



Commonwealth Human Rights Initiative

REGIONAL ROUNDTABLE ON POLICE REFORMS IN SOUTH ASIA - ROLE OF CIVIL SOCIETY

October 31st & November 1st (New Delhi, India)

CONFERENCE REPORT

Day 1

The Regional Roundtable on “Police Reforms in South Asia- Role of Civil Society” was held at the Qutab Hotel, New Delhi on 31st October and 1 November, 2009. This conference was organised to analyse the different ways in which civil society can engage with the police, and the opportunities and in-roads to achieve the same. The objective was not to replay the common problems that are prevalent in the region, but to make do with what is available, to manoeuvre within the existing framework and come up with creative ways to infiltrate into the police hierarchy to effect positive change towards establishment of democratic police force. The delegates at the conference were a mix between civil society representatives, retired or serving police officers and members of the media. The involvement of the police officers is most significant in this case, as they would be able to give civil society insights and possible conduits to facilitate this reformation of the police force. The desired outcome besides analysing these elements was also the establishment of a regional network for South Asian professionals working in the field. In her opening remarks, the director of CHRI highlighted the following:

- The existence of many sad commonalities in the region as a whole
- How most of the countries in the region co-exist within a similar framework.
- Similar resistances from the Police, grinding slowness of the bureaucracy.
- Police cannot perform its day-to-day functions creating a poor standard of public safety and security
- The need for an audience for this issue
- Hoping to create a “How-to” manual from the conference
- How she hoped that the conference would result in the creation of a strong Regional Network
- Community policing is a wedge to facilitate police reform.



Overview of Police Reform in South Asia - Sanjay Patil

This presentation touched upon the current state and pace of Police reform in the region as a whole. It was reiterated how “Feudal Forces 2008- Reform Delayed” was a comprehensive study of the situation as relating to the issue at hand in the target countries visited by CHRI namely, Pakistan, Bangladesh, Sri Lanka and the Maldives. Some of the main points elucidated were:

- How the colonial and feudal nature of the police was very much rooted in the 1861 Police Act that still governs most police forces in the region till today.
- Numerous Commissions had been created in each of these countries to investigate the deficiencies in their respective police forces.
- How the same issues in the region have been highlighted for remedy
- Little or no political will in the region to put these reforms in practise
- Real question as to whether reform will actually happen in the region
- Civil society and Police haven't engaged as much as they should to make this a reality.

The current situations were highlighted in each of the following countries:

Bangladesh- Police and RAB in Bangladesh have a well documented reputation for abuse, which has increased significantly in recent years. The Government of Bangladesh, along with the UNDP, completed a needs assessment in terms of police reform. The resultant Police Reforms Programme is funded by the UNDP, the EU and the UK. Phase 1 of the programme has just concluded, the most important component of which was the establishment of model *thaanas*. Under Phase 1, 11 model *thaanas* were created. Phase 2 will establish 6 more. Model *thaanas* are better funded, with a better trained, more sensitised staff and have been quite successful. Sanjay hopes that the initiative will continue. Another major component was Community Policing. During Phase 1, the creation of a Draft Ordinance for police to replace the outdated 1861 Act was another critical component. Mistakes made in the drafting of this legislation were that the caretaker government, who had passed the legislation, did not involve opposition parties in the process. Without this political buy-in the reforms process has stalled after the new government was elected into power. He further hopes Phase 2 will be successful, regardless of the lack of political will to do so

India- The *Prakash Singh* case showed us the entrenched resistance at every level to initiate police reform. The Supreme Court was quite certain of implementing the directives in each state within 3 months of issuing them. It has been three years, and nothing substantive has happened. Regarding the implementation of the directives, it is a mixed bag. Only half of the 28 states have even implemented action into the directives. Some state legislatures have twisted the directives in their favour by cherry picking provisions which are anti- transparency and rife with political interference. The monitoring committee setup by the Supreme Court to implement the directives, were only doing so with a paper compliance perspective. It remains difficult to convince the political powers. He had thought that police reform would be initiated post 26/11, but resulted in only a demand for added resources such as better weaponry, increased manpower etc. “Basically, unless the political will is there and the rule of law is there you will never have a professional police service in India. The key is for civil society to find a way to try and persuade, convince and control the political and bureaucratic cadres to actually engage in reform”.

Maldives- Under the rule of Gayoom, the police were mainly a strong-arm of the Government. Maldives Police Service did not exist till a high profile case of police abuse by the National Security Service (the pre-police force) warranted its creation. There has been some positive change since 2004. Police in Maldives are more receptive to the idea that policing need not be done in a heavy handed fashion. Police invited training from human rights groups in sensitisation. A new Constitution was passed in 2008, which lead to the Establishment of the Police Integrity Commission. Because Maldives is a small country, a democratic police force looks like a possibility.

Pakistan- the Pakistani Government passed a new Police Order in 2002, aided by the ADB. President Musharraf did this mainly to bolster his democratic credentials. However, as a result, he encroached on what is traditionally a provincial subject (law and order). The one bright spot in Pakistan has been the National Highways and Motorways Police.

