POLICE REFORM AND HUMAN RIGHTS

A HURIST DOCUMENT

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Introduction and Acknowledgments

Police reform is one of the most important and complex challenges in any environment. It is particularly challenging, however, in post-conflict or crisis situations where the police have often perpetrated serious human rights violations. Largely cut off from the populations they theoretically are meant to serve and protect, and operating more like military contingents than public security officers, transforming such police forces into rights-respecting organizations that simultaneously provide protection and fight crime has proven to be extremely difficult.

Many UN departments and agencies- in particular DPKO, UNDP, DPA, and OHCHR- have developed extensive experience in police reform over the past 15 years in various peace operations, starting in Namibia in 1989. The UN has helped either to reform or create new police forces from scratch in El Salvador, Cambodia, Haiti, Bosnia, Kosovo, East Timor (now known as Timor Leste), Rwanda, Croatia, Georgia/Abkhazia, Sierra Leone, Guatemala, Angola, Liberia and Afghanistan. In addition, UN efforts in "crisis" areas experiencing severe challenges to policing in places like Burundi, Palestine, Egypt, Colombia, Tajikistan and the Sudan have also yielded many solid ideas and "good practices."

This study will review and analyze selected initiatives, most implemented by the UN, to improve police performance concerning human rights. It cannot pretend to be comprehensive since there has been enormous activity in this field, much of it, unfortunately, undocumented and impossible to retrieve unless the right person involved can be found to recount his/her experience. I have contacted dozens of people involved in police reform efforts for this study and reviewed a myriad of documents produced by those involved in police projects and expert practitioners and academics. I will present my principle findings through a summary of case studies from 10 countries. While every situation is unique, many problems are similar, and my goal is to identify certain approaches, tactics and strategies that might prove useful, regardless of the context, with the assumption that adaptation to local circumstances is always required.

Executive Summary

Restoring law and order is a precondition for successful institutional, political and economic development. Reforming the police services thus presents one of the most important challenges in any post-conflict or crisis situation. This report identifies several key lessons identified in this area in recent years.

(1) Integrating internal efforts to reform the police with broader-based and simultaneous efforts to reform the entire rule of law sector, including the judiciary and prisons increases the chances for success.

(2) Police reform is part of a long-term process to change a negative relationship between the police and the population into a postive dynamic where the police protect the population and the population helps the police to prevent and solve crimes.

(3) Training in human rights is necessary but not sufficient. Much more effort, money and attention needs to be directed toward strengthening the police as an institution. Oversight mechanisms, rewarding integrity and good performance, transparency in all hiring and firing, accountability for the budget and modern methods of administration, management and procurement are as important to police reform as any training program in human rights.

(4) Human rights and police experts alone will not build a rights-respecting and effective police; expertise in a variety of disciplines including finance, management, administration and public relations are needed in all police reform projects.

Integration and Coordination

Effective and sustainable police institution-building efforts must be part of integrated and strategic justice sector reform. This is especially true in post-conflict situations where police reform plays a crucial role in anchoring an enduring peace so that broader social and economic reconstruction are possible.

Police reform will have an impact only if it reinforces and is in turn strengthened by an independent and effective judiciary system and if there is an effective and uncorrupt administrative framework, including a transparent and fair process treating allegations of police abuse or misconduct. Police reform must thus be part of a wider reform strategy for the entire state apparatus. Both the internal and the external integration call for improved coordination and cooperation across the specialised UN bodies in charge of different aspects of post conflict reconstruction and institutional reform.

Information, Training and Changing Institutional Culture

Crucially, reforms will be accepted only if they are seen as complementing or strengthening the core mission of the police force: to maintain order and reduce crime. Those outsiders working on police reform must move away from a sole logic of highlighting abuse, which is often perceived as being hostile to the police and being "soft on crime", to one of seeking improved efficiency and effectiveness all the while respecting human rights. This can only be done if the human rights expertise is combined with the professionalism of appropriate specialists in areas of law enforcement. Human rights training, for example, should never be "ghettoized" and presented as a separate topic in police academies. Human rights should not be a mere "add-on" to the "real" policing skills, yet this is precisely what has happened in all too many police reform programs. Rather, every aspect of policing, from stops and searches, making arrests, conducting interrogations and securing the crime scene, should include human rights

principles and practices. Moreover, the UN must do more assessments of the impact of police training on actual performance: is the training making a difference, and if not, why not?

Setting up a police force that works to serve the people and protect their human rights, rather than repressing them, constitutes a revolutionary transformation for most police in post-conflict or crisis situations. It requires the institution to move from a model of policing based on repression and social control to one based on prevention and investigation. The police should be seen as an institution with responsibilities to the executive branch, the parliament and the general public, and not merely as a group of law enforcement officials needing enlightenment on human rights and gender issues. To help achieve this transformation, improving the information flow, not only within the police, but also between the police and the society it serves, is crucial. Police services should conduct public information campaigns describing the new role of the police and the concrete ways in which people can and should collaborate and cooperate with the police so that crime is reduced while rights are protected. Such campaigns should be followed by regular updates on the progress of the reforms, crime statistics and the number and nature of complaints about police misconduct made by the public.

Police must also have better information about the communties they serve. This will require personnel trained in data management, criminology, statistics and other related disciplines. The importance of sound data used to design policies aimed at reducing crime as well as to monitor and calibrate the reform process itself cannot be over-estimated. An adage from modern management is apt in this regard: "You can't improve what you can't measure."

Institutional Guarantees

Even the best training and public information campaigns about human rights, community policing and integration of police, judicial and prison reforms are necessary but not sufficient to guarantee the creation of an effective and rights-respecting police force. Most police officers in most places know already that they are not supposed to beat or torture people, extract bribes or become involved in trafficking of any kind- drugs or people. The problem is not so much ignorance of these principles, but making sure that the right incentive structures are in place to prevent them from engaging in such activities, punishing them if they do and rewarding those who do the job the right way. Recruitment and promotion must be based on objective criteria that are designed to create a system of rewards that elevates integrity as the ultimate value.

When violations do occur, it is important to have the right institutional safeguards in place to ensure that they remain isolated and that police management quickly correct deficiencies. Independent oversight bodies that are objective, transparent and effective are a first order priority in every successful police reform strategy. Accountability mechanisms, both external (public complaints procedures) and internal (disciplinary procedures) help insure police discipline and the adherence to human rights.

Institutional reform gives human rights principles a tangible reality by embedding them throughout the institutional police culture: performance, evaluation, management, administration, financing, logistics, procurement and career advancement. Tools developed for institutional reform such as diagnostics of institutional weaknesses, data-gathering and analysis, merit-based performance evaluations, measures to assess impact of programs, leadership development and budgetary oversight are as important to police reform as they are to judicial reform or initiatives to improve customs, tax collection or other public services that the UN in general supports in its various "good governance" projects. Police reform deserves no less rigor or consistent treatment.

In most of the police reform projects that I reviewed for this study, these issues did not receive adequate attention from the agencies involved: UNDP, OHCHR, DPA or others. This deficiency must be addressed, especially since many of these issues come within the remit and expertise of the UN actors in-country.

Police Reform and Human Rights: What do the Experts Say?

1. **Police Reform takes a long time, involves transforming power relations in a society and requires more than technical tinkering with police doctrine or practice.**

Police reform, like judicial reform or any effort to change an institution, is intensely political. Power distribution and relationships will change, and resistance is only natural and to be expected. Many in the old order will see reform as a direct threat, a "zero sum game" where they stand to lose and others will gain. Reform also implies that what exists or existed is flawed. People invested in the old structure will not be happy with this conclusion and can be expected to resist change. There is a built-in tension between the UN's correct judgment that it is important to "build on locally and take local ownership seriously" and the reality that the very need for reform means that what exists "locally" is inadequate and requires change.[1]

The UN and others embarking on police reform must understand from the outset that the exercise involves much more than a mere "technical fix" or tinkering with purely the operational side of a police force. The local population will interpret every project, every training or public awareness campaign through a political lens as a political initiative and they will do a political calculus of what they stand to gain or lose from the effort. Police reform inevitably will transform a society; it is a major exercise in state-building requiring the population to have confidence in the police and that the police to serve the public regardless of political agendas and despite their recent experience. Such a dynamic represents a pivotal change in how society is governed in most post-conflict and crisis states. "Policy makers and critics have to recognize that civilian police missions are an integral part of a vast and ambitious project of conflict management and

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[1] Charles Call, "*Challenges in Police Reform: Promoting Effectiveness and Accountability*" (International Peace Academy 2003), p. 4

political and socio-economic development.[2] And they must also recognize, and budget for, a long-term commitment since this will take years, not months.

2. **Organizational change of any kind is never easy- this is doubly so for police forces in post-conflict or crisis countries**

UN initiatives on police reform must also recognize that changing the culture or "ethos" of an institution is never easy. For most post-conflict and crisis states, the over-arching goal of police reform is to "move from a model of policing based on repression and social control to a model based on prevention and investigation."[3] Historic and well-deserved mistrust by the population towards the police must be overcome, and this will take time. The new or reformed police must earn the trust of the population, and one mistake or reversion to the past can have a devastating impact. In short, there is almost no room for error, especially in the early days of police reform. This is the reality. So getting off to a good start is vital, and generating early, tangible results is also crucial.[4]

3. **Respect for human rights and fighting crime go together: police reform cannot be seen as resulting in "weak policing"**

A third core aspect of police reform in conflict or crisis states is a concern that protecting human rights can be perceived as being "soft" on crime or as "coddling" criminals. This perception must be fought at all costs. The police themselves will reject reform if they believe that it will lead to greater criminality or somehow undermine their effectiveness as police officers. Put simply, the police won't change their behavior unless they see it is in their personal and professional interest to do so. And as police expert David Bayley has noted, more important than any training course is word-of-mouth among police officers; police telling other police that this or that change has meant an improvement in their performance or was effective in fighting crime is a very powerful change agent.[5] Police must believe that crime and disorder will decrease as a result of the reforms. Part of the challenge for the UN is to combine the human rights perspective on policing (revising codes of conduct, erecting oversight bodies and training) with the professional law enforcement, crime control perspective. All too often, the former has predominated in UN initiatives.

Some maintain that controlling crime requires "tough" policing. In New York, for example, crime dropped precipitously in the early 1990s while the number of civilian complaints against the police surged. This led some to conclude that the ineluctable price for lower crime rates was more aggressive policing. A study sponsored by the Vera

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[2] Annika S. Hansen, "*From Congo to Kosovo: Civilian Police in Peace Operations*," The International Institute for Strategic Studies, Adelphi Paper #343 (2002), p. 13-14.

[3] Rachel Neild, "*Police Training: Themes and Debates in Public Security Reform: A manual for civil society* (Washington Office on Latin America 1998), p. 11.

[4] John P. Kotter, **Leading Change** (Harvard Business School Press 1996), p. 119. Kotter emphasizes the importance of "generating short-term wins" as a way of building credibility, momentum and support for reform; people need to see that all this effort is paying off.

[5] *See* David Bayley, *"Democratizing the Police Abroad: What To Do and How To Do It,"* National Institute of Justice (2001), p. 20.

Institute of Justice, however, showed that both crime and the number of civilian complaints about police misconduct can decrease. Looking at two precincts in the impoverished South Bronx, the researchers found that with improved leadership and supervision combined with better relations with the community, respectful and effective policing is possible.[6]

In both precincts, the decisive factor was the leadership of the precinct commander.

> "Both COs [commanding officers] improved the way that precinct personnel and community relations were managed…They administered the departmental monitoring programs for recidivist officers with zeal, attaching real consequences to receiving civilian complaints. In both precincts, officers had gotten the message that abusive behavior could be hazardous to their careers. In effect, the COs in the two precincts we investigated took a departmental policy and used it to further their vision of how police ought to interact with the public."

We will see how strong leadership, rigorous oversight, and installing the right system of incentives yield improved police performance; they also are effective in fighting crime.

The population too will call for more "robust" police action if they believe that they are more vulnerable to crime, even if this means cutting back on human rights. Such public clamor for "tougher" policing has arisen in Haiti, El Salvador, Guatemala and South Africa, all countries with histories of vicious and brutal police behavior. But if people feel vulnerable to crime, they will not only tolerate but advocate for police to take almost whatever action is necessary to combat crime. Thus it is absolutely imperative that UN police reform be seen as simultaneously supporting more effective and respectful policing. This can be quite challenging, especially where there is lots of violence and disorder, fairly typical in a post-conflict setting where most state structures, to the extent they ever functioned, have dissolved. Police reformers must convince the public that "democratic policing is not weak policing."[7]

4.   **Human rights training and awareness-raising are only part of the program: effective reform requires paying attention to the institutional development of the police.**

A clear lesson that has emerged from all this activity is that police reform must go in tandem with judicial reform. Modernizing laws, training judges, making courts more efficient and humanizing prisons are all part of "rule of law" efforts. This study quite intentionally is limited to examining police reform efforts knowing full well that in actual practice all the institutions related to justice and security must adapt to the post-conflict or crisis situation.

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[6] Robert C. Davis and Pedro Mateu-Gelabert, "*Respectful and Effective Policing: Two Examples in the South Bronx*" (Vera Institute of Justice March 1999), p. 20.
[7] *Id*. at 40.

