewed towards positive process, rather than outcome. Little responsibility is taken for enabling negative actions by police. Moreover, there is a lack of reliable evaluation of programmes on police reform. Effective evaluation needs to be developed alongside planning for reform. This is often not done or not made publically available. As a result, there is limited reliable data on the harmful impact of international policing interventions. In particular, there is limited focus within the literature on the impact of international interventions on marginalised groups, who are the most likely to be subject to negative policing practices. For this reason this report has had to rely on watchdog organisations, such as Human Rights Watch, in order to examine the impact of negative policing practice on marginalised groups. The literature search for this report found no mention of the impact of police reform on people with disabilities.

International support to fragile or conflict-affected states often involves some form of police reform. For example, of the 23 peacekeeping operations initiated in the 1990s, 17 included efforts to build local police institutions (Neild, 2006, p. 22). Policing is an essential part of providing security guarantees for political sectors thus allowing for the reforming of democratic processes. Donors from the Global North often focus on professionalising the police to mirror their system at home. However, this can lead to professionalising a system that carries out abuses (Neild, 2006). This report aims to examine when this has been the case, and also when interventions have improved community relations, reducing the risk of harm to marginalised groups, and finally what lessons are available from past interventions. However, it must be acknowledged that highlighting successes in certain case studies does not mean that they have also not included failures, and vice versa.

Key findings are as follows:

- The quality of experience, and role modelled behaviours, values and attitudes of police trainers matters. A lack of accountability of international police officers and trainers has led to situations where the trained civilian police and their trainers have been accused of involvement in the trafficking and sexual exploitation and abuse of women. At multiple levels police can be complicit or actively involved in activities that undermine wider objectives. Due diligence and independent oversight is needed.
- Community policing is an effective investment, but not if police corruption and community trust are not addressed in tandem. Corruption and police abuse of power particularly affects marginalised groups.
- Rushing to set up new police forces is often at the cost of sufficient training to reduce the likelihood of policing abuses.

- Military-led police training creates militarised police forces unable to engage in community policing or adequately investigate crimes. Lack of training on community policing and human rights, paired with this militarisation, has led to a higher level of violations against marginalised groups.
- When training on policing is deprioritised for military training, the military, and sometimes ex-combatants, are tasked with policing duties. This results in a high likelihood of numerous abuses against marginalised communities.
- Police are often biased at the institutional and individual level, which affects what is investigated and how well a report is investigated. This is particularly the case in relation to sexual violence against women, and the reporting of hate crimes against the LGBTQI community, which are not properly investigated resulting in further marginalisation.
- Countering violent extremism can be used as a justification by security services for increasing capacity to silence opposition and committing human rights abuses.
- When too many countries are involved in police training, with many not having the qualifications to provide training, mixed messages and bad training practices are often the case.
- Without sufficient amount of funds and a commitment to a lengthy intervention, early successes in police reform can soon be undone leading to a rapid decline of police standards.

What has worked?

- In Liberia the local dynamics of women in positions of power, paired with international actors interested in gender mainstreaming, resulted in gender-sensitive reforms that resulted in better protection for women and girls. Units were set up to deal with gender-based crimes and there was a significant representation of women within the police force. However, issues have emerged with the lack of reform of the wider judiciary leading to failed prosecutions.
- Hybrid police reform in Bougainville, with a police unit based on local customs, has witnessed considerable success and created a highly accountable and locally supported police unit. This is in contrast to the regular police force that has received standard international training and is widely viewed as a failure.

Lessons to help prevent harm to marginalised groups:

- A vast improvement is needed in the rigour of evaluating police reform interventions.
- Training should include protecting human rights as well as crime investigation and prevention.
- Independent internal and external bodies should oversee police ethics and conduct.
- Training should be based on community level policing needs rather than military objectives.
- The participation and needs of the police and local community should be equally prioritised.
- The reform process must provide police training at all levels.
- Cultural analysis should inform plans for police reforms.
- Police reform should be coupled with judicial reform.
- Police reform is a long process and needs a long-term budget and commitment.
- Police reform planning should include a sustainable exit from international support.

Table 1: Summary of what the literature highlights on police reform

Increased risk of harm	Reduced risk of harm	Valuable lessons
Rushing the process of getting police out on the streets for security rather than good policing	Police and community representative participation in police reform planning	Reform is a long process and budget and timeframes should realistically reflect this
Military-led police reform	Policing should be rooted in community needs	Early results are crucial for the population's support
Recruiting the wrong officers, and the wrong trainers as role models	Due diligence into the history of potential police trainers and recruits - Prioritise behaviours	Transparency in police reforms, training and wider policing processes
No monitoring of negative police behaviours and unintended consequences	Create an independent oversight organisation to hold the police to account	Ensure the population, particularly marginalised groups, know their rights with regards to policing and that systems are in place for complaints
Gender bias within the police and state institutions result in failure to punish acts of violence against women	Implement gender mainstreaming within the programmes (such as recruiting enough female officers, creating units to deal with crimes like rape) and help to create local female role models	Acknowledge and mitigate police abuse of power e.g. gender based violence against women and girls, including sexual harassment, violence and exploitation Privatised military firms tend to be unresponsive to allegations of abuse carried out during training and supervision
Police reform without wider security and justice reforms	Reform the police and the judicial system in tandem	Police reform can be successful, but prosecutions fail unless there is similar progress in the judicial system
Failure to get the police to buy in to reforms that support better treatment of marginalised groups	Take representatives on study trips where they can see the benefit of similar programmes in action	Community police training should be paired with Human Rights Training
Ending interventions before reforms are complete and sustainable	Clearly mapped targets and staggered goals to allow for demonstrable progress and continued commitment over a longer timeframe	Formative analysis to include realistic timeframes for progress Transparent evaluation of the programme design should be in place and should also help create lessons for the future