Sri- Lanka- The passage of the 17th amendment in 2001 was aimed at creating a Constitutional Council to depoliticise all public institutions in Sri Lanka. The duties of the Constitutional Council are as follows:

1. To appoint members or assist in appointment of members of public institutions like the National Police Commission
2. To depoliticise the process
3. To make sure it the institution concerned does not become a hand-picked tool of the government

The Constitutional Council hit a roadblock when the Government decided to scrap the council. All appointments consequently made by the Presidents Office. The 13th amendment, which seeks to make policing a provincial subject, is being mooted as a post- conflict resolution to the “Tamil” question. Looking at the fractured state of policing in India and Pakistan makes we wonder whether policing should be made a provincial subject in Sri Lanka

“There are many things that can be done in the absence of that political will – so let’s focus on those things that can be done, which we can control. Like Mahatma Gandhi once said, be the change you want to see in the world”. Sanjay then concluded his presentation with the following:

- Without political will and rule of law, a professional police force is not possible in the region
- Civil society must find a way to try and persuade, convince and control the political and bureaucratic cadres to actually engage in reform
- Analyze what you can do instead of talking about what the politicians can or cannot do, or what they have or haven’t done
- If the police are truly keen, they can find a way to internally initiate the reform process
- There are definitely success stories in the region and internationally that we can learn from
- we can focus on those examples throughout the two days and consolidate all that into a manual, how CSO’s can do this and how we can be in an effective relationship that we can forge



Session 1- Professional Policing

OBJECTIVE:

To explore the training needs of the police that would better equip them to safeguard human rights, the contribution of civil society, and if there were any benchmarks that could be used by CSO's.

How CSO's can Improve Professionalism - Anneke Osse

Anneke Osse stated that she would like to illustrate some examples from around the world on how the process of police professionalism can be initiated by NGO's and CSO's.

Russia

- Vast country with NGOs mainly in the cities which provide legal aid to members of public in trouble with police
- Lawyers who work in NGOs are funded by external donors
- Appeals of Human Rights cases go straight to the Human Rights Court of the European Union

Moldova

- Inspection of police detention facilities in Moldova
- Police invited us themselves to inspect the facilities, which they did not expect us to immediately avail of.
- All cells were cleaned just before the visit. Conditions still pitiable

Indonesia

- Police used to be a part of the military, and have separated only as recently as a decade ago
- 400,000 strong force and one central IGP to oversee each of 100,000 police officers
- A workshop was held to enhance CSO's understanding of policing issues
- Subsequently, a conference was held in Jakarta. Local human rights NGOs and police were on the same stage, literally, which is rare. Important to show that we are not contradictory and can in fact work together
- Difficulties between both parties: the issue of understanding policing for human rights people, and more specifically understanding of human rights issues by the police.

Brazil

- Brazil is a federal state with a population of 200 Million people
- In Rio, there is an incredible crime problem and a lot of it drug related
- Police are unable to deal with drug related crime in the *favelas*
- Difficult for police to carry out their operations amidst violence in the *favelas* because of the way they are organized. In some parts, shoot outs can happen almost on a daily basis
- AR (an NGO) - They work with local youngsters and criminal networks and police. They have found a way to engage with everyone. They employ ex-criminals, police personnel
- police are more likely to talk comfortably with another police officer

Everyone was shown a picture of a *Thaana* in Rajasthan which was voted the Worlds best Police Station by Amnesty International based on predetermined criteria from Police stations across the world. An important question came up at this point: **Why is necessary for civil society to engage?** Two major reasons were highlighted

- Police-community engagement is an essential part but also a precondition for democratic policing.

- Resolution accepting the UN Code of Conduct for Law Enforcement Officials: The police must be accountable and responsive of the people they serve.

Anneke then showed delegates a diagram from her presentation which is meant to represent the two fold approach to police- community engagement, from confrontational to cooperative. The final parts of her presentation were the **lessons learned**, the challenges faced and some **benchmarks achieved**. Some of them were:

- CSO's should prepare for the engagement through thorough analysis
- Understanding policing and taking stock of allies
- Acknowledging the fact that police are not familiar with HR vocabulary, but that doesn't mean they are against it
- Institutionalising contacts at both ends
- Terms of engagement should be clearly laid out and CSO's need to be patient.
- CSO's should work together, not being competitive
- Do Police engage with civil society in a fair and representative way?
- Do they engage in a systematic basis or a one off situation?
- What is the purpose? To listen, or to tell? Does policing improve?
- Is there a common agenda? Did engagement lead to "narrowing the gap"?
- Do parties involved keep to their roles?

The **challenges we face** are the following:

- Impact assessment and measurement
- Avoiding the "training trap"
- Doing work nationally and internationally
- Maintaining a balance between engagement and accepting whatever the police wants
- How to deal with institutions



Making the Criminal Justice System Work for Women: Naripokkho's Experience with the Police - Rita Das Roy

Rita Das Roy has been working with the Bangladesh police for over 5 years. Her involvement was increased especially after the rampant acid attacks taking place there. She stated that Naripokkho is not an NGO per se, but a membership organisation working for the advancement of the rights of women in Bangladesh. Their **main work** relates to the following:

- Equality and political empowerment of women
- Violence against women and human rights
- Reproductive rights

Naripokkho's multi-faceted **work on violence against women**:

- Working with acid survivors
- Naripokkho conducted one pilot study in 96 and 97, focusing on violence to women. Inter-linkage between police department, health and judiciary as a means to give women justice.
- Monitoring State Interventions to Combat Violence Against Women (MSIC-VAW)
- Doorbar Network
 - 550 women related organizations to work for violence against women and political empowerment.
 - This is a national network.
- Women Friendly Hospital Initiative

Rita then moved on to **some examples of their engagement** with Police for reform. These were:

- Acid violence follow up
- Fortnightly meeting with police. We supply them with details and facts on perpetrators, and the police, the courts, and Naripokkho jointly help with the survivor.
- "State monitoring"
- An action research through in-depth observation
- Strength strategies and transferring technical knowledge at a grassroots level
- Medico-legal examination certificate – e.g. with rape
- Replication at grassroots level – the Doorbar Network
- Coordination with more NGO's

The factors which led to our entry and acceptance by the police:

- We have an informal approval for state monitoring.
- Developed relationship with the city police (a pilot initiative in Dhaka)
- Not reporting police inadequacies to their higher authorities, to keep it more personal
- Avoid criticism – We have a good rapport between our staff and the police.