UN actors have overwhelmingly focused on "raising awareness of human rights standards" among their main target audiences in these police reform efforts: the police themselves and the community at large, or "civil society." The corollary to this awareness raising is a heavy emphasis on training, creating materials for training courses and public information campaigns. In almost every country studied, the UN has designed training modules on human rights for the police, the courts, the prison system, the ombudsperson office, parliament and other official entities charged with law enforcement and security. The Task Force on Rule of Law in Peace Operations, created by the Executive Committee on Peace and Security in May 2003, produced a report surveying training efforts for the police, judiciary and prisons.[8] In its report to the ECPS, the Task Force included over 50 training modules and manuals created by UN agencies or departments in the rule of law area which includes the police. The Task Force's effort to compile all known relevant training materials was the first instance where the UN tried to collect its disparate efforts in this crucial rule of law activity. The UN must improve its own capacity to maintain its "institutional memory" to avoid wasteful repetition and to enhance its efficiency and effectiveness.

Innovative practices like sustained "mentoring" of police by experienced outsiders can reinforce what is learned in the police academy; UN Civilian Police (CIVPOL) in Bosnia, Haiti, Kosovo and East Timor have effectively mentored local police, especially where the two have been co-located and when the mentors have been properly managed and trained. Tools like laminated pocket guides for the police, summaries of the core UN human rights principles for policing translated into national languages and sponsoring police involvement in community projects have become almost automatic parts of police reform efforts.

Likewise, the UN has developed human rights education materials for the schools, professional organizations, journalists, community groups and local human rights organizations. Radio and television broadcasts, some highly inventive and entertaining like soap operas or song contests illustrating human rights principles, also flourish on the airwaves of many countries. This is especially important in places like Haiti, Rwanda and Cambodia, where 70% or more of the population is illiterate.

While this is all important, my central thesis here is that training and raising awareness about human rights is necessary but not sufficient for meaningful police reform anywhere, but especially in crisis and post-conflict states. Most police officers in most places know already that they are not supposed to beat or torture people, extract bribes or become involved in trafficking of any kind- drugs or people. And most people know that the police should not do these things. Training and increased knowledge of rights alone will not change behavior or prevent human rights violations by the police.

5. **Management tools, sound administration practices and fiscal controls are as important as knowledge of human rights.**

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[8] "*Report of the Task Force on Rule of Law in Peace Operations to the ECPS*" (August 2002)

Most experts on police reform maintain that in addition to the human rights training and public awareness campaigns, the UN must engage in sustained efforts that build integrity, professionalism and discipline in a police force. Tools of modern management, sound administration, financial controls and objective standards for judging performance are all pivotal issues. Strong leadership, in the police and in wider government officialdom will also help determine the success or failure of police reform.

The UN's record on police reform is much spottier once one moves outside the area of training, creating human rights education materials and awareness raising.   The UN needs to pay more attention and devote greater resources to these issues that fall under the rubric of institutional strengthening. The UN's experience and expertise on good governance and capacity building needs to be coupled with the technical knowledge and experience of police and human rights specialists. No one sector should have a monopoly; police reform will not occur unless all collaborate and create the synergies required for such a daunting task.

6.   **Some of the best ideas come from the ranks: police officers should have a meaningful role in all aspects of the reform process**

Another key element in police reform involves the time-consuming and difficult work of consulting police officers to get their views on what works and what does not. As Bayley notes, "the grain of the organization must be made to work with, and not against, reform."[9] Reform cannot be simply "decreed" from above; while the support of top management is crucial, everyone in the force must feel that they have a stake in change.[10] The rank and file must have a say and be listened to, otherwise reform efforts will not take root. For example, in a study of efforts to implement community policing, some of the best ideas came from the police themselves and not from the outside "experts" or the police hierarchy.[11] This "bottom-up approach" must be combined with skillful and committed leadership who set clear standards on what is proper behavior and what will not be tolerated in the new police.

7.   **Local history, traditions and culture must be acknowledged in all police reforms; failing to anchor programs in local realities means that they will fail; broad-based expertise is required.**

UN actors must know thoroughly the local traditions, practices and conditions regarding policing and security. A deep understanding of how the police had been structured and organized is essential. UN actors must also understand past criminal patterns, the networks and criminal gangs, inside or outside the old police, and how they operated. Moreover, in most post-conflict and crisis countries, the police were often part

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[9] *Id.*

[10] Kotter, **Leading Change, supra,** note 4. Kotter shows how both establishing a sense of urgency and creating a coalition of management and employees are crucial elements for implementing change. Empowering employees for broad-based action- for our purposes, the police officers themselves- is a third element.

[11] Rachel Neild, "*Community Policing,, Themes and Debates in Public Security Reform: A Manual for Civil Society* (Washington Office on Latin America 1998)

of the problem. Often cut off from the community they were meant to be protecting and serving, the police in places like Haiti, Cambodia, Rwanda, Kosovo, Sierra Leone, Afghanistan and Bosnia usually acted like "occupiers", squelching any perceived criticism of the authorities and not hesitating to use violence to maintain control. Most people's interactions with the police have been negative: extortion, threats, beatings, rape, "disappearances" and murder have been all too common in the countries studied.

In many places, people have had no experience with a police force that would provide services, protection and observe human rights, so the UN must be ready to help citizens formulate demands for respectful, responsive policing.[12] While it is difficult to overcome this background, at the same time, as Bayley notes, "there is a repressed demand for responsive, sympathetic policing."[13] Despite understandable skepticism bred from decades of abusive police behavior, most people want to have a good experience with the police; they want to rely on the police for protection and the prevention of crime. Police reformers must know this history, even things like the color of the old police uniforms and the names of notorious police units. Reform efforts must not in any way even hint that discredited and abusive symbols, units or tactics will continue.

This type of understanding requires a broad-based expertise. Put simply, improving human rights performance in the police is too important and complex to be left to human rights or police experts alone. Those steeped in management, personnel, logistics, communications, procurement, data management, institutional reform, psychology, sociology, criminology, public information campaigns, anthropology and community relations must also participate. It is not enough merely to bring in a human rights expert to lecture on international human rights standards to a group of cadets in a police academy, or for a police expert to discuss how to conduct a "stop and frisk." Police reform is a multi-faceted, multi-disciplinary effort that takes careful coordination among many actors and will require many years and lots of money; how to insure a sustainable amount of financial resources generated from within the state (local taxes and fees) and not dependent on foreign largesse is a major challenge.

Thus there is no single element in the UN system that has the competence, expertise or resources to "do" police reform. It will require a joint effort from many departments and agencies, including OHCHR, UNDP, UNICEF, UNIFEM, DPKO, DPA, Office on Crime and Drugs (Vienna), let alone regional bodies like the EU, OSCE, OAS (active in technical police reform in Haiti right now), the AU and others. Moreover, bilateral donors often include police reform in their aid packages and these too must reinforce and not undermine the UN's work. There are too many examples of a bilateral police reform initiative sending a message that contradicts the UN's, which confuses everyone and hinders reform.

8. **International actors must offer more than just criticism of police misconduct; identified problems require positive solutions.**

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[12] Call, *supra* note 1, p.5.
[13] Bayley, *supra* note 5, p. 25.

Another important lesson gleaned from international efforts to reform police is that merely monitoring and reporting on human rights abuses does not automatically lead to reform or improved respect for human rights. Immediate resort to the "blame game" or "shaming" the police into reforming their behavior by publicly exposing their abuses can be counter-productive, leading the police to refuse to cooperate, share information or participate in reform efforts. Feeling under siege, they will revert to past behavior. Even many UN CIVPOL may react similarly, thus complicating further UN efforts.

This does not mean that UN officials should hide, soft-pedal or worse yet, "justify" police misconduct or criminal behavior. Rather, a shift in tactics or approach may yield the desired results without in any way compromising on principles. Human rights monitors typically have relied on exposing abuses as the way to garner attention to a problem and then fix it. Yet most police will not accept being hectored or lectured to, this will only entrench existing institutional resistance to change. For new police forces, the adversarial approach may create a siege mentality among the police who will see the human rights community as the "enemy", a dangerous situation which has an all too unhappy precedent in many countries.

Experience across several peace operations shows that a "diagnostic approach" works much better. Here the human rights or policing experts analyze the situation, spot any abusive behavior, understand what causes the violation of human rights, and then seeks to work with the responsible authorities to fix the problem. This is true not only for police reform but also for the judiciary, prisons, public administration or any institution charged with upholding human rights. As the authors of a major study on human rights in peace operations have concluded:

> Perhaps the most important lesson from the field mission experience is the complementarity between human rights monitoring and institution building. Monitoring gave missions the ability to identify the sources and scope of human rights problems throughout the country. This information could then be used to design reform measures and training programs. Finally, field monitoring provided direct feedback on the effectiveness of reform strategies or programs as they were implemented.[14]

This "virtuous circle" of analysis, diagnosis, planning, implementation, review and assessment has proven the best approach to police reform in post-conflict countries. It also has the virtue of involving the various actors and expertise needed for effective reform so that it is not just seen as a "human rights project." The police themselves must be active and meaningful participants, another essential element for success.

If, however, after good faith efforts by the UN and other international actors to work cooperatively with the authorities to solve problems and offer solutions, the government has denied that there are problems; or obfuscated, delayed or failed to take necessary action, then the UN should not hesitate to criticize publicly both the violations

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[14] **Honoring Human Rights**, Alice Henkin ed. (The Aspen Institute 2000), p. 183

of the police and the authorities' inaction or cover-up. But in this case public "shaming" is the tool of last resort, not first.

9. **Internal and external bodies responsible for oversight of the police must be independent, objective, transparent and effective. They must have the power and resources to do their job.**

"Creating effective disciplinary systems within the police should be a first-order priority."[15] Effective, transparent and fair accountability mechanisms, both internal and external, will help insure police discipline and secure public trust. This is one of the most important aspects of improving police respect for human rights. A major problem in many countries has been police impunity where the police literally got away with murder, torture, rape and extortion. Any misbehavior by the new police will have devastating impacts on reform. The population will see that the new police are just like the old, not worthy of their trust or support, and a dangerous dynamic will quickly develop. This was initially the case with the UN mission in El Salvador (ONUSAL), whereas in Haiti an energetic Inspector General of the new Haitian National Police in 1994-5 disciplined, suspended and even turned over for prosecution misbehaving and abusive police officers.[16] This was literally revolutionary in Haiti and sent a clear signal to both the police and the population: impunity is over; you can lose your job and even go to jail if you violate the law or police code of ethics.

Much has been written on whether internal oversight is better than external, civilian review boards and vice-versa. Likewise, the precise structure, organization and powers of control mechanisms have been the subject of many studies. While these are important issues, the most important element of success is creating and maintaining a dynamic relationship among the police department, civil society and the oversight body.[17] More importantly, civilian oversight itself can never substitute for good, visionary police leadership and effective internal monitoring.

The public needs to know and have confidence in the complaint procedure; if a police officer did something wrong a citizen can file a complaint and be sure that it will be acted on and not dumped in a drawer never to be seen again. The police should conduct a public information campaign describing the process of how citizens can file a complaint for police misconduct. The police Inspector General or Internal Review Board should issue public reports, give press briefings and issue press releases describing the allegations, the nature of the police abuse alleged and the names and ranks of the officers involved.[18] For a while in the mid-1990s, the Inspector General's Office of the new Haitian National Police gave a weekly press conference, announcing the number of

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[15] Bayley, *supra* note 5, p. 40.

[16] Research has shown that as a tool to promote change and better police practices, criminal prosecutions are blunt and have a limited deterrent effect. Prosecutions are cumbersome, expensive, backward looking and often dismissed by other police officers as frivolous and politically motivated. Paul Chevigny, **The Edge of the Knife: Police Violence in the Americas** (The New Press 1995), p. 101.

[17] The Vera Institute, "*Policing in Democratic Societies*," available at www.vera.org

[18] Washington Office on Latin America and the National Coalition for Haitian Rights, **Can Haiti's Police Reforms Be Sustained?** (1998)

complaints made against the police, action taken- including the referral of serious cases for criminal prosecution, and an up-date on the status of earlier cases. This openness encouraged the population to work with the police, to provide information, tips, identify suspects and prevent crime.

An effective police oversight mechanism helps reinforce the twin goals of respectful and effective policing; disciplined and proper police behavior means fewer rights violations and more public cooperation which in turns leads to lower crime. While some police officers resist oversight, especially from external bodies, interpreting it as a hindrance to effective crime-fighting, David Bayley suggests that rather than framing the issue as a trade-off between oversight vs. effectiveness, accountability and human rights can be seen as management and performance issues.

> "I believe, then, that the kind of clever tactic with the police is not to beat them over the head with respect to external methods of accountability, much as I approve of many of them, but to work with them and get them on our side in changing their management mentality."[19]

No police reform will be successful without a heavy emphasis on police accountability. The police as an institution must demonstrate a commitment to human rights; this goes beyond training and should include oversight bodies that investigate and punish misconduct, incorporate human rights principles into all operating procedures including recruiting, promoting and managing personnel and public reporting on investigations into abuses and on crime statistics in general.