2. Increasing Risk of Harm to Marginalised Groups

Lack of training

According to Neild (2006) the desire by international donors to get police forces up and running in the quickest possible time results in short-term expediency such as rolling over former personnel, cutting down training periods, and pushing operational readiness, which in turn seriously limits the depth of reforms and risks long-term problems. As a result, new police forces in Bosnia–Herzegovina, El Salvador, Haiti, and elsewhere, have committed serious abuses right from the beginning of their deployment, which could often be avoided through longer training and more experienced staff. Perito (2009) argues that there is a real difference in quality of the police trained in Afghanistan by the Germans and US, who trained more recruits. Germany spent more time training less officers and German-trained officers routinely out-scored US-trained officers in tests.

Militarised policing vs Local Needs and Community Policing

Afghanistan

Murray (2007) argues that the military-driven nature of the US' presence in Afghanistan impacted their policing intervention. The US did not fully comprehend the need to separate civilian policing from military policing. Moreover, the training of the police reflected the military operation rather than the local dynamics. An earlier conceived plan for eight policing regions that reflected the ethnic population was changed by the military to five regions crossing ethnic lines. The new structure conformed to the military command structure and thus for Murray (2007) organisational convenience over-ruled community consideration, which negatively affected policing standards, including towards marginalised groups.

Similarly, Friesendorf and Krempel (2011) argue that although Germany developed a sustainable project with a civilian policing approach, due to the lack of funds they committed to the project, and the resulting slow progress, the US soon took the lead role in rebuilding the police. The US' militarisation of the Afghan Police Force ignored important elements of community policing and has failed to give the police the skills to properly investigate crimes. The militarisation caused friction with the local community and resulted in abuses, particularly of marginalised groups. Moreover, the military focus resulted in training on domestic and democratic policing as well as domestic violence and women's rights being removed from the training curriculum and being replaced by military training. Friesendorf and Krempel (2011) argue that the police in Afghanistan should have been trained by civilian police experts and not by the military. Groenewald (2016) argues that the military led strategy in Afghanistan prevented the reconciliation process, which was further compounded by the political process where former warlords reclaimed power.

South Sudan

Although there has been significant investment in security in South Sudan, much of this has focused on transforming the Sudan People's Liberation Army (SPLA) guerrilla fighters into a professional army and disarming, demobilising, and reintegrating (DDR) SPLA combatants in order to reduce the size of the military and lower costs. The focus on military reform has not only meant that the police force has received limited attention, but also that the SPLA – who have

been accused of numerous abuses against marginalised groups in South Sudan, including rape and immolation of women and girls - often carry out policing duties despite their lack of police training. These dynamics have led to a militarisation of policing in South Sudan. Furthermore, DDR has also negatively impacted the police force, as a large number of former combatants are fed into the police without proper police training. Not only does this impact on the operation of the police, it also means former combatants that have been involved in war atrocities are not being vetted and can join the police. Support from international donors, including the UK, for the police in South Sudan has mainly revolved around the training of senior personal and has been limited with regards to investment in infrastructure and longer-term organisational development. Moreover, the majority of rank-and-file police officers, who deal with the local community on a daily basis, have not received any training. There have been complaints of arbitrary arrests and violations of human rights – including young women being arrested for wearing what was considered by the police as revealing clothing (Abatneh & Lubang, 2011). In addition to the UK and UN, Uganda and Kenya have also been involved in training police, however their focus is on controlling borders and they do not train the police in community policing. Additionally, their involvement has been questioned, as although they are regional actors that have a stake in South Sudan, the policing standards and human rights abuses from their police limit their capacity and credibility as trainers. There have been criticisms of the coordination of these multiple actors, as there is a disjointed nature to the support provided, which does not maximise the gains (Lokuji, et al., 2009). The UN Mission in South Sudan also has protection camps for civilians where international police work. In one of these camps the UN withdrew a Ghanaian police unit over accusations its members were engaging in sexual activity with women living at the UN Protection of Civilians site in Wau.¹

The lack of capacity of the South Sudanese police means that rural areas receive very limited policing, which further marginalises these communities with concern to security. SPLA soldiers occupying land that belongs to returning refugees or internally displaced persons further compounds this. Additionally, security forces are accused of harassing civilians particularly children and women who also accuse the security services of sexual assault and rape (Lokuji, et al., 2009). Abuses by the security forces also take on an ethnic dimension, as the predominantly Dinka forces target other ethnic groups that are linked to the opposition. Human Rights Watch accuses the government forces of unlawfully targeting civilians for killings, rapes, arbitrary arrests, disappearances, torture, beatings, harassment and the looting, burning and destruction of their property (Human Rights Watch, 2017). The SPLA has been accused of numerous abuses against marginalised groups in South Sudan, including raping and immolation of women and girls, and burning women alive in their homes.²