Building confidence and trust is a major component of engagement, said Rita, some ways we did this are:

- Consciously avoided publicity, media, etc.
- Bilateral sharing
- Constructive feedback – if there is a resource they can use, they try to accommodate their needs
- A more developed trust with a Need to be confident, and have a special passion for it.

Rita then talks about problem solving and policy advocacy, this may be achieved by the following:

- Holding dialog and informal meetings with the Police
- Conducting these in an appreciative manner
- Help the police in improving case follow up
- Holding meetings with monitoring cell(s)
- Enable better resource utilization- releasing lots of forms like FIR's,

She issued a stern warning that NGO's should not play the role of Police officers, and that we are there to play a supportive role – we are there to help and assist the police if they want us to. We can offer them help in the following ways,

- Support the victim and prepare them for investigation
- Encourage them for medico-legal support(to get the medical examination done, post rape)
- Provide psychological support for rape victims, or presence of a counsellor from our side.
- Try reducing the delay of the medico-legal certificate – now its 15 days, as opposed to 2 to 3 months before. Medical colleges take much more time than district hospitals.
- Maintain an address book- to double up as legal address book for human rights organisations

When asked about Naripokkho's future plans, she stated that building capacity is their next goal, which they are hoping to achieve by the following:

- To develop Naripokkho's capacity and monitoring strategy
- Orientation on CRPC and PRC provisions for all staff
- Furthering joint development reporting formats

Rita stressed on the importance of training on Interpersonal Communication Skills saying that this is very absent in police officers handling cases, especially relating to violence against women. The training involves, getting approval from the higher authorities in the police, their attitude towards women, developing interpersonal communication, stress management courses, mentoring the trainers, incorporating this module into the foundation course and in –service courses for police training. She further mentioned that replication with Partnerships becomes very important. Engage more grass roots level organisations to enable capacity building and knowledge transfer

Rita finished her presentation with the key results that Naripokkho had achieved in the past:

- Our monitoring strategy has become a tool for us, other organisations and people who wish to monitor the various organs of the government
- Making monitoring a right for all
- Reduced delay of medico-legal certificates, as we developed it with a government format which has happened on a policy level already.
- Inter-personal communication training imparted to the police
- Our recommendations include the Bangladesh Police Ordinance 2007

Discussion on Professional Policing

This discussion was entered into following the two presentations. This was really the foundation of what was to be expected over the next two days. The issue of Training, and whether or not it has an impact was amongst the first to be tabled as regards professional policing. There were multiple layers to the discussion on training. While most delegates accepted the fact that training is a critical part of the process, there were concerns voiced about the actual impact of this training, whether or not it had practical application, how resource allocation affects training, how there needs to be

training on the lines of human rights sensitization, and how this needed to become a part of the main curriculum of **police training**. Delegates purported the following with regards to training:

- A more holistic approach to humanize the police force
- Integrating human rights material and subjects such as sociology into police curriculum. **“Professionalism cannot be achieved in isolation, like focusing only on training”- Nur UI-Huda**
- More on the job- training. **“We transferred training to the workplace, so that it ceases to be an intelligence exercise”- Leonard Gill**
- Methods by which the training remains imbedded and doesn't fade away
- Training must take place in mass number to have any significant result
- Training must be relevant to the developing needs of society and must keep up with the times
- There needs to be strong managerial oversight into training to ensure and encourage the change

The problem of **impact assessment** was the next big issue to stir debate. Whether this relate to impact studies on training, or the impact of NGO's on the police, all delegates resonated in the fact that this a crucial element to the pursuit of a democratic police force. Even though most agree to the fact that assessment must be done independently, no conclusion was reached as to who should be doing it. As regarding CSO's role in impact assessment, many police officers argues that most CSO's have none of the requisite knowledge and a basic lack of understanding relating to the issues that dog the police. These assessments must have a set of parameters to ensure its success. **“The NGO's and CSO's have an important role here, not merely confined to finger pointing, but actual understanding of police issues”- K.S. Dhillon**

Resource allocation: This aspect of the issues that surround police reform is one that is often repeated. This has always been a problem in the regional context. Many delegates reiterated the fact that you need greater resource allocation for a professional police force. In the current situation, most of the resources go towards payment of salaries or remuneration, hardly any is left over for any kind of development at the institutional level. Delegates were quite clear on the point that greater resource allocation does not mean an increase in manpower, better weaponry etc. but the need for these resources to be put into aspects like training, soft skill training, sensitisation etc... **“Police reform means different things to different stakeholders. To police this means more manpower, better stations, more transport, advancement in weaponry and nothing to do with objectives of police reform. To CSO's , a humane and aware police force , which involves a cultural change, a change of mindset, a distinct change in objectives because unless they keep that in mind, the increase in resources will only increase the suppressive capacity of the police” -K.S. Dhillon.** The example of the model *thaanas* in Bangladesh is a case and point of how greater resources can translate into improved delivery of service. Many police officers in the conference also stressed on the need for civil society to convince the political forces to allot greater resources for the overall development of the police. **“The attitude that one wants to affect in policing is dependent on resource allocation. There are a lot of accusations regarding the morale of the police force in the region. This is not abstract, as this is a product of the environment. A greater need for extra resource allocation should be a priority for a forward looking police” -Nur UI-Huda.**

The next important topic chosen was **the need for political will** or direction to drive these initiatives towards making it a reality. Almost all delegates spoke of this aspect at some point or the other during the conference. The lack of political drive and the interference of less than favourable elements in the political class that seem to stall the progress of police reform in general is perhaps the most significant piece in the puzzle as far as the process goes. Time and time again it was repeated, that without the involvement of the political class, very little room is left in which to effectively engage with the police in any manner. Some delegates put faith in the new breed of

young politicians across the region. They feel that these individuals are more receptive to the idea behind police reform, and suggested that civil society reach out to these politicians to make a difference. It is incumbent upon the political class to make sure that legislations can keep up with the changing times, that model bills are turned into acts, that the police become more accountable to the very public they are entrusted to protect.