Police control mechanisms serve important purposes in addition to assessing behavior and punishing misbehavior. The internal affairs unit or inspector general's office assists in "analyzing and changing the regulatory and management systems and practices of the police to refine their capabilities and improve their performance, both in effectiveness and ethics."[20] As opposed to criminal prosecutions which affect very few officers and have limited impact on behavior, internal disciplinary mechanisms, if fair and objective, have a great potential to encourage good behavior since they directly influence an officer's career. Performance assessments go into personnel files which then affect promotions, transfers, raises, assignments, opportunities for further training and skills enhancement. For example, police killings in Sao Paolo, Brazil dropped substantially from 1,190 in 1992 to 106 in 1996.[21] While improved internal disciplinary procedures and specialized training and counseling by a "Program to Retrain Police Involved in High Risk Situations" played a role in this fall, many experts believe it was the prospect of reassignment to an 8 hour-a-day desk job that was the most important factor. Police feared losing their 24-hour shifts which allows them to supplement their incomes with a second job if they were forced to work regular hours at a desk job.

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[19] Call, *supra* note 1, p. 9, quoting from Ziegler and Neild eds., **From Peace to Governance: Police Reform and the International Community** (WOLA 2002 (2002), p. 8
[20] Rachel Neild, **Internal Controls and Disciplinary Units: Themes and Debates in Public Security Reform: A manual for civil society** (Washington Office on Latin America 1998), p. 1.
[21] Human Rights Watch, **Police Brutality in Urban Brazil** (1997)

Overall analyses by both internal oversight bodies and external civilian review boards reveal patterns, trends and problems based on the cases/complaints filed with each body. Such information generates policy changes and recommendations, as well as adaptations in training and the incentive structure. The police themselves are often very interested in identifying which tactics or practices generate civilian complaints.[22] Developing analyses of patterns of abuse, "hot spots" or tactics that lead to abuse is essential for corrective action and reform to occur.

10. **The entire system of incentives and rewards needs to reflect the new police ethos of serving and protecting the public; recruitment and promotion must be based on objective criteria and not on nepotism or political favoritism.**

A corollary to accountability is establishing a new police culture that rewards ethical behavior and punishes corruption and abusive practices. Police reform must address the whole system of incentives and rewards in the institution and must elevate integrity as the ultimate value. Recruiting based on fair, transparent and objective, publicly announced criteria, promotions based on the same factors, salary increases, favored postings and other legitimate perks must derive from a rigorously objective assessment of performance, not on political favoritism, nepotism or cronyism, all of which have often characterized the ethos of abusive and corrupt police forces. It is crucial that reforms address the question of re-aligning incentives and punishments to promote integrity and capacity/competence throughout every aspect of the police so as to "embed" these values in every procedure and policy.[23] This requires an effective and powerful coalition within the police that will promote this change, clarify the vision, and create the sense of urgency that change must occur. It is not enough to say top management must support the change, the process must go deeper and include also department heads and station chiefs.. Integrity and the "right way" must be recognized and rewarded, otherwise the new ethos will never take hold.[24]

For example, a merit-based promotion following a careful review of an officer's performance, evaluations, record of any complaints by citizens, would be revolutionary in many police forces in crisis and post-conflict countries. Successful police reform is every bit as much about questions of personnel management, career paths, and transparent disciplinary procedures as it is about human rights training and awareness campaigns or about improved crime-fighting equipment and techniques. Yet the former set of issues

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[22] Rachel Neild, **External Controls: Themes and Debates in Public Security Sector Reform: A manual for Civil Society** (WOLA 2000), p. 11

[23] Gordon Peake*," Policing the Police: Police reform experience in Kosovo, Southern Serbia and Macedonia"* (Saferworld 2003), p. 22.

[24] Kotter notes that "Major change is often said to be impossible unless the head of the organization is an active supporter. What I am talking about here goes far beyond that. In successful transformations, the president, division general manager, or department head plus another five, fifteen, or fifty people with a commitment to improved performance pull together as a team…in the most successful cases, the coalition is always powerful- in terms of formal titles, information, expertise, reputations and relationships, and the capacity for leadership." **Leading Change**, *supra* note 4, p. 6.

has often been overlooked at the expense of the latter. For example, despite solid efforts to reform the police in Macedonia and lots of training on human rights, "an entrenched culture of politically partisan decision-making throughout the country intrudes on policing…"[25]   UNDP especially must recognize the broader governance challenges when it comes to police reform; the police do not operate in a vacuum, and it is often a national political ethos and system of incentives and punishments that need reforming.

For example, corruption constantly surges to the top of many complaints about the police in post-conflict countries. Either the police were or are corrupt, demanding money, goods or drugs. While training and anti-corruption campaigns have their place, more is needed. And while poor salaries alone do not cause corruption, they play an important role. Thus the capacity of the government to raise adequate revenues fairly, with everyone paying their share of taxes so that all public servants, including the police, receive an adequate salary, is part of an overall context of governance reform that has a huge impact on effective and respectful policing with the concomitant improvement in respect for human rights.

11.   **There is a crying need for reliable data on crime, complaints against the police and measures to assess the impact of training and reform efforts.**

Police record-keeping must be meticulous to thwart efforts to cover up the incidence of police abuse. Establishing baseline information for statistical analyses of crime and police behavior allows an assessment of the impact of police reform efforts. UN police reform efforts should therefore include experts in official oversight bodies, administration and personnel management, data management and statistics. These are often overlooked, but are keystones to effective institutional reform. Lack of solid data has prevented even mature police forces in developed countries from fully understanding the extent and nature of police abuse and, as importantly, from designing remedies and assessing impact of reforms.[26] The better and more comprehensive the information, the more nuanced, sophisticated and effective the analyses of police conduct can be. Good data should yield good policy and practice which in turn yields better respect for human rights.

Overview of UNDP's and OHCHR's Experience and Practice

The preceding section summarizes some of the key "lessons" distilled from the extensive literature on how to create democratic, community-oriented, rights-respecting

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[25] Peake, *supra* note 23, p. 35.

[26] Paul Chevigny, **The Edge of the Knife: Police Violence in the Americas** (The New Press 1995). Police forces in the US have revamped their entire crime fighting strategies based on up-to-date and comprehensive data-driven analysis of crime, based largely on the New York Police Department's COMPSTAT, a computer-based mapping of current criminal activity. *See*, Harvard University, Kennedy School of Government Case Program, "*The NYPD Takes on Crime in New York: Compstat*," (CR 16-00-1558.3), and Shaila K. Dewan, "*New York's Gospel of Policing by Data Spreads Across the U.S.*" *The New York Times*, April 28, 2004, A-1.

police services. To what extent has the UN incorporated these lessons in their programs and approaches to police reform?

UNDP and OHCHR's work in police reform has emphasized training and awareness-raising campaigns.[27] Sometimes they have made the mistake of merely adding human rights training to a list of subjects for the police to cover at the police academy. In most cases, however, they have sought to "mainstream" human rights issues throughout the curriculum, a much more effective way to inculcate human rights among the police. The best gender awareness-raising programs use this same approach. Even better are programs that demonstrate how respect for human rights does not weaken or undermine the effectiveness of the police in fighting crime or protecting society.

Unfortunately, some UN initiatives largely begin and end with training. As shown in the preceding chapter, human rights training is necessary but not sufficient to reform an abusive police force.   UNDP, given its experience and expertise in institutional capacity building, should, together with other key UN and outside actors, pay more attention to the "nuts and bolts" of strengthening the police as an institution. In some cases, Bosnia for example, members of the UN's International Police Task Force (IPTF) emphasized the importance of integrity, de-politicization, and objective merit-based promotion and rewards to improving the human rights performance of the new Bosnian police. In Kosovo, the OSCE has spent a great amount of time and money gathering information from the public about their attitudes towards the police, and then designing training, management, deployment and administrative structures accordingly.

Data, the backbone for all crime analysis and crime fighting, should take a top priority in UNDP police initiatives. "You can't improve what you can't measure" is a mantra from the world of management experts that applies to police reform. Good data also reinforces accountability which in turn allows for objective evaluations of police performance. "Once mapped, patterns of crime seemed to jump out at the audience. `When you have the data in front of you, the beauty of the map is that you can ask "Why is this happening?...What is the underlying cause?"'[28] Police promotions then should be based on demonstrated performance in reducing crime and citizens' complaints about police behavior based on hard data, and not on the officers' longevity in the force or political, ethnic or religious connections.

UNDP's and OHCHR's record, based on this survey, is mixed when it comes to understanding the importance of supporting transparent oversight mechanisms. Nothing

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[27] I do not include the many and important efforts by DPKO's CIVPOL unit in police reform. These activities were not included in my terms of reference and indeed are so vast that they would require another study of at least equal length and duration as this one. In brief, CIVPOL too has invested much more of its efforts in monitoring, reporting and mentoring police in peace operations, and much less in the institutional development of the police service. The exceptions to this conclusion are in Timor Leste and Kosovo, where the UN has had both "executive authority" and functional sovereign powers with a broad mandate to build new police services.

[28] Kennedy School of Government Case Program, Harvard University, "*The NYPD Takes on Crime in New York City*," CR16-00-1557.3, p. 2, describing the use of computer analyses of crime to generate a map called "Compstat."

will subvert police reform faster than renewed impunity. If police literally get away with murder, then you will have a hard time convincing anyone that things are really different from the bad old days. Police leaders must punish misconduct and the courts must prosecute police who have committed crimes. The UN has shown some reluctance in raising these issues, let alone insisting on them. This raises the more general challenge of human rights "mainstreaming" and the "rights-based approach" to UN development activities, including police reform.

Training and awareness-raising are relatively safe and non-controversial, even when the subject is human rights. A rights-based approach creates a riskier, more complex relationship with the authorities. UNDP and OHCHR, along with other UN actors, must be ready to insert themselves more deeply into how the police force operates as an institution- hiring, firing, promoting, budgeting, managing, procuring, assessing and disciplining. This more assertive, comprehensive involvement may require the UN to advocate policies and actions that the authorities may not like, complicating their relationship. Yet these are precisely the issues that, according to police experts cited above, are essential to anchoring real, sustainable reform that will improve police respect for human rights. The UN's own "Common Understanding" on the rights-based approach confirms this view.[29] It is now up to UN Country Teams to implement this understanding within the context of effective police reform strategies.

Finally, I believe that Chuck Coll's assessment of human rights advocates' efforts in police reform applies largely to the UN's performance thus far:

> "…[H]uman rights advocates have failed to engage difficult issues of policing models and institutional development and capacities, focusing instead upon human rights training and accountability for wartime abuses in ways that may not address the current policing environment."[30]

A similar criticism can be levelled at police experts who likewise have failed to devote enough time and resources to institutional development and have instead favored training on technical police matters, monitoring and reporting. This critique includes police involved in DPKO CIVPOL initiatives.

To address the current policing environment in places like Haiti, Kosovo, Bosnia, Sierra Leone, Guatemala, Timor Leste, Cambodia and Egypt, the UN should adopt the same approach to police reform as it would for any other development project involving a major government ministry. UNDP, OHCHR, UNICEF, DPA, DPKO- whatever agency or department is involved- should deploy the full panoply of its expertise in governance, management, finance/budgeting and administration, along with rigorous assessment tools, data gathering/analysis and project evaluation in this complex and long-term exercise called police reform.

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[29] *The Human Rights Based Approach to Development: Towards A Common Understanding among UN Agencies* (adopted at a UN meeting in Stamford, CT, 5-7 May 2003)
[30] Melissa Ziegler and Rachel Neild, eds., **From Peace to Governance: Police Reform and the International Community** (WOLA 2002), p. 18

Such an approach would insure that UNDP and all UN actors would maximize their opportunity to apply the principles enunciated in *The Human Rights Based Approach to Development: Towards A Common Understanding among UN Agencies* (adopted at a UN meeting in Stamford, CT, 5-7 May 2003) concerning root-cause analysis, participation, equality/non-discrimination, universality, accountability/rule of law and which in turn results in improved capacity for the police (duty bearers) to meet their human rights obligations and for society (rights holders) to assert their rights.

Selected Country Studies on Police Reform and Human Rights

a. *Timor Leste* (formerly East Timor)

Following the brutal massacres by Indonesian-sponsored militias in East Timor in August-September 1999, the Security Council authorized an Australian-led multi-national intervention.[31]   After establishing a safe and secure environment, the Australians turned over the leadership of the peace operation to a UN force. The UN peacekeepers included a contingent of CIVPOL who, like their counterparts in Kosovo, had full executive authority; that is, they carried firearms and could arrest and detain anyone in East Timor.

The local police force no longer existed by the time the UN took over. Many were Indonesians who left once the Australians arrived. Local Timorese police stopped working for a variety of reasons. Thus the UN had to create a new police force from scratch. The United Nations established the new *Timor Lorosa'e Police Service* (TLPS) on 10 August 2001.

The Secretary-General's report of 4 October 1999 mandated the UN Peace Operation, called UNTAET or the United Nations Transitional Adminstration in East Timor, to develop "a credible, professional and impartial police service." Yet the UN CIVPOL concentrated overwhelmingly on training and did not assign officers to police development activities nor did it develop a comprehensive institutional development strategy until the end of UNTAET's mandate.[32] It was only in mid-2000 that UN CIVPOL began to look at institutional development of the police and only in late 2001 that a strategic plan for the TLPS was completed.