Timor-Leste

Following the withdrawal of Indonesian forces after the referendum in Timor-Leste in 1999 there was a significant loss of administrative capability. Additionally, there was no longer a police force and the UN had to establish one. As this was a matter of priority, the UN had to pick recruits with no experience as well as former members of the Indonesian police, which had a history of repressing Timorese people. These former Indonesian police were fast-tracked by the UN and were given high-ranking positions. Additionally, there was a clear ethnic divide between the

¹ <https://unmiss.unmissions.org/unmiss-acts-allegations-sexual-exploitation-against-formed-police-unit>

² <https://news.un.org/en/story/2015/06/503082-new-levels-brutality-south-sudan-says-un-rights-report>

military and the police force, which politicised security and led to tensions with locals.³ The UN's focus on getting the police force active as quick as possible has led to it being dominated by one ethnic group, which essentially marginalises the other (Hood, 2006).

Iraq

The international community (including the US,⁴ Canada,⁵ EU, as well as individual EU countries – particularly Italy⁶) has spent considerable funds training, equipping and developing the Iraqi police. However, significant issues remain around policing, particularly of marginalised groups. For instance, Human Rights Watch accuses the Iraqi police of preventing families of suspected Islamic State (IS) members from receiving aid in Mosul and the surrounding areas. In cases reported by Human Rights Watch, members of the police have prevented aid workers from delivering any aid to whole neighbourhoods who were suspected of containing families of IS members. The actions of these police only acted to further marginalise an already aggrieved community.⁷ Additionally, Amnesty International has accused the Iraqi Federal Police of torturing and carrying out extrajudicial executions in both Mosul and Fallujah. This coincides with criticisms that the federal police is not community based, has been over militarised, and that police training has not been sufficient with the international community focusing on security, rather than community policing.⁸ This has led to the further marginalisation of already marginalised communities, such as Sunnis and smaller minorities (O'Driscoll, 2016).

Equally, considerable funds have been devoted to training the Kurdish security forces, including the Kurdish military police force.⁹ However, again the focus is on military style training to defeat IS, with limited training on policing or human rights.¹⁰ As a result there have been accusations of violations by these forces. For example, Human Rights Watch has accused the Kurdish security services of torturing children who are suspected IS members in prison. These child prisoners are mainly Sunni Arabs and are thus an already marginalised community.¹¹ Furthermore, there have been accusations of the Kurdish security forces burning Arab homes in villages retaken from IS.¹²

³ The police is mainly made up of *Kaladis*, people from the western provinces of Timor-Leste and the army is mainly made up of *Firakus*, people from the eastern provinces of Timor-Leste.

⁴ <https://www.usip.org/publications/2012/02/training-iraqi-police-lessons-learned-field>

⁵ https://www.canada.ca/en/global-affairs/news/2017/08/canada_to_deploy_more_police_officers_to_iraq.html

⁶ https://www.mzv.cz/baghdad/en/latest_news/mezinarodni_program_pro_vyevik_iraacke.html

⁷ <https://www.hrw.org/news/2018/02/15/families-iraq-alleged-isis-ties-denied-aid>

⁸ <http://secgovcentre.org/2016/09/police-reform-in-iraq-challenges-and-lessons-learned-part-1/>

⁹ <http://theglobalcoalition.org/en/partners/italy/>

¹⁰ <https://warisboring.com/mosul-needs-35000-cops/>

¹¹ <https://www.hrw.org/news/2017/01/29/krg-children-allege-torture-security-forces>

¹² <https://www.hrw.org/news/2016/11/13/iraqi-kurdistan-arab-homes-destroyed-after-isis-battles>

Nigeria

In Nigeria the international community has invested a considerable sum on police reform, including £30 million from DFID to train police in community policing between 2002-2010. The DFID-funded project has been deemed a failure in a study carried out by the University of Liverpool. Failure is blamed on the local police not taking reforms seriously, a lack of desire to implement community policing due to the prevalence of corruption in the system, and a significant lack of trust in the police by the local population. Corruption, bad practice and oppression by the police remain the norm, and as a result insurgencies and crime remain high.¹³

Although there has been significant investment in training towards community policing, police in Nigeria are under-resourced and equipped, often suffer from political interference and due to the low wages many police officers are involved in crime and corruption. The police in Nigeria lack accountability and according to the Open Society (2010) abuse of the public, rather than service of it, are the norm. The reality of the failure of community policing is optimised in the violence of the Nigerian police. Extrajudicial executions are an all too common occurrence and killing suspects is often a method to counteract poor investigative skills. Likewise, torture is often used to gain confessions. There have been countless accusations against the police of raping female suspects and detainees, including under age girls, and there are also reports of rape being used as an interrogation technique (Amnesty International, 2006; Human Rights Watch, 2005). The Open Society (2010) came across numerous credible accounts of rape by the police in their research. Nonetheless, the Nigerian Police have no records of rape by police and routinely deny accusations. Additionally, sex workers are routinely raped by the police and police even admitted to Open Society (2010: 78) that this was a 'fringe benefit' of patrolling certain areas. Police arrest sex workers at night and then take bribes to release them, those who cannot afford the bribe are expected to pay for release through sex.