Another angle to this question is the **nexus** that has developed due to years of lack of oversight, rampant corruption and general public disinterest, between politics and the police. Certain individuals involved on both sides risk putting the already defamed police force into further disrepute and this has often been blamed on the existing sub-culture that is thick in the region. Mr. Nur Ul-Huda (Ex IGP, Bangladesh Police) put it well, stating, “Policing remains a less than respectable profession in this part of this world. Why? It’s because the police do not have powerful friends, they have more powerful enemies”. If any difference is to be made, everyone was in agreement that CSO’s must intervene in this area and appeal to the political powers to effect change.

The **outdated laws** that govern policing activity in the region: Many delegates repeated the fact that most police in the region are still ruled by the archaic 1861 Police Act. This act was tailored by the colonial era rulers to use the police as a force of suppression. The colonial era also bequeathed to the police, an unapproachable, almost distant aura which is completely contrary to what a democratic police force is meant to stand for. Lawyers and CSO’s have the responsibility to appeal to the political powers to amend and update these archaic legislations. Another aspect that was stated several times is the need for clear guidelines for police conduct, and for them to be held accountable for their indiscretions.



Session 2: Oversight

OBJECTIVE:

To analyse ways in which the police can become more transparent and make them accountable for their wrongdoings. The session will seek to identify ways in which CSO's can assist in monitoring, overseeing and reviewing police misconduct.

Police Detention: International and Domestic Models “A Comparison” – Leonard Gill

Leonard started by saying, “the British experience is the British experience and it’s not the Indian or Pakistani experience.” He further stated that we can confront, but can also gain access and assist the police. He then talks about the ICRC international model. The ICRC was founded in 1863 and is currently working in 80 countries worldwide and it’s concerned with victims and the vulnerable and the largest of those are those in detention, whether they’re in detention for political or criminal reasons. The policy of the ICRC has always been to focus on humane treatment and respect for human dignity. Torture’s a big issue all around the world and especially a big issue in South Asia. What is torture? It’s gross ill-treatment of people who are under the control of the authorities.

Adequate detention facilities, prison infrastructure: Clearly standards from country to country vary. There should be a basic standard on which people should be able to depend. This should include access to health, water and food, blankets when its cold, a bit of exercise – all these basic things that we as free people take for granted, whether rich or poor.

Assuring reasonable family contact: Because the victims of abuse in detention are not always prisoners, but sometimes our families and friends. Finally our aim is to promote fundamental judicial guarantees that are based on international norms and guarantees.

Certainly the often quoted 1861 Act was created before these international norms were established, and actually reflects in its framing many of the fundamental guarantees that exist today by treaty or law. We insist on an **open and sincere dialogue with authorities**. Therefore **all of our conversations are strictly confidential**. ICRC’s modalities also insist on **unfettered access**.



This is how it works:

- We come into a police station.
- We have an intro meeting with the detaining authority where we explain our role. We take a complete tour with the authorities so they see we haven't made anything up.
- We are entitled to private and confidential talks with detainees.
- We have a second meeting with detaining authority explain what we found, what we're going to report – be good or bad, and any constructive comments we're going to make.
- Finish with a written confidential report to detaining authorities. What we say in person is written down and we're not going to go back and change it later.
- This model has been in effect since the mid-50s and has been tried in over 70 countries. It has been found to work in many different contexts. This is a tried and tested model.

UK Domestic Lay- Visiting Model

First recommended in the 1981 Scarman Report following the riots, which were a moment of cataclysmic events, a pilot scheme was floated in 1983. In 1985, the Lambeth Model was adopted where members of the public would visit police stations. In 1992's Home office Circular 4192, the scheme became a National Guidance. In 2001 fully independent custody visiting was instituted followed by the 2002 Statutory Obligation on Police Authorities (Police Reform Act 2002) to implement this scheme.

The main aims of the scheme are the following:

- Protection to detainees (independent scrutiny of practice)
- Community reassurance of good practices
- Improve community understanding of Police procedures
- Strengthen confidence in police practice and professionalism
- Visitors are independent and drawn from local community
- Visitors have no involvement in CJ system
- No interference in investigation or judicial process
- Complete access to all areas and detainees
- Fully funded scheme including reasonable expenses
- Visitors receive both practical and theoretical training and serve a probationary period
- Entry by official ID card
- Regular visits by pairs of visitors
- Visits only in their local area
- No interference in investigation
- Unhindered access to all areas and facilities
- Reports made of each visit

Similarities with the ICRC model

- Flexibility – must be contact specific and community specific
- Regular presence and long term commitment – must be a routine visit. People must know that at any time of day/night someone can come in.
- Confidentiality and dialogue
- Interest in the individual and helping to meet their agreed standards
- Published

Difficulties in the scheme

For police:

- Failing to appreciate police priorities

- Criticizing officers without first bringing things to their notice
- Overly adversarial approach
- Petty criticism
- Finding fault trying to catch police out
- Becoming involved

For visitors:

- Failure of police to accept the status of visitors
- Demeaning or belittling
- Treating visitors with indifference or disrespect
- Unreasonably delaying or limiting access
- Being insufficiently positive when introducing visitors to detainees
- Failing to recognize visitor responsibility

At the conclusion, Leonard reiterated the:

- Importance of regular neutral ,independent inspection mechanisms to protect detainees
- Independent complaint mechanisms for prisoners within a system that hinders subsequent investigation

He ended by saying, for this kind of scheme to work, all visits are surprise visits. If you're the SHO and you don't know when someone is going to come in, that's better.