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[31] In the interest of brevity, each case study will provide a minimum amount of information on the history and background of the UN presence, just enough to set the context for police reform. Numerous comprehensive works already exist on the nature of the conflict or crisis in each country and the UN's response and such information will not be repeated here. Also, I will keep citations to a minimum. Most of the information in these summaries comes from written responses from UN officials in the various countries who have or are working on police reform and they are available and on file with UNDP/HURIST and BCPR offices in New York.

[32] For a comprehensive and compelling critique of UNTAET's police reform and institutional work, *see* King's College (London), **A Case for Change: A Review of Peace Operations** (2003), pp. 235-240.

A group of experts studying a variety of peace operations concluded that in the case of Timor Leste:

> "UNTAET initially focused on personnel recruitment and training while neglecting the development of the ETPS [TLPS] as an institution…The failure was a direct result of inadequate strategic planning and institution-building know-how at the UN Secretariat and mission level…Lacking the necessary expertise in instituion-building, strategic planning and budget development (in democratic countries, these activities are usually performed by civilian administrators), UNPOL [CIVPOL] has produced an institution that is unsustainable and weak."[33]

Quite wisely, those UN actors following on the UNTAET phase which ended in May 2002, realized that they would have to go far beyond mere human rights training and transparent recruitment practices to insure that an effective, rights-respecting police force would take root. The UN belatedly focused on building capacity in human resources management, finances (including accounting and oversight mechanisms to fight corruption), logistics, management (again emphasizing accountability, disciplinary procedures and operating policies/codes of conduct), community relations and field training/mentoring. This "holistic" approach underscored the links among basic police skills development, standard setting, administrative/logistic support, integrity and discipline.

For example, the UN has created standard operating procedures in sensitive areas where the potential for human rights abuse is great: arrest, detention, use of force, domestic or gender-based violence, juveniles in trouble with the law and child abuse cases. UNICEF and UNFPA have played key roles in developing these procedures and a Code of Conduct, in addition to the CIVPOL and Human Rights Unit of the UN peace operation. This collaboration and cross-fertilization of expertise is another important innovation in UN police reform work and merits duplication whenever possible. Building capacity so that police officers have the skills necessary to interview a victim of sexual abuse or a child has received priority attention. Giving police the skills to obtain the information they need to arrest or detain a suspect without violating his/her rights fulfills the multiple goals of providing good, strong, effective policing while observing the rights of the suspect and providing care and support to the victim of crime. So interviewing techniques, forensics, legal wire-tapping, using informants, examining financial or other types of records and similar approaches are also part of developing a police force that is competent and efficient and which respects basic human rights.

The UN has identified a few shortcomings, however, in its police reform work in Timor Leste that have broader application. In addition to the slow start and inadequate attention to institutional development as a high priority early on, the failure to provide for civilian oversight, internal disciplinary procedures and a clear and accessible process for civilian complaints greatly undermined the effectiveness and standing of the TLPS in the eyes of the population it is meant to serve.

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[33] *Id*. at 239, para. 101.

Also, while the development of numerous standard operating procedures (SOPs) has helped, the local police authorities have played a limited role in their formulation. Whether local police have the skills and knowledge necessary to develop SOPs on their own is doubtful, thus the sustainability of this enterprise is tenuous. Moreover, there is a gap between the SOPs and their implementation; the police need more training and on-the-spot guidance on how to apply the SOPs in real-life situations. The police have found that the laminated pocket cards summarizing the SOPS and certain "pneumonic" devices have helped very much, but more attention to training and making these SOPs "real" and "operational" is needed. The UN has also encouraged the development of a police policy-making unit in the Ministry of Internal Affairs capable of reviewing policy and making recommendations for reform after identifying weaknesses or problems.

Community participation has also been an important element in the UN's approach to developing the new TLPS. Before, the police were literally part of the occupying Indonesian forces. Relations between the police and the population were abysmal. Winning the trust and cooperation of the people will determine whether the new police are successful or not. Thus the UN has incorporated NGO participation in standard-setting. While not as extensive as it could be, this is an important step and should be followed elsewhere. The UN has even established a TLPS Institution Strengthening Committee which has NGO representation; this Committee reviews and revises SOPs.

Timor Leste has an extremely young population, over 50% is under the age of 21. So the police must have specialized training and skills to enable them to handle the problems, needs and challenges associated with young people. Here UNICEF took a lead role, designing and delivering training packages on juvenile justice and young people in conflict with the law. Major initiatives include:

1. Development of a police training manual on child rights and juvenile justice;

2. Training of Trainers (ToT) at the Police Academy on juvenile justice and child rights to create a pool of police trainers with experience in child rights and juvenile justice;

3. District level in-service trainings for police officers on juvenile justice and child rights. Trainings have varied from 1 to 3 days in length;

4. Support to development of Standard Operating Procedures (SOP) on Juvenile Justice, and on Child Abuse and Neglect of children. The SOPs will be integrated in a Police Manual containing SOPs on a range of issues (arrest, detention etc);

5. Support to development of a new Police curriculum, expanding it from 3 to 6 months. UNICEF has ensured that child rights and juvenile justice are integral parts of the new curriculum.

Child abuse is a big problem and police learned how to interview child victims of violence in a way that would both elicit the necessary information to identify a suspect while not re-traumatizing the young victim. This is not an easy thing to do.

While no formal evaluation has been carried out of the training provided, UNICEF in Timor Leste believes that many police officers had no previous notion of child rights and juvenile justice. The fact that UNICEF continues to receive requests for further trainings from the police is a good indicator that the training has an impact and is needed.

Some training initiatives in Timor Leste have combined the expertise of multiple UN sectors; for example a recent initiative for the Vulnerable Persons Unit and for Community Police Officers has been jointly co-organized by UNICEF, UNFPA and the UNMISET Human Rights Unit. Through close coordination, it was possible to develop a comprehensive training package including child rights, gender based violence and human rights (use of force, police ethics and democracy) without risking duplication. However, it was also felt that although the training was for two weeks, it was not possible to give enough attention to all topics. UNICEF notes that there is a delicate balance between the need for continued training and specialization in various areas and "training overload" for individual police officers. This needs watching and police must have time to apply what they have learned and then to allow those organizing the training to assess its impact. Getting the balance right between training and actual experience is difficult, especially when a new police force is involved.

While the training has had an overall positive impact, one UNICEF participant notes that it is not a panacea and must be supported by other activities. "Training is needed, but it is also important to create a `human rights culture,' which also involves social mobilization and advocacy." UN efforts should place training within a broader strategy of building the police as a functioning, effective and transparent institution, with proper attention to administration, personnel management and fiscal responsibility while erecting strong oversight bodies.

The UN in Timor Leste unfortunately did not realize early on the importance of establishing an external oversight body. Until 2003, there was limited civilian oversight of the police. Yet police misbehavior has to be nipped in the bud to avoid the evolution of an extremely destructive dynamic between the population and the police, reminiscent of what obtained during the Indonesian occupation. Resistance to this idea has emerged from various quarters. Equally vital to insuring the integrity and trustworthiness of the TLPS or any police force is the need to insulate it from political pressures. Nothing will undermine the force's credibility and morale faster than if the TLPS cannot function on the basis of merit, objective assessments and transparency.

On training, the UN in Timor Leste has identified many wise lessons. One of the main theses of this paper is that training alone will never suffice; however, this is not to say that human rights training is not important. But it must be done right. The UN in

Timor Leste has identified several key elements for successful training that are universally applicable:

-get the right trainers, people with not only technical expertise but the ability to engage the participants actively, promote analysis and problem-solving and not merely recitation and memorization;

-human rights and policing expertise must be presented jointly and the focus should be on the real world- operational and relevant- not academic, theoretical or abstract; at the same time, police and human rights trainers can't just "tell stories" or relate anecdotes- the examples while real, must serve a purpose to reinforce or illuminate an important lesson or skill. Rigor and relevance are the watch-words;

-human rights should not be an "add-on" subject or relegated to a ghetto but rather should be incorporated, referred to and part of every subject-area covered in police academies and in mentoring;

-small group work, focusing on a set problem or scenario work well, but they require careful preparation and oversight by the trainers; lecturing should be kept to a minimum; start with the concrete and then move to the more general, not the other way around;

-many in the new police are used to an educational system that rewards rote memorization and actually discourages analysis, critical thinking and independent judgments, so the trainers should be aware of just how disconcerting the active learning, probing, case-study participatory approach will be, at least at the start. Participants must understand that their active participation will be crucial to the success of the training;

-Link the universal human rights standards to local society, emphasizing that human rights protect the core values of people everywhere and that the police are first in the line of defense of these rights. This approach avoids the finger-pointing "blame game" common to many human rights initiatives which can easily backfire by making the police trainees defensive and hostile;

-in places like Timor Leste, where no one has experienced democratic, rights-respecting policing ever, it is important to spend some time on basic government structures, the role of the police in a democratic state, emphasizing the idea that the "people" have built this "home"- the Constitution- and human rights is the foundation. This approach has worked very well with the Timorese police trainees

-using the police as human rights trainers with NGOs and others in civil society raises the profile of the police, deepens their knowledge of human rights and strengthens ties and trust with the communities served. The UN has sponsored

several training sessions where the TLPS have gone to schools and women's organizations to talk about human rights. Both the police and the community have emerged with a deeper knowledge of human rights and the community's perception of the police has also improved.

-training cannot be an isolated exercise, divorced from the development and implementation of SOPs and codes of conduct. Ethics, the use of force, investigation, arrest and protecting vulnerable persons, integrity and fighting corruption must infuse all training.

In addition to formal training, the UN has sponsored lunches hosted by the TLPS where community leaders attend to discuss concerns and problems. These meetings allow the police to hear what is worrying the community they are supposed to serve and protect, clears up any confusion the community may have about the role of the police and allows both to strategize about the future: set priorities, follow-up activities and joint police-community projects.

Some problems encountered by the UN in Timor Leste regarding training are unfortunately all too common. In addition to the weak sustainability in the area of SOP development, Timorese trainers are few, and the high-turnover of UN CIVPOL presents all kinds of problems. Some officers, after receiving specialized training, are transferred to posts where this training is no longer relevant. CIVPOL field mentoring is very spotty. While on-the-job training via an experienced international police officer is one of the most effective learning experiences for a new police, it is hard to get this right. Good mentors are simply hard to find and the UN needs to do a much better job finding and keeping field trainers. This has been true not only in Timor Leste, but in virtually every UN peace operation.

b. *Bosnia and Herzegovina*

The International Police Task Force (IPTF) comprised the major component of UN Mission in Bosnia and Herzegovina (UNMIBH) from 1995-2002. The IPTF did not have executive police powers, so it could not arrest or detain people or perform basic police functions, nor were its officers armed. The IPTF had one power, however, that made it unique and effective- it could recommend the removal of police officers who had lied about their background or who had committed criminal acts or otherwise engaged in serious misconduct. Conversely, the mission "certified" police officers after an initial registration, screening and in-depth background check. An assessment of the IPTF vetting process found that:

> After a slow start and a first failed attempt, UNMIBH developed an effective mechanism to vet police officers and implemented it in politically adverse circumstances. The mechanism not only reviewed the post-conflict performance but also the wartime background of 23,751 Ministry of Interior personnel in Bosnia and Herzegovina. Of these, 16,803 were granted provisional authorization to exercise police powers.

Of those provisionally authorized, 15,786 were granted full certification (8,311 in the Federation, 5,692 in the Republika Srpska, 263 in Brcko District, 1,351 in the State Border Service and 169 in the Federation court police). Certification was denied to 481 officers (254 in the Federation, 184 in the Republika Srpska, 1 in Brcko District, 41 in the State Border Service, and 1 in the Federation court police).[34]

The IPTF then could also grant accreditation to cantonal police in the Federation and to those in Republika Srpska who could show they met the standards of democratic policing.

In addition to the typical training, awareness raising and community outreach efforts, the IPTF and UNMIBH launched several path-breaking reform initiatives that bear careful analysis and replication in other post-conflict and crisis countries. UNMIBH established independent police commissioners in the 10 cantons of the Federation and in the Republika Srpska to address the problem of political interference which had plagued policing and had led to human rights abuses, low morale, corruption, discriminatory law enforcement with poor public confidence. This attention to promoting professionalism and merit is a crucial element in police reform and has rarely received such prominence in UN police reform initiatives.

UNMIBH realized in 1999 when it began serious implementation of its mandate that sustainable police reform in such an ethnically polarized and politicized society could not succeed through training alone or even through intensive international oversight, co-location of international police with local police or mentoring alone.

UNMIBH made a priority of fully investigating the background of every police officer, checking for past criminal records, war-time experience, whether the officer was illegally occupying property, completion of IPTF training, citizenship and verifying educational credentials. If all was satisfied, the officer was "certified." A huge data-bank of all this information was created and cross-checked, creating a vital base-line of information. The overriding goal was to emphasize and send the signal to all of Bosnian society that the new police would possess a high standard of competence and integrity.