The significant investment in community policing has also failed in relation to how police treat the LGBTQI community, particularly following the signing of the Same-Sex Marriage (Prohibition) Bill (SSMPA) into law in January 2014.¹⁴ Human Rights Watch (2016) reports numerous cases of police arrests, harassment, abuse and bribes of members of the LGBTQI community. Since the passing of the law abuse has increased, as have arrests, however this seldom results in charges and instead LGBTQI people arrested are expected to pay bribes, usually after they have already been humiliated and abused. This also extends to abuse against the LGBTQI community from the wider population; however due to fear of the police these crimes go unreported.

¹³ <https://news.liverpool.ac.uk/2017/04/20/nigerian-policing-improvement-programme-failed-because-of-corruption/>

¹⁴ The law forbids any cohabitation between same-sex sexual partners and bans any "public show of same sex amorous relationship." It also imposes a 10-year prison sentence on anyone who "registers, operates or participates in gay clubs, societies and organization" or "supports" the activities of such organisations.

Police Behaviours and Biases

Bosnia and Herzegovina

The UN peacekeeping mission to Bosnia and Herzegovina was initially responsible for overseeing ceasefires and monitoring demilitarised zones, however this changed towards enforcement against actions that threatened the peace and eventually following the Dayton Peace Agreement in 1995 became a post-conflict peacebuilding operation. As part of this operation the International Police Task Force (IPTF) was created, which was responsible for the training, equipping and monitoring of police in Bosnia and Herzegovina. The IPTF was comprised of more than 2,000 international police officers from 43 countries. However, the attempt to make the IPTF inclusive has been criticised, as there have been: issues with regards to trainers having the skills necessary to train police within the specific local dynamics, cultural issues, and issues with neighbouring countries' involvement (Murray, 2003). Moreover, members of the IPTF have been accused of human rights abuses, buying and selling women, as well as trafficking of women for sexual exploitation in Bosnia and Herzegovina. For instance, several Romanian IPTF officers were accused of trafficking women from Romania and selling them to brothel owners in Bosnia and Herzegovina. IPTF officers have also been accused of forging documents for trafficked women, getting them through border checkpoints, and tipping off brothel owners about police raids. Finally, there have been numerous reports of IPTF officers paying trafficked women for sex. Local NGOs estimated that almost half of the clientele of brothels at the time were international, and this included members of IPTF and NATO troops. A further issue in Bosnia and Herzegovina was that privatised military firms, who were unresponsive to allegations of abuse, often carried out training and supervision. Additionally, the states that provided police to the IPTF routinely failed in investigating or setting out preventative measures for trafficking of women. Moreover, it is argued that the gender bias within these state institutions also led to the failure to punish acts of violence against women (Murray, 2003).

Additionally, despite the significant investment, time, and training of the police in Bosnia and Herzegovina (including EU-funded training of police on hate crimes)¹⁵ the police response to crimes against the LGBTQI community has been deemed as inadequate by the European Commission and Human Rights Watch. Very little police progress is made on reports of hate speech against the LGBTQI community and even on the attack of a film festival in 2014 organised by the Sarajevo Open Centre.¹⁶ Additionally, the police were meant to be providing security for the event, but they arrived 55 minutes late, after the attack had happened. Human Rights Watch accuses the police in Bosnia and Herzegovina of failing to protect the LGBTQI community.¹⁷ The LGBTQI community in Bosnia and Herzegovina often do not report crimes against them to the police mainly as they do not trust the police and these cases seldom result in prosecutions (UNDP, 2016).

¹⁵ https://www.ilga-europe.org/sites/default/files/2016/bosnia_and_herzegovina.pdf

¹⁶ <https://www.hrw.org/news/2017/06/23/human-rights-watch-country-profiles-sexual-orientation-and-gender-identity>

¹⁷ <https://www.hrw.org/news/2014/02/04/bosnia-and-herzegovina-attack-lgbt-activists>

Counter Terrorism

Yemen

There has been a long history of counter terrorism support for Yemen, with the US providing considerable resources. However, this support has received much criticism due to its sole focus on terrorism and often enabling human rights abuses and marginalisation by the security services in Yemen. The US provided Saleh (President of Yemen until 2012) with helicopters, eavesdropping equipment and training for counter terrorism. By mid-2010 Yemen was the largest recipient of funds for counter terrorism under the US Defense Department's National Defense Authorisation Act. These funds were used by Saleh to centralise security under his circle's control and were often used against opposition members of society. International funding to Yemen has also been abused by the regime, as public resources have been used to exert control over the state and the security services. Moreover, Houthis have been repressed by the state and the security services and protests have been met by force and opposition members have routinely been imprisoned. The prisons and juvenile detention centres, which have received international funding for reform, are also said to carry out abuses against prisoners, often leading to radicalisation. Tribes have also been brought under control through force and the tribes have accused the government of using the US anti-terrorism initiatives as a means of extending state control. Therefore, in Yemen the international focus on countering terrorism has increased the government's capacity to repress the population, including marginalised groups, and has, to an extent, increased grievances associated with violent extremism (Attree, 2016).