Civil Society and Policing Oversight – Sean Tait

Sean began the discussion by making the point that police oversight is varied and takes place in multiple layers and this is a facet of policing in a democracy. There is accountability and accountability happens at various levels. The second point he made is that civil society is as multifaceted. There is no one clear definition of a civil society organisation. He then went on to

discuss some examples, largely from an African context, of how civil society has engaged with police oversight by giving 5 examples to illustrate an interaction between civil society and the police to affect oversight over policing and promote oversight. These are:

- Research and advocacy around research projects
- Look at changing roles civil society can take from a constructive supporting to a more confrontational approach. Yet to be able to remain true to the mandate of that org and to maintain the relationship btw civil society stakeholder and state
- Looking at ways in which the police and communities can cooperate to popularize idea of oversight
- Regional entry points and regional networks can be used to facilitate and promote policing oversight
- Monitoring and taking on police abuses

Here that relationship needs to be flexible and dynamic. These were some case studies:

There was a research study undertaken by CSVR, measures to understand democratic policing. It was only the second organisation to assess RSA police services. The importance of the notion of democratic policing is that it introduces a set of factors that make police service democratic and that set of factors allows us to engage with the police org as a whole.

5 areas to frame the notion of democratic policing

- Police must protect democratic rights of citizens
- Provide safety and security
- Effective system of governance and managements
- Manner in which police conduct themselves
- The members of the police organisation enjoy same rights and privileges as other members of society.

CSV carried out the project and the result was considerable debate about where policing in RSA was at that time. Successes of the project were based on a strong methodology and research. The intervention provided input on multiple levels. Engagement was reached in the policy arena which gave the oversight community tangible products to hold onto when looking to assess, monitor, and observe police. Importantly, in the whole process of construction, there was constant interaction between police and civil society. One of the challenges was that CVSR was unable to sustain that engagement. There was brief excitement around democratic policing but that gradually subsided. Additional effort was required to re-engage

Support provided to the **Nigerian Police Service Commission** by civil society. Essentially a PSC is an oversight body responsible for discipline and recruitment. Their mandate has been criticized because they have no investigative capacity, weak political will, and their reports are not made public. In 2007, they released a series of reports on policing in Nigeria that reveal the extent to which torture and extrajudicial killings are endemic in the Nigerian policing service. They have seen changes in tactics, not directed so much at the PSC, but definitely in which the police engages with policing oversight. A panel was created to look at complaints. This demonstrates a remarkable level of maturity. This is related to fact that we were able to speak with a certain authority. What is remarkable is also that they've managed to develop relationships with networks of other NGOS

An example of policing oversight strongly based on collaboration with police and involving ordinary citizens is a global network on policing – **Altus**. They are responsible for the development of the police station visiting program. On the basis of a questionnaire looking at community orientation, physical conditions, equal treatment of police, transparency, accountability, and detention conditions, it involves citizens in the process of going out and assessing police stations. The best police stations are recognized at the end so there is an incentive to participate in the process.

Regional networking: This is an area that hasn't been exploited to its fullest extent when it comes to promoting police oversight. Significant results have been seen in east Africa wherever implemented. It provides police chiefs with template of what is possible and desirable. Standards based on treaties that have been acceded to and ratified by certain countries. They are Indicators to assess compliance with the SARPCCO Code of Conduct. This also encourages networking between police agencies and civil society. This can be used as a template to assess police in the domestic context. This is the use of political drive in the region towards greater integration as an incentive to resolve issues around torture, which at a domestic level become contested and stagnant. The same approach was used in Southern Africa, with the development of a code of conduct it was a matter of assessing compliance with this. In West Africa we are looking at establishing a police reform network to open dialogue between Anglophone's and Franco phone's.

The role of civil society organisations in police monitoring was the next point arrived at, In Kenya the ongoing process that has been fiercely contested though they haven't really moved forward, mired by an intransigent police force and rampant extrajudicial killing. There is pressure on the state to put into action measures for police reform. CSO's have been playing the part of UN Special Rapporteur. The establishment of a coalition on police reform is another major achievement.

What are the **various levels at which civil society can engage?** The executive, with parliament, with independent oversight agencies, with the judiciary around legal assistance. There are skills that civil society needs to move this forward: technical skills, legal skills, budgeting skills, and the **skill to be able to build an organization with credibility.** They also require process skills which are critical. Realising the importance of dialogue, developing process skills around being able to build confidence, resolve conflicts, conceptualize rights and norms, and facilitate expertise. The Opportunities that need to be considered are most importantly to go beyond denouncing, be an ongoing source of influence, if you are able to gain ground on one issue you must keep it sustained. Local ownership is desirable in the security sector reform and explicitly involves civil society. It's a tall order developing those skills progressively. Looking for spaces to facilitate interaction and dealing with issues of capacity and sustainability.

What's in it for the police?

- Bad policing exacerbates crime and insecurity.
- Community support is a key to fighting crime.
- Policing outside of human rights and rule of law weakens the authority of the law effecting the perception people have of the legitimacy of the police
- When the police need to hide what is going on they start to feel besieged. They become more rule bound and relations between officers and subordinates becomes strained.
- It strains community- police relations
- It puts officers lives at risk

What conclusions can we draw?

- The need to build adequate institutional capacity
- To build networks and raise awareness
- Engage locally nationally, regionally and internationally
- Build relations with the police



Discussion on Oversight

Many opinions were voiced in this session and they all seemed to resonate within the same space. The discussion was centred on most oversight mechanisms and particularly the lay visiting scheme as demonstrated by Mr. Gill. The main concerns around the lay visiting scheme were as follows:

- Dangling the carrot- how a lay visiting scheme is more successful if you are willing to pay expenses of the person in the scheme
- The ICRC model is rooted in ensuring basic fundamental rights and treatment in humanity, but never interferes in any investigation, their job is not to give detainee's legal advice
- Lay Visiting scheme has similar models in place in some countries in Europe, e.g. Holland
- Lay visiting schemes, in their composition, should be representative of institutions such as journalism, law etc... Leonard Gill said, "A rigorous interview system tests neutrality and independence of visitors but has to be cast from the community to serve the interests of that community"
- Even a scheme like the Lambeth model can become a racket, long term lay visitors should be discouraged, as this may lead to development of vested interests
- In the UK, Human rights activists are generally discouraged from participating but in South Asia they may be the only ones interested