The main authors of this approach highlighted what they call the "integrity deficit" as a fundamental challenge to effective public security sector reform in Bosnia and Herzegovina and arguably elsewhere. They noted that while knowledge about human rights and basic police skills is often deficient:

"The lack of individual and organisational integrity is, however, generally more serious and detrimental. Frequently, these institutions "know their job" but use their capacity for unlawful purposes. Addressing this lack of integrity represents a key challenge in the transition process. Only institutions with minimum levels of individual and organisational integrity will ensure accountability for past

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[34] Alexander Mayer-Rieckh, "*Vetting Police in Transition Situations: Learning from Experience*" (July 2003)

violations, respect human rights in the present, and protect human rights in the future."[35]

The mission created a "Capacity and Integrity Framework" with its two operational tools, the "Personnel Registry" and the "Organisational Audit", which allowed UNMIBH "to assess the capacity and integrity of both the organisation and personnel of public institutions, set realistic and achievable objectives, and measure progress achieved."[36] These tools became the basis for UNMIBH's implementation plan and were later adapted for use in East Timor by UNMISET. It is a simple yet extremely clear and compelling tool to gauge reform of any public institution, especially the police.

The Personnel Registry "provides decision-makers with the necessary baseline data and statistics on key factors such as personnel strength of public institutions, educational and professional standards, decision-making structures, professional conduct and conflict-era background." This information is vital in assessing training needs, establishing oversight mechanisms to strengthen accountability and also to create an objective and transparent personnel management structure that will reward professionalism while reducing the scope for political interference, ethnic favoritism or other outside pressures that would undermine the integrity of the new police. A base-line of key data gathered by this Registry allows solid measurement of any progress or lack thereof.

The Organisational Audit and System Analysis is a strategic management tool that allows the UN to "assess and verify the institutional capacity and integrity of a public institution, identify deficiencies and develop a plan of action to achieve the required standards of quality and competence." Such an in-depth and probing analysis of the police as an institution has been all too lacking in UN reform efforts and UNMIBH has broken new and exciting ground by this approach. The Organisational Audit helps reinforce accountability and oversight mechanisms which as we have seen in Chapter II above are crucial to the success of reform. The Audit works in the following way:

▪ to **provide baseline data** on the three fundamental organisational 'flows': personnel management (hiring and firing, promotion and demotion, rank structure, chain of command, etc.), resources/monetary flow (fund raising, budget, procurement and expenditures), and information flow (reporting lines, archives, databases, etc.);
▪ To set **realistic and achievable standards** of institutional capacity (number of staff and organisational chart, assets and resources, information systems, etc.) and institutional integrity (proportionate representation, equitable delivery of high-quality service, public accountability and transparency mechanisms, etc.), allowing the UN to establish and implement concrete objectives (e.g. UN accreditation) and viable programmes of organisational change (e.g. the UNMIBH Mandate Implementation Plan).

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[35] Alexander Mayer-Rieckh, "*Emerging Methodologies in Transitional Institution Building and Peacebuilding: Project Overview*" (September 2002)
[36] *Id.*

▪ To provide mechanisms to **measure** progress in achieving **objectives** with defined and limited **resources** (accountability of both local actors and the United Nations)."[37]

The beauty of this approach is its rigor, its combination of qualitative and quantitative measures, its insistence on clear and objective data to measure whether goals are being met within timelines, and on accountability for all involved, including the United Nations.

UNMIBH applied this audit with singular success; it helped "set in motion the development of effective and democratic law enforcement agencies previously under the exclusive control of political groups with nationalist agendas." If it worked in a policing environment as challenging as Bosnia-Herzegovina, it merits replication elsewhere. The Capacity and Integrity Framework allows police reform efforts to move beyond the classic monitoring/reporting/critiquing to real and comprehensive institutional reform. This is a project management approach to police reform, allowing departments to formulate blueprints for change that are clear, concrete and measurable. And if reform does not happen, it will help indicate why and who is responsible.

Three other initiatives in Bosnia-Herzegovina merit mentioning. First, UNMIBH insisted on improving the collection, management and analysis of data related to policing. This meant not only crime statistics, but also records of complaints about police behavior. For example, the mission helped the police improve data on arrests which led to fewer illegal and prolonged detentions and the development of a set of operating procedures called "Rulebook on Deprivation of Freedom" which established the grounds under the European Convention on Human Rights for arrest. Previously, the police had no common understanding of what constituted an "arrest" under local and international- i.e. European Convention- law. Some arrests were never entered into police logbooks because of this deficiency, which meant that human rights violations were being committed, arrests were not recorded so the statistics were flawed, and corrective action was impossible.

Second, improved reporting and data collection on domestic violence cases led the police to collaborate more effectively with local non-governmental organizations, especially women's groups. The police helped establish shelters for women at risk and a whole support network of counselors and medical personnel. First, however, the IPTF had to educate the police that domestic violence is indeed an issue for the police and not a private dispute between couples. In a fascinating survey, 39.5% of the participants in a police training course in 1996 responded to a questionnaire that they did not believe that violence within the family is a matter for action by the police.

This also underscores the importance of "knowing your audience" when it comes to training police. Assume nothing, and try to pinpoint where weaknesses or gaps in knowledge may occur so that you can design the training to fortify these weak areas. Again, out of 220 responses in a pre-training course questionnaire, 49.9% of the police

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[37]Alexander Mayer-Rieckh, "*Organisational Audit of a Public Institution: A Conceptual Overview*" (September 2003) (emphasis in the original).

trainees gave incorrect answers on when the police are allowed to use their weapons, 20.45% believed that torture was allowed to get information from a suspect or did not know the right answer to the question, 61.36% had no knowledge of human rights standards applicable to the police and 75.45% could not name a single human rights standard or norm.[38] The participants in this survey were the UN international police, not the local Bosnian police, which illustrates the challenges in recruiting quality international police who in turn are supposed to train, mentor and assess local police. In this case, at least the IPTF could then design its training curriculum accordingly so that its monitors would be better able to handle issues like the use of force, torture and domestic violence. But the point of gauging the knowledge or lack thereof, among the police trainees before delivering a training course needs to be emphasized.

Third, building on the accountability and integrity framework, UNMIBH undertook an intensive study of internal disciplinary procedures in both entities Bosnia-Herzegovina.

> "Functioning internal disciplinary procedures that are transparent and free from political influence are essential for institutional integrity in democratic police forces. The purpose of the UNMIBH Human Rights Office Project on Internal Disciplinary Proceedings in the Federation of Bosnia and Herzegovina (hereinafter "BiH") is to assess current procedures and practices, and bring them in line with international human rights standards and democratic policing principles."[39]

UNMIBH began in early 2001 a review of the internal disciplinary procedures in Republika Srpska and the Federation. The Human Rights Unit found six main shortcomings which constitute a checklist of warning signs for everyone everywhere who is working on police accountability mechanisms. They found:

> First, some Internal Control Units (ICUs) lack adequate staffing and resources. Moreover, some citizens do not know that ICUs exist or lack confidence in the local police to handle their complaints fairly and quickly.

> Second, appointment to an ICU or as disciplinary prosecutor is unpopular since these are considered an unwelcome burden on normal workloads.

> Third, delays and under-reporting of complaints of alleged police misconduct to the ICUs is common and no one is held responsible for these failings. Not all disciplinary allegations that warrant criminal investigations are forwarded to supervisors or to public prosecutors. Most police stations have no formal system in place to record complaints of police misconduct.

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[38] Francesca Marotta, "*The Blue Flame and the Gold Shield: Methodology, Challenges and Lessons Learned on Human Rights Training for Police*," in **International Peacekeeping** , V. 6, N. 4 (Winter 1999) 69-92, at 90, fn. 23.

[39] Available at UNMIBH web-site: www. http://www.unlos-bih.org/unmibh/mip.asp. This discussion draws on the findings of the report.

Fourth, Ministers do not always appropriately exercise their discretion when considering suspension of police officers against whom criminal or disciplinary proceedings are underway. Favoritism is rampant.

Fifth, disciplinary fines are sometimes lenient compared to the gravity of the offense. An officers' past record is not taken into account when sanctions are imposed on new offenses.

UNMIBH proposed several steps to address these problems, including: staffing ICUs with qualified personnel who have sufficient equipment and an independent administration. Some ICU members and prosecutors should work full-time on police disciplinary proceedings. A public awareness raising campaign to educate citizens about the work of the ICUs should be launched. SOPs should instruct all police supervisors to report complaints of police misconduct and allegations of involvement in a crime to the ICU immediately. Officials must understand their responsibility for referring cases warranting criminal investigation to the prosecutor's office. To insure procedural transparency and accountability during internal disciplinary procedures, standardized record-keeping systems for complaints should be adopted in every police station. Guidelines on imposing disciplinary measures and training should be provided to the ICU members and prosecutors.

Finally, UNMIBH found, as have others in other peace operations and crisis countries, that "preaching" human rights has limited utility. Wagging a finger and saying "Don't do this, and don't do that" is not a very effective pedagogical tool. A far better approach is to work in partnership with the police, identifying challenges and proposing solutions to problems, not condemning misbehavior which is relatively easy but rarely leads to lasting change. UNMIBH also ran police academies for the various police services in BiH and worked hard to insure ethnic diversity and adequate represenation. Moreover, the police officers themselves often came up with excellent ideas on how to change behavior. Casting the police as "guarantors of human rights" and not as prime suspects in their violation, is a surer way to improved respect for those rights.

c. *Guatemala*

The United Nations Mission in Guatemala (MINUGUA) has sponsored a variety of police reform initiatives. One core activity has involved training and capacity building for the Guatemalan police, the bulk of which can be found in an excellent CD-ROM called "*Proyecto: Apoyo a los Procesos de Formacion y Capacitacion de la PNC en Derechos Humanos y Cultura Democratica*."

Innovations include creating a human rights office inside the police force and establishing a gender equity program. As in many police forces, women are grossly under-represented in Guatemala, especially indigenous women even though indigenous people comprise well over 50% of the Guatemalan population. MINUGUA made

increasing the numbers of women police officers a high priority and this is something that can be measured and evaluated fairly easily.

As in Bosnia and Timor Leste, the police training incorporated human rights standards in all subject areas, e.g. arrests, detention, investigations, interrogations, use of force, crowd control. Domestic violence training received special attention because it is a big problem, and again, as in Bosnia and elsewhere, many police believed that this is a "private matter" not requiring police intervention. MINUGUA also invited representatives of civil society to participate in the police training, something that was done previously in Haiti with great success. It is vital for both the police and the people they are meant to serve and protect, especially in situations where the police have done everything but that, to work together early on and try to establish trust and "comfort levels." Having community leaders come to the police academy to speak to the trainees, participate in role-plays and training exercises, and just mingle at breaks and over lunch is a terrific idea which should be emulated everywhere the UN does police training.

The Guatemala police training included academic experts in criminology, anthropology and related disciplines to participate in both designing and delivering the training. This is another excellent initiative; often the UN overlooks academic research and expertise, which could strengthen police training and performance. More joint work between academics, universities, research centers and think tanks and UN police reform efforts should occur. In fact it should be routine for UN police reform actors to canvass the local academic expertise and seek information, insights and participation. This also would reinforce one of the previous dicta: it is essential to have a profound understanding of local factors and the context and history of crime, violence, repression and abuse before you embark on any police reform project. And who is better placed to provide such information and analyses than the local academic and research community. By working with them the UN also helps to build their capacity to conduct research, gather, analyze and assess data and serve as constructive watch-dogs on police performance long after the last UN CIVPOL or human rights monitor has left the country.

Despite these positive innovations, MINUGUA has identified several major problems with the police training that are instructive for anyone engaged in a similar enterprise. They are:

*The police hierarchy place a low value on training; limited resources are allocated and those chosen as trainers are often not the best qualified or motivated or even suitable for the task.

*Trainers are not evaluated for their performance and there are no clear, objective hiring criteria evident.

*Trainers and teachers at the Police Academy have a low status in the Police hierarchy which sends a terrible signal to the entire police force that training is not very important or useful. Trainers feel isolated from the real "action" and many

police view what they learn at the academy as "irrelevant." Thus the incentive for increasing your knowledge or skill level is low.

*The Police Academy is not perceived as a key part of the police reform effort and suffers accordingly when it comes time for fiscal, political and professional support.

In response to some of these problems MINUGUA has argued for raising the minimum educational level required of applicants to the police and has helped create a Bachelor's Degree in Public Security as a way to give a greater status to policing issues.

A larger underlying problem is that corruption and favoritism still play a large role in determining who gets into the police in the first place and then who gets promoted or a desired assignment. This, as was shown in Bosnia, can be fatal to an entire police reform effort. The UN in Guatemala should consider applying the Capacity and Integrity Framework, including the Personnel Registry and the Organisational Audit, developed and implemented by the IPFT in Bosnia and Herzegovina, to address this fundamental challenge.

Overall, MINUGUA also highlights several key lessons for successful police reform:

First, without strong leadership from the top, reform will fail. This includes political support from the highest levels of government and of course unwavering backing from senior police commanders.

Second, meaningful participation by local counterparts in the planning and implementation of reforms is a prerequisite. This includes both local police counterparts and many segments of civil society- academia, community organizations, NGOs, human rights groups and religious and education leaders. Groups traditionally excluded, like the indigenous population, women and Garifonas in Guatemala, especially need to be included early and often.

Third, infrastructure support is crucial. Items like vehicles, radio communications, uniforms, pens and paper, defensive tools and other basic equipment are necessary both for efficiency but also as a matter of professional pride. The issue is not that the Guatemalan police should or must have all the tools that the New York Police Department enjoys, but rather that without a basic minimum, all the training and best leadership in the world cannot compensate for a force unable to move, communicate, gather evidence or protect itself or the population.