Leaving too Early

Sierra Leone

The war in Sierra Leone ended in January 2002 and by 2006 the UN peacekeeping force and other UN agencies had left. As part of the UN Civilian Police (CivPol) 170 officers from 17 different countries were involved in the training, however this broad representation has been criticised, as many of the officers lacked experience, or came from countries that did not necessarily have an exemplary police force. This negatively impacted on the training of the police force, which was already lacking in numbers. As a result police were focused on, and concentrated in, urban areas leading to further marginalisation of rural populations and a significant difference in the level of policing offered between the two. The early withdrawal of the UN agencies further compounded this issues, as the police had not received enough training, nor where there enough active members. However, a DFID-funded programme to train senior management has led to some positive changes in the operations of the police. Nonetheless, the lack of active members and overall lack of training has negatively impacted the population and meant that the government is unable to deliver policing to significant parts of the country, which has led to a tiered form of security (Baker, 2006). Moreover, even the DFID funding for the police waned and as a result the quality of policing also decreased. This is mainly connected to lack of funding, but also the limited training of the rank and file officers. The lack of funding has also impacted on police behaviour and abuses, as well as resulting in police taking bribes to supplement their income. DFID itself has reported that the Sierra Leone police is in a state of decline, despite its earlier investment, demonstrating the need for long-term investment in police reform (Downie, 2013).

3. Reducing Risk of Harm to Marginalised Groups

Local needs and community policing

Sierra Leone

Although Sierra Leone has already been highlighted as a negative example for cutting off assistance too early, during the time of the international intervention significant positive improvements were made. Following the end of the conflict in Sierra Leone the police were in a poor state and many parts of the country were not policed at all. The police lacked basic equipment, were untrained, and had to deal the legacy of being seen as the repressive arm of the state, as such public distrust was high. Therefore, those involved in the reform, such as the UN and British Council, had to not only reform the entire structure of the police, but also win back the support of the population. As such, the reform focused on community based policing and change on an institutional, individual, and societal level.

Officers, both old and new, received training that focused on local needs, including victim support and domestic violence. At the same time, the police service was restructured in order to allow it to focus on community policing. These included transparent management, financial and promotion structures, as well as processes to make officers accountable to public complaints. Importantly, with regard to marginalised groups, efforts were made to reach out to these communities (particularly women and children) and raise awareness of their rights and the role of the police supporting them. Additionally, a civil society forum was created in order to give local communities a voice in policing and way to monitor the police's actions. Independent evaluations of the impact of these reforms recorded significant progress in police behaviour, standards, and accountability and having a clear strategic plan with political commitment was seen as instrumental to this early success (Groenewald and Peake, 2004).

Gender Sensitive Police Reform

Liberia

Following the end of Liberia's 14-year civil war in 2003 the post-war context was fragile and there were a number of serious economic and social issues that made peace tenuous. The United Nations Mission in Liberia (UNMIL) sent a large UN peacekeeping mission to help maintain the peace and increase security. High levels of violence, particularly against women and girls, which the police had often been involved in, needed to be tackled. Due to the desperate situation in Liberia and need for assistance, UNMIL were welcomed and received strong support. As a result the UN was able to take advantage of the strong momentum to affect change. The local dynamics – a women-led peace movement that helped end the conflict, a female president and general of police – paired with gender-sensitive donor nations and a UN mission with a mandate to incorporate gender mainstreaming resulted gender-sensitive police reforms. There was significant recruitment of female police officers and a new unit to respond to gender-based violence was created. The Liberian government also took ownership of the reforms, however there were questions over whether they had the capacity to continue the reforms and training without assistance, thus needing long-term commitment from donors.

Beyond recruitment, donors and the Liberian police also invested in awareness-raising initiatives, such as reporting rape, gender-based violence, women's participation, and wider gender-based topics. Government officials were also brought on study trips to see the implementation of gender mainstreaming principles first hand, rather than just hearing about it from gender experts. These trips helped to push forward reforms in Liberia, particularly when officials saw the reforms in countries like Ghana and they become more than just lectures from international actors. Additionally, through women being appointed in high level positions female role models were in the spotlight and the presence of an all-female Indian Formed Police Unit also helped reinforce the image of women leading security efforts. As part of this learning process mentors were also utilised to help institutionalise and implement the new processes, and this also helped UNPOL to better understand the local context (Bacon, 2015).

However, this does not mean that police reform in Liberia has been without its issues. The focus on police reform failed to address the weakness of the wider justice system. Due to the lack of focus on the improving Liberia's rule of law, many cases from the gender-based violence unit were held up in court thus undermining the populations' faith in the unit. Additionally, the focus of reforms was urban-focused, particularly in the capital, which did little for reform in rural areas.

Going forward Bacon (2015) argues that:

- More investment needs to be made in crime prevention (particularly gender-based crime) in order to allow more focus on prosecuting and investigating fewer cases.
- Reform needs to focus on the wider justice system.
- Attention needs to be paid to Liberia's traditional justice system and how this can compliment statutory law, as most cases do not reach formal courts. The UN is guilty of ignoring the local context in this regard.

Traditional and Progressive Hybrid Policing

Bougainville

Dinnen and Peake (2013) argue that it is important that international actors engage with a broader spectrum of local actors and not just with state agencies. They point to the hybridity of peacebuilding, involving a range of actors and often including traditional leaders and customary justice in many countries. Thus, international peacebuilding should not ignore the local dimension and should include the interactions between top-down and bottom-up approaches. A successful example of donor engagement with hybrid local justice and security practices is Bougainville, an autonomous region of Papua New Guinea (Dinnen & Peake, 2013).