The other important issue that was talked much about is the implementation of an **independent crime survey** as a way of oversight in the region. Participants agreed that this kind of survey should be an independent oversight mechanism. **Anneke Osse** raised an interesting question here when she asked, "**What do we mean by independent? Is it a guarantee for quality? In some countries, police do their surveys in a qualitatively good way. It shouldn't just be about crimes because those statistics can be easily manipulated, it should rather be about the public's confidence in the police**". The FIR system has been cited as another big obstacle in the system as relates to crime reporting. Everyone agreed that this kind of survey must have a

reliable baseline and performance indicators. Participants even suggested a more practical manner of surveys and interviews with victims of unreported crimes.

The police image is another major hurdle for police reforms. Most of the police officers (serving or retired) agreed that non-registration of crime is one of the biggest pains to the police image. Since punishment and transfers don't hold the answer to this question, perhaps the answer lies in corrective training which must be institutionalized. Jacob Punnose went on to add "A police station in India is not perceived by the public as a centre that provides security services. It is instead perceived as a symbol of government/state authority", one police officer went so far as to liken the experience of visiting a police station to a mouse trap, where you can get in, but its difficult to get out. The police on its own initiative however, is usually forced for its own PR and advocacy, which is a major area where civil society could intervene, according to police officers.

Leonard Gill raised the point of a **virtuous circle**. After the riots in England in the 1980's, the police were forced to look at things differently. They went to the community and established a basic level of trust with them. The community, in this spirit, volunteers information, thereby making the police's duty to protect the community much easier. Hence the virtuous circle.

Other important issues that were raised in this session were,

- **The low opportunity cost for corruption in South Asia.** Mr. Nur UI- Huda said, "If we want to improve oversight we first have to reduce corruption and malfunctioning. How am I going to stop the misconduct if present opportunity cost of corruption is so low in countries like ours?"
- On already established bodies such as the PCA's and the NHRC, delegates had some very interesting views. Anneke Osse and Navaz Kotwal raised a similar point on how creation of new independent bodies may not work, since the existing systems don't work. Is there a risk of **creating more parallels for delay?** Anneke further stated that the more realistic thing to do would be to bring about improvement in existing mechanisms like the NHRC. Sean Tait was of the opinion that in whichever Indian states without PCA's having been set up; civil society has a good opportunity to engage.
- **The Phantom Limb Complex**, this was a point raised by Basil Fernando of the AHRC. He stated, "We are talking about something that doesn't exist, if the judicial oversight inspires no confidence, how can a civilian oversight work?"
- Who came first? **The chicken or the egg?** This was a point that repeatedly echoed throughout the conference. Should police engage first? Or should civil society? What prevents the police on its own initiative, to open their doors to civil society? Many police officers refuted this by saying the law does not allow this, and only a good personal rapport with police officers can push the process.
- **A lack of resources or infrastructure cannot be seen as a justification for torture.** This was seconded by all delegates. Police stations may be in a terrible state, but that does not justify human rights abuses.

END OF DAY 1



DAY 2

Discussion on Oversight ... continued

The discussion was opened by asking delegates, especially police officers on ways for civil society to insist on interactions with the police. Some of the suggestions to this end were:

- **Publications** are a powerful way of initiating interactions with the police. Basil Fernando highlighted Hong Kong as an example. Because of various publications on issues such as torture, the public become more aware and the police are forced to mend their ways.
- Kishali Pinto- Jayawardena, while commenting on the situation in Sri Lanka, stated that **pressure of peoples' groups**, who provide aid to victims from the point of abuse all the way to the court system, have a big impact on the police.
- Many delegates purported the need for **civil society to be involved at the drafting stage of model or new legislations relating to police reform**. Police should invite civil society to review the draft and it is incumbent upon civil society to take these drafts/bills to the public and make them aware of it.
- **Corrupt elements within the police**, who actively resist such change, must be curbed for this process to be a success.
- Police officers cited **Community Liaison Groups** as a good way to force interaction with the police. They however reiterated that CLG's should be representative of the community.
- Bangladesh serves as a good example of this interaction. Though the draft ordinance is still not in effect, the public have been made aware through several consultations at various levels between police and the public.

The next hot topic to hit the floor was **the issue of torture and extra- judicial killings by the police** in the region. Points raised by delegates, included the following:

- In curtailing police torture, it was stated repeatedly that the **region cannot look to simply replicate a western model** and put it into place while viewing the societal complexities of South Asia. With public interaction and support, we need to establish a new kind of model specific to the region.
- The **sub-culture surrounding torture** was held as a major reason for the rampancy of torture. Basil Fernando put it in perspective when he stated, "Where corruption indiscipline and torture are endemic, engagement does nothing." Society also has a large part to play in this muddle. Anneke Osse stated, "You can't expect police to be more progressive than the public. If the public permit bad behaviour, police will continue in such fashion." Kamal Kumar further reinforced this point by stating, "In our country, we have a free for all democracy in all segments of society, including government servants. You cannot single out the police if you do not refer to all the other segments of society which abide to these rules and statutes"
- There is a need for a **strong domestic law against torture**, which will make police more accountable
- J.S. Pandey claimed that for the police, there has to be a **trade off between due process and the effectiveness of the police force**. He claimed that detection of cases was not possible without harsh interrogation techniques to permeate into criminal networks. This caused huge debate amongst delegates. **Kamal Kumar** immediately refuted this claim but went on to state that this was only true as far of lack of proper forensic facilities and other world class detection methods to the police in the region. He stated, "**Civil Society's responsibility is to put pressure on the Government to empower the police by providing all the facilities that are required to investigate. If these were available and also the confidence of the public by way of flow of information, then I don't think torture would be required at all.**"
- Another major component to this debate was that **society expects the police to perform too many roles**. Besides law enforcement, pressure from the public can often lead them astray from due course and infringe upon the duties of other organs such as the judiciary. Sara Hossain stated, "In our societies, there's a very happy assumption that the Government has a lot of public support for activities like extra- judicial killings, torture and such."
- Civil society has a huge role to play on this issue. It was suggested that if civil society finds a wrong doer in the police, they must actively pursue this indiscretion along with their allies. Transferring a corrupt police official is not the answer, and this process needs to be made more transparent, so that those officials are put to book. Police should open the doors themselves to curb cases of torture.