Fourth, a new or reformed police needs help in strategic planning- how to budget, allocate resources, anticipate training and deployment needs, identify specialized needs (forensics, crime lab, domestic violence intervention and counseling etc.). UN agencies and peace operations should insure that their teams include planning specialists and experts in administration and management, including personnel and finance. These areas, along with logistics and infrastructure, are often overlooked yet pivotal to success.

To its great credit, the UN family in Guatemala has realized that it must insure the sustainability of its police reform efforts. MINUGUA, working closely with the Office of the High Commissioner for Human Rights, is working to establish a team that would take over the transfer of police reform programs once MINUGUA leaves Guatemala at the end of 2004. The reform process itself must be sustained and this requires support from the government, police leadership and the UN. Areas of concern include strengthening the police academy, especially raising the competence, status and stature of the trainers, reinforcing the Human Rights Office in the National Police, on-going development of key standard operating procedures like the Code of Ethics, deepening community police initiatives and of course, gender issues.

The police reform team in Guatemala has emphasized that senior police management must be involved at every stage and stay involved. It is this staying power, commitment to follow-up and holding people accountable if change does not occur that will maximize the chances for sustainable reform. And echoing findings made by Kotter, the need for visible, tangible, verifiable and quick improvements creates momentum and improved morale among both the police and the UN.

d. *Egypt*

As opposed to the situations analyzed so far, Egypt is not in a post-conflict situation nor does it have a peace operation. Yet Egypt faces many of the challenges common to these others: a high level of violence, distrust between the police and the population, systematic human rights violations by the police, including torture, beatings, disappearances, unlawful interference in private life and restrictions on freedoms of expression, assembly and association.

Thus far, the Human Rights Capacity Building Project in Egypt, operated jointly by UNDP and the Ministry of the Interior, has focused on training and on producing a booklet that contains the lectures given on human rights to police at the academy. The police academy curriculum includes human rights as a separate topic and the workshops begin by introducing the international conventions and human rights standards. Civil society has participated in the workshops and has tried to clarify to the police the role of NGOs and other interested parties in promoting and protecting human rights. This is important since it is one of the few occasions where civil society representatives and the police and government officials can sit together and discuss important and sensitive questions. Prominent groups like the Arab Organization for Human Rights and the Cairo Center for Human Rights Studies have participated.

Police who have attended human rights training report "a significant change in their thinking due to the greater knowledge and understanding that they have gained through the workshops and the literature given to participants." The project has strengthened UNDP's working relationship with the Ministry of the Interior, Justice, Foreign Affairs and the Office of the General Prosecutor.

While this is encouraging, the UNDP's approach raises several questions that bear further discussion and analysis. First, as this study has mentioned several times, training alone is not enough to secure sustained and systematic change; improved respect for human rights requires a broad approach to institutional reform that treats many issues: recruiting, promotion and assignments based on objective evaluation of valid performance criteria, sound administration, management and financial practices, integrity and competence-based rewards, transparent and fair accountability mechanisms both inside and outside the police, creating a credible, accessible channel for citizens to file complaints and effective community outreach in policing. One Egyptian human rights expert familiar with UNDP's program notes: "I am not sure that any better training can make a difference without a parallel process from above, which makes the police accountable."

It is not clear to what extent the UN police initiatives have embraced these matters nor is it clear how/whether the UN has assessment measures in place, independent of the police's self-assessment responses, to evaluate the impact of its programs on police performance. For example, after training, do incidents of torture decrease? Does the number of citizen complaints fall?

On the training itself, a local human rights expert who has participated notes:

"I think this is a lecture program rather than training, even [though] there is not enough time for discussion, it is better than nothing; it is good that police men hears views of NGO'S, even if their participation is symbolic."

The Office of the High Commissioner for Human Rights has learned through trial and error several important insights into successful human rights training. Likewise, experiences in Timor Leste cited above could also prove useful to colleagues in Egypt.

*Integrate human rights in all training; do not relegate the topic as an "add-on" to the "real" police issues.

*Training is not an isolated exercise, but must fortify other efforts at institutional reform and in turn be strengthened by them. Developing codes of conduct and SOPs standing orders that reinforce human rights standards should accompany training; in fact, the training should incorporate these policies so that police see how they guide their work and how their daily activities must be consistent with these policies and procedures.

*Begin with the concrete needs of the participants in their daily work and then move to the more general themes found in universal human rights law and standards.

*Keep lectures to a miminum, use small group work, case studies, scenarios based on the "real" world, brainstorming, panel discussions and role plays as much as possible.

*Police in their work want to know how to do their jobs better, more effectively while at the same time respecting people's rights. Training efforts that ignore "the how to" at the expense of the "finger pointing do not torture etc." will be neither credible nor effective.[40]

e. Palestine

Palestine, like Egypt, is not technically a "post-conflict" country, nor is it like Egypt or other countries that might have human rights "challenges." It has special human rights agencies and a special advisor to the Secretary-General with some of the elements of a peace operation, but it is frankly in many ways unique. The Office of the High Commissioner for Human Rights and others have worked for several years now on creating, equipping, training and deploying a new police force for Palestine.[41]

The OHCHR's efforts, unlike those in peace operations, emerged in an international development framework. Working with the UN Special Coordinator in the Occupied Territories, a series of assistance projects began in 1994, soon after the signing of the Oslo Accords in September 1993. Training has occupied a central role, with an early focus on training of trainers, including those in command positions. OHCHR has taken the long view, realizing that this approach requires a sustained and intense effort over time to insure that local counterparts have the skills and experience to provide training. Involving locals in the training also helps tailor the methodology and substance to local needs and realities which we have seen is one of the determining factors for successful police reform. Activities like fellowships, participatory course development, active coaching/mentoring, on-the-job training and offering advanced courses to the local trainers have generated great interest and momentum for change.[42]

The training integrated human rights in all aspects of policing across the curriculum. Integration is complete in training for all levels: new recruits, middle-ranking officers and senior commanders.[43] The course for senior officers aimed at promoting human rights concerns within the police command and management, and developing management skills that enable the implementation of policies and practices consistent with human rights standards. This insures that a consistent approach evolves and that participants in a course, for example, on crowd control do not hear a contradictory message when they study a module on drug trafficking. Palestine takes this integration even further through the mechanism of a Sector Working Group on the Police, comprised

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[40] OHCHR, Professional Training Series No. 5/Add.2, **Human Rights and Law Enforcement: A Trainer's Guide on Human Rights for the Police** (New York and Geneva 2002), p. 3.

[41] Palestine has numerous security forces that have a law enforcement mandate. For simplicity's sake, I will consider them as one for purposes of this study. They include: the Civil Police, Preventive Security, General Intelligence, National Security, Military Intelligence, Customs Police, Force 17, and prisons officers and guards.

[42] Marotta, *supra* note 38, p. 82.

[43] Subjects covered are: ethical and legal policing, democratic policing, police and nondiscrimination, arrest, detention, investigations, use of force and firearms, policing in states of emergency, protection and redress for victims of crime, police and juveniles, women and policing, mechanism to investigate police violations on human rights, and community policing.

of bilateral donors and UN agencies working on developing the Palestinian Police. The Working Group included human rights on its agenda, thus insuring a broad-based and consistent treatment.

Training in Palestine triggered other reform efforts of the type that seem to be missing in Egypt. For example, training for the senior officers and police required them to draft a Code of Conduct based on the human rights principles they had learned in previous training. SOPs and guidelines on arrest, detention, investigations and detainee treatment and constructing a civilian complaint procedure also emerged from training with the trainees as the principal authors, not some outside "expert" or consultant. This helps insure that the product is home-grown and that the police take "ownership in a way they never would for something imposed from the outside. This is an excellent example of marrying training with practical guidance on how police officers can do their jobs which is to fight and prevent crime while protecting the public. Police can discuss, in a non-threatening or accusatory setting, just how to translate international principles into effective and respectful everyday policing.

Training also identified shortcomings or problems not covered in the curriculum. Police themselves often come up with excellent ideas in such settings, ideas that have a basis in reality and experience; the challenge then is to shape them into a procedure or practice that will be consistent with human rights standards. This reinforces the police "ownership" in both the process and substance of human rights in policing. The lower ranks also get the message loud and clear that this is all taken very seriously by their commanding officers.

OHCHR and its local partners have produced a "pocket guide" for the police so that basic standards and operating procedures are literally within reach of the police officer at all times.[44] Code of Conduct and Standing Orders also are used, the latter based on work done by the Danish Police who have participated in the reform effort. For example, "Police Standing Orders in the Use of Firearms, Detention and Code of Conduct" in Arabic was prepared by OHCHR in Gaza and is now widely used by the police and even some of the other security forces in Palestine. As one local UN official has observed: "Altogether, law enforcement agents have become more aware of human rights and are increasingly mainstreaming it into their daily operations."

f. *Sierra Leone*

The UN has had a limited role in police reform in Sierra Leone. A team of United Kingdom and Commonwealth police experts, funded largely by the UK development agency DFID, have led the effort to create a new police service following 10 years of horrendous civil war. A senior retired British police officer headed the Sierra Leonean Police as its Inspector General for several years before the job was turned over to a national in 2003.

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[44] A *Pocket Guide on Human Rights Standards for the Palestinian Police*, summarizing the international norms relevant to police functions and duties.

Sierra Leone posed many of the core challenges found in most peace operations and the DFID team implemented several programs that have proved both effective and merit study for application elsewhere.

The war largely decimated the old Sierra Leone Police. Many members were killed or forced to flee the country, while others committed grave human rights violations. The fighters, including some police, looted the bare-bones police infrastructure so that little basic equipment survived the onslaught. The UK team started from less than zero.

While recruiting and training the new police understandably took up much time and resources, the UK-led team (which included at times officers from Canada, Zimbabwe, Malaysia and Sri Lanka) established a context for training that emphasized integrity and accountability. From the outset, in consultation with the Sierra Leonean authorities, the new Sierra Leone Police emphasized that their purpose was to respect human rights, respond to local needs, involve all in developing police priorities, and that the SLP would "be honest, impartial, caring and free from corruption." The former police had a well-deserved, notorious reputation for brutality and corruption and the new SLP would have to demonstrate right away that it would be different. The old SLP had served as a repressive arm of the state, helping to control and intimidate the population, not to protect it from crimes. No effective external oversight body had existed, so the police enjoyed complete impunity for their crimes; people would never bother to make a complaint for police misconduct knowing it would be a waste of time and even possibly dangerous.

The UK team delved into understanding the context of policing in Sierra Leone, its history and problems, understanding that "the most important point in any development programme is to fully understand the context in which the programme has to take place."[45] This illustrates one of the key "lessons" identified in Chapter II and in other countries in this study (East Timor and Bosnia-Herzegovina in particular).

The organizational culture and police ethos in Sierra Leone had to be completely transformed, so all training and new systems of management, personnel development, incentives/rewards structure and oversight had to support this new culture and ethos. Openness, outreach to the community, service and honesty became the watchwords. Unethical behavior would have to be prevented and punished if the new SLP would have any chance of gaining the public's trust. Yet changing any organizational culture is difficult, and the Sierra Leonean police are hampered by their image of corruption, lack of public confidence and limited resources. Crime was also a problem; as noted above, it is very difficult to reform police and promote respectful policing while violence and chaos reign, and this was the situation in Sierra Leone for several years until roughly late 2000 when the British military intervened. The large number of accessible weapons and unemployed soldiers and rebels, however, continue to complicate the police reform process.

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[45] Adrian Horn, "*Commonwealth Community Safety and Security Report*" (November 2003), p. 4.

The UK police reformers emphasized two issues given this history and context. First, they realized that the SLP had never really known the very basics of proper police work; such skills must largely be learned on the job, and not in the classroom. Consequently, mentoring, co-location and immediate feedback in the field became important components of police training. Second, to gain the community's trust, their participation was essential, as was the quick reaction to any allegations of police misconduct. Involving the community plus implementing more visible and assertive accountability mechanisms were thus priorities.

The reform program introduced "Local Needs Policing" to Sierra Leone. Victim support (especially for women and children and crime prevention were integral parts of this strategy; intensive consultations with the community were held to give them a "voice" in policing and to identify problems. For example, the community identified domestic violence as a major problem, so specialized training was offered and specialized police units deployed accordingly.

Training focused on developing the appropriate skills and attitudes for working closely with the community. Ethical policing, improving police behavior and attitudes toward the public, establishing fair and transparent standards to monitor and assess police behavior also received a lot of attention. Promotion based on merit now is the rule, a revolutionary step in Sierra Leone. The SLP must continue to consult with the community to determine its concerns and then treat these as the basis for strategies and tactics to improve security, which is the basic operating principle of Local Needs Policing.

On the management and personnel side, the reform program established improved policy-making procedures, raised the level of recruiting standards and offered training on management to senior officers to identify competent senior staff and streamlined the hierarchy while clarifying criteria for promotion and retention. Parliament passed a law in 2001 that established the role and responsibility of the police in the hope of avoiding the political interference and nepotism that so dogged the force in the past. Good quality, well-trained staff, properly managed is a key to success. Budget oversight and stricter financial controls have lessened the opportunity for corruption while reinforcing the drive to raise the public image and integrity of the SLP. The new SLP's motto is " Force for Good." These "nuts and bolts" issues, frequently overlooked by the more visible initiatives on training and public information, can make or break police reform.