Through New Zealand's support, a Community Auxiliary Police (CAP) scheme that operates throughout rural Bougainville was created. The CAP involves nearly 350 police officers, however their role extends beyond policing and includes mediation, working with traditional leaders, and supporting community governance mechanisms. The CAP links state authority with local beliefs and practices by operating within both the local conception of authority and the local government system. The CAP allows for local culturally-aware mechanisms to manage disputes and reconciliation and enables community-based policing closely aligned to local leadership and governance (Dinnen & Peake, 2013).

The CAP is a hybrid institution and its officers are nominated by village chiefs and must be approved by the Council of Elders. The officers are then checked by the Bougainville Police Service (BPS) before being hired, giving these officers a high level of legitimacy. These officers are also held accountable to the Councils of Elders system, and thus the local community, as well as through a Non-Commissioned Officer (NCO) within the CAP, and finally by the Bougainville Community Policing Project (BCPP) where staff from New Zealand act as the final measure of accountability. This has resulted in the CAP having extremely high standards and as many as 40 CAP officers have been dismissed. The CAP also handles most policing in Bougainville due to their strong community relations and their permanent presence in rural areas where most of the population lives (Dinnen & Peake, 2013).

The strength of the CAP is that it is based on local leadership structures and practices and takes its inspiration from local culture. For this reason there is a significant buy in from the local population and the Bougainville government. This has strengthened the project and helped to ensure its long-term success. Nonetheless, New Zealand also deserves credit for the role they have played, particularly in enabling the growth of CAP and in providing training. New Zealand has provided the support for the CAP to grow organically and has helped to strengthen areas such as recruiting female officers and providing officers for extremely rural locations (Dinnen & Peake, 2013).

For all the success of the CAP, New Zealand and the BCPP have also been involved in the standard international practice of providing external advisers to help build the capacity of the BPS, and success has been extremely limited with this regard. The CAP is linked to, and sits under, the BPS, which has approximately 200 officers in the three urban centres (Buka, Arawa, and Buin). Dinnen and Peake (2013) argue that failure with the BPS is based on donors attempting to build their own organisational image, whereas with the CAP they allowed local dynamics and aspirations to guide the process. The BPS has changed little from its predecessor and is seen to be considerably less accountable than the CAP. The local population also view the BPS as foreign and imposed, which contrasts considerably with the local ownership that is felt for the CAP. New Zealand's focus on providing advisors and mentors to the BPS, as well as offering training and handbooks has done little to improve the operations or perceptions of the BPS. The BPS is still seen as being part of the past and it is argued that the focus on implementing national police organisation without taking into consideration its fit within the local dynamics is likely to fail and the differences in performance and perception of the CAP and BPS only act to strengthen this argument (Dinnen & Peake, 2013).

4. Lessons

Doctrine and strategy for policy reform: There needs to be the development of doctrine and strategies for the police reform component of a peacekeeping mission, which in turn form the basis for planning, recruiting and deploying police officers and for measuring the success of the implementation of reforms (den Heyer, 2012).

Accountability for police reform: The civilian police component should not be ranked under or be answerable to the military component, as this hinders the successful police reform (den Heyer, 2012). Murray (2003) places importance on ensuring that mechanisms are put in place for the accountability of those who are either offering police training or acting as civilian police, as they are often not suited to the local context and can be unqualified to offer training or can also be part of the deterioration of security.

Everyday legitimacy: Marijan and Guzina (2014) argue that a key lesson from the reform of police in Northern Ireland is that everyday legitimacy is as important as more formal processes of democratic representation and professionalisation of the police. Thus focus needs to be on the informal practices and ways local civil society actors interact with the community and the police. Civil society organisations can act as mediators between the community and police.

Power dynamics: According to Divon (2017) interventions towards police reform across states and communities must include a clear understanding of the plural identities involved in the process, and how these interact with each other. Police reforms also suffer from both being a projection of power, and of constructing agents to which they grant independent power that can be converted. As a result they often produce results that contradict the initial concept of the intervention.

Governance: Neild (2006) argues that support for reforms can be strengthened if donors are willing to provide ongoing support for democratic policing both through assistance programmes and diplomatic relations. Thus, police reforms need to include a long-term plan and commitment to building democratic governance and community relations. This includes the capacity building of civil society who can hold the police to account. Neild also argues that there is a lack of development of the police forces and the focus tends to be on monitoring. To overcome this aid agencies, NGOs, and governments need to work together in order to ensure the reform addresses the multiple of issues.

O'Neill (2005) puts forward a number of recommendations and lessons learned based on his considerable experience working with the UN:

- **Long-term finance:** Police reform is a long process and needs a budget for a long-term commitment and although local ownership is intrinsic this must involve a change from the past so that the population can gain confidence in the process.
- **Human Rights-led:** Protecting human rights is extremely important, but this must be connected to effective crime fighting or there will be no buy in from the police. Police need to be viewed as human rights protectors, as well as being hard on crime and training must reflect this.
- **Part of wider reform:** Police reform cannot be carried out in isolation and must be carried out in tandem with judicial reform. The entire system must be changed to offer effective law and order and to hold police to account.