Some of the other topics that stirred debate were:

- The need for an independent judiciary. Delegates held that even though in theory, the region does have an independent judiciary, the snail like pace it works at defeats the purpose of its establishment. One delegate suggested engaging with the lower levels of the court system instead of the apex.
- Civil society must support good beliefs and import good practices from other countries.
- The engagement between police and civil society must be continuous if police reform is to become a reality.
- The argument that for an improved, more sensitized and better equipped force, there needs to be **adequate resource allocation** to facilitate improvement. Most of police budgets go towards payment of salaries and remunerations. As Nur Ul- Huda pointed out, over 75% of the police budget will go to this, hardly any is left over for developmental work.
- There is a need to accept (in certain areas of the region e.g.: Pakistan) that we are under some form of militarized, semi- militarized rule. It becomes important in this case to reconcile with the political powers in the country concerned.

- Civilian oversight must become a priority.
- Civil society must **find allies** outside their realm. Finding allies in the media becomes very important at this stage according to most delegates. Other allies might include educational institutions etc...
- Need for an organized civil society. Civil society is currently fragmented in their views and outlooks. Until there is a united front for civil society, it will be hard to make inroads into the field.
- The debate on encounter specialists, “Killers in uniform” according to Julio Ribeiro.
- The need for a change in laws governing the police and establishment of a strict code of conduct for them



Session 3: Community Policing

OBJECTIVE:

To analyse the various components of community policing, its impact on the community at large, whether or not it has an impact on the police itself and whether even this can become a tool for political powers to wield in their favour.

Janmaitri Suraksha Project: Community Policing - Dr. B. Sandhya

Dr. Sandhya presented the community policing project undertaken by the Government of Kerala, she is the nodal officer for the project.

The social context for the project: (In Kerala)

- No untouchability
- No nuclear villages

- A multi ethnic community

The economy relies on remittances from outside too much. The Constabulary pay scale starts two steps higher than a lower division clerk. This is the background in which the community policing project was started in Kerala in 2007. Once the consensus was reached, capital was obtained for it. This benefit reached the police stations by March 2008. Dr. Sandhya repeatedly stated that this is not a PR exercise at all. Every 2 years members of the Service Commission are changed, so it is very reflective of the community. A Councillor can be a member of the project but a politician cannot be. She illustrated the topics discussed during the committee meetings (in presentation) the general public can come for these meetings. Ward level issues are discussed in these meetings.

The committee does not have any powers, those who can work for the community, and have the time and the flair for it, come and work there. Beat officer does all the duties in the police station in that area, except crime investigation and petition inquiry. He also does the passport inquiry, etc. This project is community specific, so it is different in various districts.

The existing system is being strengthened by allotting more money to the Janamaitri police stations. The strengths of the project were then elucidated (in presentation) she also talked of a webpage started by a popular daily by way of which many complaints are being received. The lack of funds in a police station, and the attitudinal problems are the main issues that have to be addressed. The most rewarding thing in terms of the capacity building of the police department is that they are able to hold gatherings, do the job in a much more professional fashion. It has been seen that after one year of working as a beat officer, they have been found to be more professional in dispensing their duties.

Subsequent to the presentation, Sanjay reiterated what had been said till this point. His views were:

- The major motive of involving police officers in the conference was to get an insight into tactics and strategies for civil society to engage with the police.
- Who must take the first step? The chicken or the egg?
- Talk of power dynamics determining the attitude towards police reform in South Asia. The power that the police wield over the public, and alternatively, the power that politics has over the police
- He likened the civil society- police relationship, to a parent- child relationship. Police in this case being the parent, must take extra effort to engage with civil society.

The presentation on Communities effort for City's Inner Peace was to be delivered by Sharfuddin Memon from Pakistan. Due to his unavailability, his presentation was delivered by Sanjay Patil

Community Effort for City's Inner Peace – Sharfuddin Memon (presented by S. Patil)

Citizens Police Liaison Committee (CPLC) came about in 1989 as an effort to combat some of the kidnappings occurring in Karachi then. The Governor of Sindh had come up with this idea, to involve people from the business community who were the main targets of these crimes. Since he knew that the police did not have the capacity he thought it made most sense to increase resources for the police to deal with these issues. It began with 4 stations in Karachi and since it was successful, the program expanded to the district level in 1993, and became much more institutionalized and formalized with the creation of a Chief, Deputy Chief, and seven other members. These people decided that they would try to deal with crime in Karachi in a way that integrated the business community and the community at large with the police. CPLC was included in the Police Order of 2002 because the donors were keen on having the CPLC like system in other major urban areas. To add to this, the CPLC was a success in Karachi because the community had made a decision that this is something that they wanted to do.