The UK effort also provided suitable logistical support, including bicycles because many of Sierra Leone's roads are unsuitable for vehicles, yet police need mobility. Fiscal sustainability is a key concern: the resources needed by the SLP must eventually come from locally generated taxes and fees, not from international donors whose "fatigue" is well-known.

g. Kosovo

The Organization for Security and Cooperation in Europe (OSCE) has primary responsibility for recruiting and training the new Kosovo Police Service (KPS), while UN CIVPOL provide mentoring and field training. The UN is also responsible for the budget of the police, as long as the UN has governing authority over Kosovo under Security Council Resolution 1244 (June 1999).

As a result of 10 years of Serb domination and the NATO bombing campaign, the old police force comprised overwhelmingly of Serbs, evaporated in mid-June 1999. The OSCE and the entire international community faced a police vacuum. A new force would have to be created, and a major challenge was to build a multi-ethnic police and not one that was solely Albanian.

The OSCE aggressively sought minority applicants from the outset. Recruiters visited minority enclaves (Serbs, Roma, Slavic Muslims/Bosnians and Turks) and urged eligible candidates to apply. The selection criteria are: minimum age of 21, at least a secondary school education, resident of Kosovo, physically and mentally fit and no criminal history. The screening process is rigorous comprising an oral interview, written exam, psychological test, medical exam, physical agility test and a background investigation.[46] In a few cases, minority group members complained that they did not receive applications in time; in one case Albanian employees of the UN Mission in Kosovo (UNMIK) were suspected of dumping applications from minority members so that they were never considered. The OSCE took such accusations seriously and intensified its outreach efforts and security for minority applicants.

Another problem resulted from political pressures and interference. Some of the Albanian political leadership insisted that the new police accept without question or review members of the Kosovo Liberation Army (KLA). The KLA committed serious human rights violations and war crimes during the fight against the Serb forces so many of its members should have been ineligible for joining the new police. Hard-bargaining ensued, with the Albanians insisting that as many as 80% of the new police come from the KLA. The UN held its ground, somewhat, and the number agreed was 50% with the candidates still having to meet the entry criteria. This incident raises two important issues. First, as we have seen, objective, clear and transparent hiring criteria must apply to all candidates regardless of political beliefs or ethnic/religious or racial background. Second, "vetting" or screening out candidates who have backgrounds that disqualify them from the privilege of serving as police, is a key element in the reform process, especially in transitions where large numbers of troops or fighters are being demobilized and seeking employment.[47] They may not belong in the police, but if they remain unemployed the crime rate and violence will increase, thus threatening police reform and human rights.

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[46] The background check and the written exam cause most of the rejections.

[47] For a comprehensive review of vetting for the police, *see* Alexander Mayer-Rieckh, "*Vetting Police in Transition Situations: Learning from UN Experience*" (July 2003)

The goal for minority participation is 15%, slightly higher than the estimated percentage of minorities in pre-war Kosovo.[48] The KPS classes of roughly 300 each have averaged 17% minorities. "When we get them we keep them," says School Director Steve Bennett. Classes are not segregated by ethnicity. This means that presentations are given in English and then translated into Albanian and Serbian. The disadvantage is that the already short nine week basic training is effectively further truncated by time taken for interpretation; the advantage is that an esprit de corps and cross-ethnic cooperation is cemented. Cadets live, eat, learn and play together. The mission of serving all citizens regardless of ethnicity as KPS officers soon predominates. This marks a dramatic change in the policing ethos that predominated in pre-war Kosovo.

The OSCE has also made historic strides for Kosovo and the Balkans by making the recruitment of women a high priority. The KPS classes have averaged 18% women, about the same as in Bosnia and Herzegovina, and both are unprecedented levels in the region. Many of the best performers in class have been women. The question of domestic violence, long explained away as "cultural" or swept under the rug, has received vigorous treatment in the KPS School which would not have happened but for the presence of a critical mass of women. A special three-day workshop was held in Pristina for KPS, KFOR, CIVPOL, the local judiciary and local NGOs in early December 2000 on domestic violence. Once again the women KPS officers were active and key participants in the conference, the first of its kind in Kosovo

The basic police training course covers duties of a police officer, democratic policing, legal issues (taught by local lawyers), police skills, physical training, firearms, crime investigation, and self-defense. Human rights is incorporated in all subjects and is not taught as a separate topic.

By May 2003, the School had trained over 5,000 KPS officers. 900 KPS Managers and Supervisors received specialized training in addition to the basic course. OSCE has identified a multi-ethnic corps of local trainers, allowing a gradual handing over from international to local staff. Specialized courses in narcotics, criminal investigations, domestic violence, organized crime, forensics and other subjects are also offered. These emphasize building the capacity of the police to prevent and investigate crime without resorting to violating human rights.

UN CIVPOL plays a key role in the KPS training. After nine weeks at the Police School in Vucitrn, KPS cadets deploy for 19 weeks of on-the-job training in all districts of Kosovo. CIVPOL officers act as "mentors" to the KPS; their job is to "explain, demonstrate, observe and critique." The CIVPOL officer explains how to search a vehicle, for example, and then observes and critiques the KPS officer's performance. This is an excellent way to extend and deepen the trainee's knowledge and literally "buys time" for the newly created police force to develop the skills and obtain the experience

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[48] The best estimate of the current minority population in Kosovo is between 5-7%. This was before the violent events of March 17-18, 2004 when thousands of minority Serbs and Roma fled their homes and may have left Kosovo for good.

necessary until the KPS can take over policing. By late 2003, KPS had assumed primary police responsibility in most of Kosovo.

A few problems have developed with the Field Training Officer or "FTO." First, some CIVPOL are ill-suited for mentoring newly trained, rookie police officers. Lacking facility in English or even in basic policing skills, some FTOs are poor role models or mentors. Some send exactly the wrong message on proper policing, especially those FTOs with little experience in human rights or community policing principles. Some are passive, exhibit little interest in preventing crime or forging strong ties with the community and should not be FTOs. Some of the police from the U.S. have been overly aggressive and arrogant, according to one senior CIVPOL official: "some are not used to working with civilians and are used to being in control." Other U.S. police, many of whom are retired, have exactly the maturity, judgment and experience essential for good mentoring.

UNDP has launched two initiatives, all too unusual for police reform. A comprehensive survey among the general public will identify the public perceptions of the police.[49] This will clarify what the public knows about the ethnic composition of the police, its training, where police are stationed, the range of KPS activities and an assessment of the KPS's "professionalism." For example, how many police officers are actually assigned to a station and how many officers does the population think are deployed? How often does someone encounter a KPS officer and what is the nature/quality of the interaction? Does the Kosovo public see the KPS as effective partners working to help the community and does it respond to solving the community's problems?

People will also be asked what are their major public security concerns, what services they would most like the KPS to provide, the sensitivity of the police towards crime victims and what issues most affect the population's quality of life. The public will also identify what 'community policing' really means to them- parents, teachers, students, workers, government officials- and what expectations they have about community policing, which is new to Kosovo.

The survey will establish key baseline information allowing an "empirical basis" for evaluating and reformulating professional development priorities, operational guidelines and policy planning."[50]   The survey will allow for an assessment of police performance so far and an evaluation of   the impact of human rights training and the CIVPOL mentoring described above.

It will also provide a window on public perception of two vital issues regarding the KPS: its observance of human rights and any corruption problems. Most importantly, the very act of conducting the survey, which will be done largely by

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[49] The only other evidence of a public opinion survery specifically geared to generate information about the population's perception of the police that I uncovered in this study was a reference to a survey in Bosnia and Herzegovina.
[50] UNDP/Kosovo, "Police Survey(Kosovo) – Terms of Reference.

Kosovars, will build expertise in local security sector research and analysis capacities, resulting in a highly sustainable and enriched core of local experts capable of conducting similar initiatives on their own in the future. It will also promote widespread awareness of public security issues among the general public, prompting constructive discussion and debate in a society not used to such public discourse. The survey should also help build trust between the KPS and the public.[51]

The second UNDP initiative involves strengthening the administrative capacity of the KPS. Again, this issue has come up several times in this study: the police must have a strong management and administrative base to do their job properly. This will allow for the all important transfer of control of the KPS to civilians, a *sine qua non* for democratic, rights-respecting policing. This is a long-term institutional developmental project and bears careful monitoring for possible application elsewhere.

Finally, the OSCE is leading a joint six-month monitoring program to assess the effectiveness of the citizen's complaint process about police misconduct. The inter-agency working group will examine how CIVPOL and the KPS handle complaints- the process and procedures- of cases having a direct impact on the enjoyment of basic rights by the people of Kosovo. The group will use a questionnaire to follow the sequence of investigation once a complaint is made: meet with the relevant station commander, meet with regional commanders and then headquarters personnel to assess whether procedures have been followed. The main criteria applied are:

*Has a complaint been filed with the police?

*Has the complaint been given to the appropriate police supervisors?

*Was an investigation started and by whom?

*Was the complaint handled within the time requirements?

*Was the complainant notified of the outcome of the case?

How complaints are handled has a huge impact on how the public perceives the police and whether they will cooperate and support it.

The violence in March 2004 that spread so quickly throughout Kosovo has complicated police reform efforts. It is still unclear how the KPS performed those days when minorities were in fear of their lives and houses burned in Serb enclaves. At least 19 people, most of them Serbs, were killed. Some initial reports indicated that some KPS

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[51] The Vera Institute of Justice is conducting a study of how to design and interpret public opinion surveys on police performance. Working with the NYPD, Vera is trying to elicit more precise information from the public about how they view the police. "Unlike general opinion surveys that tend to measure the residual effect of news stories and other second-hand accounts of police misconduct and heroism, this project documented and quantified how people feel about their own first-hand experiences with police officers and police commanders." *See* "*Surveying Citizens about Police*" available at www.vera.org

officers performed bravely, trying to stop the mobs from harming life and property. But a more comprehensive analysis is needed to assess whether all the training and oversight of the KPS has paid off.

h.   *Haiti*

Following the restoration of President Jean-Bertrand Aristide to power in September 1994, Haiti created a new police force. While the United States initially assumed much of the responsibility for recruiting and training the new Haitian National Police (HNP), the UN, through the joint UN/OAS International Civilian Mission (MICIVIH) and UN CIVPOL, implemented several innovative programs.

MICIVIH human rights experts helped design the curriculum for the police academy and insured that human rights issues appeared in all subjects. Initially, the curriculum had a unit called "human dignity" which was quite nebulous and unrelated to the realities of policing in Haiti; human rights *per se* were not in the program.[52] The US agreed to adapt the program and a much more robust treatment of human rights issues resulted. MICIVIH officers also participated in the training, using examples from actual cases they were monitoring in the field as "scenarios" in role-plays and case studies. This insured that the training was practical and intimately related to Haitian reality.

MICIVIH also arranged for representatives of Haiti's lively human rights community to come to meet with the police cadets to exchange views and discuss honestly what the community feared and what they expected from the new police. These "Wednesday Night Forums" were extremely popular. This type of dialogue had never happened in Haiti and was a crucial step in breaking down barriers and starting the long, hard job of building trust. Subsequently, HNP officers and leaders participated in human rights training given to local NGOs where MICIVIH officers also assisted by making presentations and running exercises and small group work.

Finally, the Mission held a number of training sessions on conflict resolution for the new Haitian police and community leaders. MICIVIH then periodically surveyed both groups to see whether the training had helped improve community-police relations and lowered incidents of police abuse. Mediation and conflict resolution skills are essential if police are to implement "community policing," and the Haiti experience provides some useful lessons on how to design and deliver the training and then how to assess its impact.

UN CIVPOL provided much-needed "mentoring" of the newly trained police once they had finished with the academy training. But as in Kosovo, Timor Leste, Bosnia and other countries where mentoring has been tried, success depends on having international police who not only know their subjects but also are good communicators

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[52] This notion of teaching "human dignity" can largely be traced to the US Dept. of Justice's International Criminal and Investigative Training and Assistance Program or ICITAP, which has been active in police reform projects also in Rwanda, Bosnia and Herzegovina, and now in Liberia.

and trainers. In Haiti, the mentors were a mixed bag, with some providing excellent mentoring and others not.

CIVPOL also emphasized strengthening the capacity of the internal control mechanism, the Inspector-General's Office. The experience in Haiti demonstrates clearly that this is a pivotal factor in reform.   Every dollar spent and hour dedicated to helping the internal review mechanism of a police force is a worthy investment. Haiti also had the good fortune to name a very strong person to the IG post, but even still he needed the support, expertise and advice provided by seasoned international police officers who had deep experience in investigating allegations of police misconduct and formulating disciplinary policies and procedures. Having a strong, fair and open internal review body can make all the difference.

For the first time in Haitian history, the police regularly and publicly announced crime statistics and trends, and also made known how many complaints had been filed against the police, the names of those being investigated and the status of investigations. This helped enormously in demonstrating to Haitians that the new police would not be like the old force, that impunity was over and that police would be disciplined, fired and even prosecuted for misbehavior or criminal conduct. This also showed to the police, who held a highly paid job in a country of deep poverty and massive unemployment, that they risked losing this job or even worse if they did not follow the rules. This was a powerful incentive and once again shows the importance of revamping the traditional system of rewards and punishments that motivated forces in the past to commit human rights violations and engage in corruption.