- **Positive police behaviours:** Alongside human rights and policing training, efforts should also focus on building integrity, professionalism and discipline. This should include providing tools and training of modern management, sound administration, financial controls and objective standards for judging performance.
- **Participation:** Police officers understand the local dynamics and should be included in the process of reform. This will help get the police to work for reform and will also help give an understanding of what can and cannot work within the local context.
- **Contextual:** Local history, traditions and culture must be acknowledged in all police reforms, as failure to do so will result in the reforms failing. It is particularly important to understand the past failures of the police and their role in repressing communities, as this must be prevented from being transferred to the new police. Thus broad-based expertise is necessary and must include every facet of the reform, not just experts on human rights and policing.
- **Responsible response to risk and abuse:** International actors must go beyond monitoring and reporting human rights abuses and should take a diagnostic approach by identifying the problem, its cause, and offering solutions.
- **Accountability:** Independent internal and external bodies for oversight need to be created from the beginning to hold the police to account and they need to have the power and resources to carry out their duties effectively.
- **Structural incentives:** The system needs to be changed so that it rewards ethical behaviour and punishes corruption and abusive practices. Recruitment and promotions must be fair and transparent; skills and performance, rather than cronyism have to become an institutionalised basis for advancement.
- **Popular support:** Changing the culture and ethos of the police is no easy task, but in order to gain the population's support there is very little room for error and early results are crucial.

Groenewald and Peake (2004) also put forward a number of lessons based on their analysis of previous interventions to reform police:

- **Contextual:** There should be an agreed approach with training based on the needs of the local community and provided by those with the skills to deliver it. Often training is provided based on the countries involved and on the incompatible police system from their home country.
- **Donor coordination:** The lack of coordination and the number of countries involved results in mixed messages in training, replication, and elements that are not compatible.
- **Realistic ambitions and timeframes:** Police reform is a multi-faceted process that can take as long as a generation, and thus the change process must be sequenced and properly mapped out. Clear benchmarks must be set to demonstrate progress to both the police and the community.
- **Learning culture:** The nature of the amount of people involved and the often-short period of their involvement leads to a poor storage of information and lack of embedded learning, which is further compounded by the lack of publicly available information on the experiences of the different actors.
- **Rigorous evaluation:** There is a lack of evaluation of the programme design and international actors are reluctant to allow detailed evaluations over concern of their reputation, which hinders valuable learning opportunities.

- **Reliable financing:** The funding allocated for police reform often does not match the goals that the international actors desire. Police reform is expensive and takes time and this is usually not taken into account.

Groenewald and Peake (2004) also offer a range of core principles for international actors to follow:

- **Facilitate:** International actors should support and facilitate the reform process rather than dominate it and as many local stakeholders as possible need to be involved in the process.
- **Consult:** International actors must be flexible and consult throughout the process as is intrinsic that it is tailored to the local context.
- **Equal:** Attention must be equally focused on the police and the community.
- **Shared vision:** There needs to be a common understanding between the international actors and the host government.
- **Multiple levels:** The reform process must include all levels of the police and must not solely focus on management.
- **Broader reform:** Police reform must happen in conjunction with broader criminal justice system reform.
- **Appropriately financed:** The reform programme needs to be realistic and feasible and importantly must have the funds to achieve the objectives.
- **Sustainable:** Finally, progress must be sustainable when international support ends.

5. References

- Abatneh, A. S., & Lubang, S. M. (2011). Police reform and state formation in Southern Sudan. *Canadian Journal of Development Studies / Revue canadienne d'études du développement*, 32(1), 94-108. doi:10.1080/02255189.2011.576143
- Amnesty International (2006). Rape: The Silent Weapon. Amnesty International Report AFR 44/020/2006. <https://www.amnesty.org/download/Documents/68000/afr440202006en.pdf>
- Attree, L. (2016). Blown Back: Lessons from Counter-terror, Stabilisation and Statebuilding in Yemen. Saferworld. <https://www.saferworld.org.uk/resources/publications/1033-blown-back>
- Bacon, L. (2015). Liberia's Gender-Sensitive Police Reform: Improving Representation and Responsiveness in a Post-Conflict Setting. *International Peacekeeping*, 22(4), 372-397. doi:10.1080/13533312.2015.1059285
- Baker, B. (2006). The African post-conflict policing agenda in Sierra Leone. *Conflict, Security & Development*, 6(1), 25-49. doi:10.1080/14678800600590629
- den Heyer, G. (2012). Post-Conflict Civilian Police Reform: 1999 to 2007. International Police Executive Symposium Working Paper No 44. http://www.ipes.info/WPS/WPS_No_44.pdf
- Dinnen, S., & Peake, G. (2013). More Than Just Policing: Police Reform in Post-conflict Bougainville. *International Peacekeeping*, 20(5), 570-584. doi:10.1080/13533312.2013.853961
- Divon, S. A. (2017). Police Reform and Power in Post Conflict Societies|. *EJPS*, 4(3), 267.
- Downie, R. (2013). Building Police Institutions in Fragile States. Washington: Center for Strategic and International Studies. <http://globalinitiative.net/wp-content/uploads/2018/01/CSIS-Building-Police-Institutions-in-Fragile-States.pdf>
- Friesendorf, C., & Krempel, J. (2011). *Militarized versus civilian policing: problems of reforming the Afghan national police* (Vol. 102, p. 37). DEU. http://www.hsfk.de/fileadmin/HSFK/hsfk_downloads/prif102.pdf
- Groenewald, H. (2016). Hammering the bread and the nail. Saferworld. <https://www.saferworld.org.uk/resources/publications/1031-hammering-the-bread-and-the-nail>
- Groenewald, H., & Peake, G. (2004). Police Reform through Community-Based Policing. *New York: International Peace Academy and Saferworld*. https://www.ipinst.org/wp-content/uploads/publications/police_reform.pdf
- Hood, Ludovic (2006), "Security sector reform in East Timor, 1999-2004," *International Peacekeeping*, 13(1): pp. 60-77
- Human Rights Watch (2005). Rest in Pieces. Human Rights Watch Report Vol. 17, No. 11(A). <https://www.hrw.org/reports/2005/nigeria0705/nigeria0705.pdf>
- Human Rights Watch (2016). Tell Me Where I Can Be Safe: The Impact of Nigeria's Same Sex Marriage (Prohibition) Act. Human Rights Watch Report. <https://www.hrw.org/report/2016/10/20/tell-me-where-i-can-be-safe/impact-nigerias-same-sex-marriage-prohibition-act#659655>