UNDP has supported and implemented several projects aimed at strengthening the administrative and fiscal capacity of the HNP. As in Kosovo, this is a classic "governance" issue that UNDP is particularly well-placed to execute, and, while not often directly identified with human rights, this support has a profound impact on how a police functions and therefore whether it respects human rights. In a way, this is a form of human rights "mainstreaming" mandated by the Secretary-General in his major reform plans announced in the late 1990s. And as shown by numerous studies of police reform, wiping out corruption and building the ability of staff to run a transparent organization that rewards competence and commitment and protects it from external interference raises the odds that a police force will respect people's rights while effectively fighting crime.

Based on all these interventions, the HNP for a while in the late 1990s achieved a level of competence and integrity never seen before by any security force in Haitian history. Good relations had been forged with core community constituencies, community policing had worked well in some of Haiti's most challenging pockets of crime and poverty, and the police were well-received and respected by the vast majority of Haitians. Unfortunately, much of this progress unraveled as a political stalemate that began in 2000 hardened and once again political influences, corruption and misconduct started to seep into the HNP. The degradation of the force accelerated until finally, in January and February 2004, the HNP ceased to function as different armed groups swept down from

northern Haiti and forced the ouster of President Jean-Bertrand Aristide. Some HNP officers have been implicated in several extrajudicial executions both before and after the departure of the president. Many officers either joined the rebels or disappeared. This underscores once again that police reform does not occur in a vacuum.

i.   *Rosario, Argentina: A "Human Rights City"*

Argentina has had a long and sad history of violence, repression and serious human rights abuses; the police have a sorry record, frequently involved in killings, disappearances and torture. Corruption and extortion are not strangers to policing there. With the return of constitutional government, several failed coup attempts by the military and on-going economic tribulations, police reform in Argentina has proceeded erratically. Human rights NGOs and other members of civil society have had a contentious relationship with the police.

UNDP is sponsoring a new initiative on local development where learning about human rights and applying human rights are seen as a way to influence the life of the community. The relationships between the police and the population are an essential part of the approach. Known as the "Human Rights Cities Program", it is implemented in cooperation with PDHRE, the People's Movement for Human Rights Education that first came up with and developed the concept of the human rights city program. PDHRE and INSGENAR, The Gender, Law and Development Institute, chose Rosario as the first Human Rights City on July 30th, 1997. The program incorporates many of the elements identified in police reforms described in the preceding case studies.

Rosario is a large, industrial city with a lively cultural and civic life which has had a tumultuous political past with the resulting human rights abuses, particularly during the military regime. The police helped "control" the population while engaging in organized crime, including drug-trafficking and prostitution. The number of police killings was quite high; the population even called some police "trigger happy." The police received only four months of training- none of which included human rights. There was virtually no on-going training or opportunity to enhance one's skills or advance professionally. Pay was low, corruption rife. And what little budget increases occurred resulted in purchasing more police "goodies" (cars, weapons and communications) instead of being used to develop the intellectual capital and skills of the force.

The seven years of military dictatorship (1976-83), created an "us against them" mentality, with the police viewing every critic as a "subversive" or enemy. Torture was common at the Rosario police stations. The police saw human rights as a direct assault on their authority and equated human rights advocates with public enemies. There was no possibility of a dialogue in such circumstances.

By 1997, some local leaders felt the time had come, 14 years after the end of the dictatorship, to change the relationship and to try to work with the police in a constructive way. The head of the Police Academy, located in Rosario, also supported change.

Meetings were held and the proponents decided to try to implement a new human rights training course at the Academy, focusing on the new recruits, the future police.

Not surprisingly, initial discussions were tense, with each side expressing pre-conceived notions and entrenched prejudices about the other. But as with most such processes, once people broke through the canned, automatic speeches and really started to identify common concerns and challenges, real progress became possible. Other community-police dialogues in Haiti, Guatemala, Kosovo and Sierra Leone have yielded similar results. The European Union's endorsement of the process proved crucial as the "imprimatur" of such a prestigious, and it must be said wealthy, institution helped convince some recalcitrant officers that the effort was worth it.

The actual "training" took the form of seminars, with joint presentations by Police School faculty and civilian experts. The organizers decided to make the atmosphere as non-confrontational and unthreatening as possible. The issues were sensitive and feelings still raw, so these proved to be wise decisions.

The seminars introduced economic and social rights to demonstrate that the police also have rights themselves- jobs, housing, medical care, education. This was a crucial step and one that helped the police feel comfortable with the issues and not automatically react defensively. This tactic also worked as we have seen in Timor Leste: show the police that they have rights and that they are in a great position to defend and protect others' rights.

The first seminar discussed the right to a life free from violence with a focus on domestic violence, and the right to live in a healthy environment. The methodology involved plenty of participation and interaction, something new for the police cadets. The domestic violence module included a role-play with the police cadets playing the role of the victim, which allowed them to see directly how the police treat the victim. The police were encouraged to express their views of the training, the issues and to critique the entire process- something never done before at the Police Academy.

Consistent with all the lessons on training identified elsewhere, in particular Timor Leste and Palestine, this type of training involving real issues and showed that intense participation works best.

Even broader citizen participation generated a series of discussions and seminars on the issue of growing prostitution in Rosario. Members of the Police Cadets' School, the Police Internal Affairs Office, the Ombudsman's Office, the Human Rights Institute of the Law School of the National University of Rosario and women's, neighborhood and community organizations of the city all joined forces to look at the issue through the lens of "human security" as an answer to the insecurity problems facing the city. This broadened the traditional approach to security, including hearing from the transvestites, the majority of the city's prostitutes, who complained of systematic discrimination which prevented them from securing regular jobs.

The organizations involved in the police initiative in Rosario have reached several conclusions after seminars held around the province with the police.[53]

*The process of the police inclusion in the project *Rosario, Human Rights City* was complex, and its development required a group of people and institutions with a clear understanding of the need to educate the police in human rights.

*An important lesson learned from this process and to be taken into account for future activities was that the process of negotiation, management and organization of the courses/seminars was as fundamental as the seminars themselves.

*It was also important to count on the support and sponsorship of prestigious agencies and institutions, such as the European Union, which helped motivate both the police and the provincial government to participate.

*Many police officers learned that human rights are not something "bad," belonging to the "enemy" who had always criticized them, but that they themselves, since they were persons, were entitled to human rights that must be respected, and that an increase in the police budget alone was not necessary to respect human rights.

*The human rights organizations learned about how difficult and challenging police work is and that police officers themselves suffer from discrimination and abuse in some cases.

*The non-governmental organizations were pleasantly surprised to learn that, contrary to their expectations, the police cadets were always open to discuss the issues, showed great interest and demanded further training.

*The human security approach made it clear that the reasons for crime and insecurity arise from social and economic problems related to poverty and discrimination.

There are certain indicators that have allowed the Human Rights Cities project to assess the impact of the work thus far:

*Human rights is now an official part of the Police Cadets' School syllabus.

*A Human rights course is now included in the regular 4-month training given to low-ranking cadets.

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[53] The preceding account as well as the following assessment, which is itself an excellent example of a concrete evaluation of police reforms, is taken from Emiliano Casal, "*The Police and Human Rights in Rosario, Argentina*" (The Gender, Law and Development Institute Rosario, Argentina) (October 2003), pp. 11-12.

*There is a greater openness within the police force to discuss and receive further training on issues like domestic violence, prostitution, general human rights and public security.

*According to some unofficial statistics, the incidence of police abuse and mistreatment appears to have declined following these trainings/workshops.

*In some cases of sexual violence, the authorities themselves reported the involvement of their subordinates.

*Generally, the police have changed their behavior in the cases of domestic or sexual violence, even within their institution. In the past, this was an issue which tended to be concealed and silenced. Police have created a special unit addressing sexual violence against women.

*Other human rights organizations have lowered their resistance to talk with the police and participate in their training.

*The creation of the Internal Affairs Division, has led to a review of over 3,600 cases of police corruption and "trigger-happy" officers. The Director is a strong supporter of human rights.

j.   El Salvador

Police reform in El Salvador has occupied a central place in UN efforts for more than 12 years, ever since the San Jose Peace Accords of 1991. A major challenge was to transform a police force that had trained for war and now had to treat people with respect.

UNDP and OHCHR have devoted enormous resources and much time to training, creating modules and helping local police leadership develop police doctrine. They have produced key documents, including a Code of Conduct, Operating Procedures for various specialist police divisions (Border Police, Ports and Airports, Interpol Division, Mounted Police, Technical and Scientific Police, Public Order or "Riot" Police), Citizen Complaint Forms for instances of alleged police misconduct and Forms for Police Units to record and pursue citizens' complaints. This reflects an emphasis on "capacity building" to enable the prime "duty bearers" to fulfill obligations to respect human rights. Training trainers and enhancing the knowledge base at the police academy- both the trainers and the library and other pedagogical tools- received much attention from the UN and other actors.

One person involved in the police reform effort has identified at least two important lessons.   First, the message in all the training must be that all police work must be consistent with human rights- arrests, stopping cars, questioning witnesses, policing the border, maintaining order at demonstrations, trying to crack drug rings

or organized crime. And second, the highest levels of the police must reinforce this message or else it won't take among the lower ranks.

As in many countries, the UN found that the police in the academy were very curious about human rights; it was not something that had been included in prior training. How best to exploit this curiosity and desire to learn?

One way was to rely on inter-active training modules on domestic violence, sexual abuse of children, women's rights and children's rights in general featured prominently in the mix of training for the national police. Videos and role-plays were used often and a trip for selected trainers to Nicaragua to exchange experiences with peers there were further innovative steps that should be considered in all police reform projects.   Joint workshops with the prosecutor's office and internal affairs also proved the benefits of mixed training to break down barriers and help build teamwork among those working on these complex issues.

Taking a page from the New York City Police department's playbook, the National Police studied crime statistics and identified certain areas with high crime rates. The police then use real-time crime statistics to craft their strategy and then to measure its impact.

One strategy adopted involves a form of "community policing" which meant lots of outreach efforts to youth groups, churches and local leaders. The police helped sponsor recreational activities, soccer matches and other activities both to provide something for young people to do but also to create trust and familiarity between the police and the people they are serving. This is a revolutionary approach to policing in El Salvador and it is being sorely tested by the country's high crime rate which is due to a complex set of factors. Prime among them is the large number of ex-gang members from Los Angeles and other US cities who have been deported "home" to El Salvador, a place that few ever knew before.

This raises another problem, however, one identified in other post-conflict societies . In some states with high crime rates, like El Salvador, Haiti, Afghanistan and Guatemala, the population fears that community policing means "ineffective" or "weak" policing. Combined with the weak technical capacity of these new police forces, their inexperience in dealing with the public, in using the media and other public relations tools to spread their message, and the quite violent crime plaguing the country, police reformers must be careful to demonstrate that community policing and tactics that reach out to and respect the public are also effective in providing security.

UN police reform projects also emphasized serious, meaningful citizen participation complementing the community policing approach mentioned above. On-going meetings with civil society, NGOs and other community organizations ferreted out issues of concern and suggestions for improved policing. El Salvador also has a wealth of intellectual capital which the UN tapped regularly. This is an

area often overlooked but crucial: local universities, think tanks and research organizations who know intimately the society and culture they are researching. This is a font of wisdom that should inform police reform. It is also a crucial element in the rights-based approach.[54] In El Salvador, the *Fundación para el Estudio y Aplicación del Derecho (FESPAD)*, and the *Instituto de Derechos Humanos de la Universidad Centroamericana "José Simeón Cañas" (IDHUCA)*, along with the *Instituto Universitario de Opinión Pública (IUDOP)* provided key research, recommendations and expertise to the analyses of criminality in El Salvador. Such institutions exist in most countries and are vastly under-used by the UN and most international actors.

Several problems arose, despite some real advances. First, some police were simply not qualified for the job. Some had served in previous police forces in El Salvador and brought bad habits and also a loyalty to the old force and others who had served with them, preventing a new team spirit to emerge in the new force. This is very dangerous and has occurred elsewhere. The vetting issue should be a priority whenever members of the former police are included in the new police. And if a large number of former police are accepted, there is the danger that they will identify with each other before they put their loyalty to the new force. A third problem was that after investing so much in training, some officers either left the force or were transferred to jobs where the training was not relevant, wasting time and effort.

The Salvadoran government has created a structural problem that has undermined much of the UN's efforts to reinforce the capacity of the all-important police inspector general's office by putting it under the control of the head of police, thereby stripping the office of its independence. This severely undermines much of the good work done to train and equip this office to investigate claims of police abuse.

El Salvador also offers a clear example of the need for careful donor coordination. In addition to the various UN agencies involved, a slew of bilateral donors arrived offering all kinds of police reform projects: Spain, the US, Canada, Sweden, Holland, Japan, Brazil, Taiwan and France. Regional groups like the EU and the Inter-American Institute of Human Rights (Costa Rica) also ran police reform projects. This required careful coordination to minimize confusion, duplication and waste of resources and time. Salvadoran participants in these efforts note another common problem: some internationals did not have the requisite expertise or an in-depth knowledge of the country and its history and thus were not effective trainers or "experts." In some cases, bilateral programs promoted the donor countries' policies and objectives at the expense of what was best for El Salvador.

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[54] *See* my paper, "From High Principles to Operational Practice: Strengthening OHCHR Capacity to Support UN Country Teams to Integrate Human Rights in Development Programming" (March 2002)

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