Human Rights Watch (2017). Soldiers Assume We Are Rebels. Human Rights Watch Report. <https://www.hrw.org/report/2017/08/01/soldiers-assume-we-are-rebels/escalating-violence-and-abuses-south-sudans>

Lokuji, A. S., Abatneh, A. S., & Wani, C. K. (2009). *Police Reform in Southern Sudan*. North-South Institute. http://www.operationspaix.net/DATA/DOCUMENT/5133~v~Police_Reform_in_Southern_Sudan.pdf

Marijan, B., & Guzina, D. (2014). "Police Reform, Civil Society and Everyday Legitimacy: A Lesson from Northern Ireland." *Journal of Regional Security*, 9, no 1: 51-66.

Murray, J. (2003). Who will police the peace-builders the failure to establish accountability for the participation of united nations civilian police in the trafficking of women in post-conflict Bosnia and Herzegovina. *Columbia Human Rights Law Review* 34(2), 475-528.

Murray, T. (2007), "Police-Building in Afghanistan: A Case Study of Civil Security Reform," *International Peacekeeping*, 14(1): pp. 108-126

Neild, R. (2006). Democratic police reforms in war-torn societies. *Conflict, Security & Development*, 1(01), 21-43. doi:10.1080/14678800100590596

O'Driscoll, D. (2016). Liberating Mosul: Beyond the Battle. *Middle East Policy*, 23(4), 61-73. doi:10.1111/mepo.12233

O'Neill, W. G. (2005). *Police Reform in Post-Conflict Societies: what we know and what we still need to know*. New York: International Peace Academy. <https://www.ipinst.org/wp-content/uploads/publications/polreferpt.pdf>

Open Society (2010). Criminal force? Torture, abuse, and extrajudicial killings by the Nigeria police force. New York: Open Society. <http://www.refworld.org/docid/4cbc44742.html>

Perito, Robert (2009), "Afghanistan's Police: The Weak Link in Security Sector Reform," *United States Institute of Peace*, Special Report 227

UNDP (2016). Being LGBTI in Eastern Europe: Reducing inequalities and exclusion, and combating homophobia and transphobia experienced by LGBTI people in Bosnia and Herzegovina. UNDP Report. <http://www.lgbti-era.org/one-stop-shop/being-lgbti-eastern-europe-bosnia-and-herzegovina-report>

Key websites

- Amnesty International - <https://www.amnesty.org.uk>
- Human Rights Watch - <https://www.hrw.org>
- International Peacekeeping - <https://www.tandfonline.com/toc/finp20/current>
- Open Society - <https://www.opensocietyfoundations.org>
- Saferworld - <https://www.saferworld.org.uk>
- UNDP - <http://www.undp.org>

Suggested citation

O'Driscoll, D. (2018). *Policing and Marginalised Groups*. K4D Helpdesk. Brighton, UK: Institute of Development Studies.

About this report

This report is based on ten days of desk-based research. The K4D research helpdesk provides rapid syntheses of a selection of recent relevant literature and international expert thinking in response to specific questions relating to international development. For any enquiries, contact helpdesk@k4d.info.

K4D services are provided by a consortium of leading organisations working in international development, led by the Institute of Development Studies (IDS), with Education Development Trust, Itad, University of Leeds Nuffield Centre for International Health and Development, Liverpool School of Tropical Medicine (LSTM), University of Birmingham International Development Department (IDD) and the University of Manchester Humanitarian and Conflict Response Institute (HCRI).

This report was prepared for the UK Government's Department for International Development (DFID) and its partners in support of pro-poor programmes. It is licensed for non-commercial purposes only. K4D cannot be held responsible for errors or any consequences arising from the use of information contained in this report. Any views and opinions expressed do not necessarily reflect those of DFID, K4D or any other contributing organisation. © DFID - Crown copyright 2018.