The criticism is that it's very much set to cater to the middle class, so they often deal with stolen cars, mobile phones, etc. They don't do enough to touch on the issues that Sara had mentioned yesterday where it seems disingenuous to look at a particular issue and then look away at what's going on behind closed doors. They've established a code of conduct for CPLC members, and have been awarded a number of awards for the mandate it set up for itself. The work of the CPLC is meant to highlight the different roles that civil society can play in improving police function. With so many things needing to be done in this region, there are different roles that civil society can play that are in line with the strengths that they possess. CPLC has worked because the business community was frustrated with the status quo and intervened and constructed this body. Similarly, other CSO's have different niche areas that they can do a good job in. The problem is that certain niche areas are far more controversial than other areas. CPLC probably works the way it does because it looks at things which the police do not necessarily have too much of an issue with. Seeing the CPLC and the Kerala system, having the beat officers communicate with the community, we should think about what are the strategies and tactics we can carve out between civil society and the police in making police service delivery more effective and efficient. If we are talking about crime detection, that is one area which will be less controversial. If we talk about respecting the community in the way we interact with them...how can community policing bridge those controversies? How do we get there? That is our path, our journey, not the destination, how do we get there together?

Discussions on Community Policing.

“People are the repository of the law” states Jacob Punnoose. Kerala has taken up community policing in a big way, and is a good example of a state which is actively trying to better themselves especially in the field of policing. “Kerala is an island of integrity in a sea of corruption”- J.C. Weliamuna. The main objective of community policing is of course **the good of the community** that it caters to. Several delegates, especially police officers pointed out that there was a need to sharpen the interpersonal skills of police men, and provide them some training in sensitization and certain soft skills etc...

“A policeman must never spurn an opportunity to in interact with the community”- Jacob Punnoose. Police officers concede that most of police activity in the region is based around the knowledge of the community. The community are the eyes and the ears of the police. It becomes very important at this stage that there is no political interference with community policing initiatives, and that somehow it needs to be integrated with the involvement of educational institutions.

It is important that police leadership take community policing seriously, as **Anneke Osse stated, “When you have a committed management who believes in community policing, it is possible for these projects to work. Therefore, I strongly believe that if the police management takes responsibility, they can effect change”.** If all the pieces fall into place, the idea is that **society should reach at a more preventative stage of crime detection.** For this to happen, the initiatives must be well directed and not in a haphazard manner, e.g. consultations in Bangladesh for the draft ordinance. **Better models can be adopted** by looking at countries like Hong Kong, according to Basil Fernando.

The risks of community policing were also highlighted. If certain elements of society were given control of these initiatives, there is a risk for it to be transformed into a means of moral policing. Society often has very obtuse views relating to issues such as gay rights etc... **Sara Hossain said, “We use this language of deviance and anti-social activity and how are we to make sure that those persons will not be involved in community policing?. Is there a risk that community policing will transform to a form of moral policing”** She also put forward the example of how village councils in Bangladesh, under the guise of community initiatives are issuing meaningless *fatwas* against ordinary citizens.

This session proves that the police are indeed interested in these kinds of efforts to integrate the police with community needs. Much praise was showered particularly on Kerala for their openness to police reform and the strides the administration has taken towards establishing a democratic police force.



Session 4: Regional Network Creation

OBJECTIVE:

To find ways to create a strong, fully functional network for South Asians in the field of police reform and further, to enable the network to act as a centralised resource for professionals in the region and ways for it to facilitate capacity building

Arpita Nepal: Regional Network Formation: Exploring Possibilities

What is a network? There are no definitions as such. We understand it as CSO's, who have the experience of coming to international forums to cross boundaries, or national organs, or a network comprised of organizations and individuals who are working towards a common goal or similar goals. Successful networks have a very clear mission. Within this definition there is an implicit meaning that it must be something that's useful to you or your organisation. It must add value to the work that you're doing. The members should have an autonomous existence. A network is meant to facilitate the work that you do and take it to the next level. It can be registered as a formal organization or can even be successful by remaining virtual.

Network modules –

What are the benefits of a formal structure versus a virtual existence? What are the challenges of each? For a **Formal Network**: there are some key questions that need to be answered before you can move ahead (in presentation)

- What are the common objectives? – Objects, value system, belief.
- What kind of structure do you want? Most organisations are often deciding
- Who do we want as members? A lot don't think about this as an issue, but many defunct or non functional organisations take a piggy back ride on the larger ones.
- What is the operating guideline?
- Where will secretariat be based? Having a well equipped Secretariat is crucial
- How frequently will we meet?
- Do you want national chapters or just a regional existence? This often turns into a political debate.

What are the success stories in the areas of networking?

Global Alliance for Community Forestry Users Group.

What led to the success of this network? This is not an all pervasive thing, not all countries have it. There are a limited number of countries as members. It is a small and more manageable network to work with. Frequency of communication between the members is very good, for example, they sit for online meetings. The secretariat is based in Kathmandu, Nepal.

International Federation of Liberal Youths

This is a network with a formal structure, but mainly conducts its work in the virtual realm. They have quite successful campaigns in the European Union. They have run successful campaigns even in the U.K.

Nepal Young Entrepreneurs Forum

A network with high profile members, it receives constant media attention which forces it to produce things that are worthwhile.

Association of Youth Organisations of Nepal

This is a network with members from all over Nepal, with a good secretariat based in Kathmandu, with lots of services that it provides for its members.

Challenges of formal networks

- We had some networks which started with enthusiastic people, but we didn't check if some of its members had individual organizations back home. Some members spent all their energy building others. So really, you have to have autonomous established member organizations so you can focus on the reason you came together instead of capacity building only.
- **Membership policies.** For example, does it include state actors? The network needs to have policies that state what can happen, what kind of policy do you actually want to include? Do you see the state included in your network, or not, even in the future?
- **Sustainability of resources.** Many networks activities just extend to looking for funding and money from somewhere else. Members might have to contribute some of their own resources to keep network running.
- **Ownership.** This cannot be imposed by someone else; you also have to look at whether you are going to move forward? Who decides?

- **Time commitment required.** A successful network will take up resources and energy, even if its activity is just producing a newsletter. You have to invest a certain amount of time. Are you or the other members ready to dedicate a certain amount of time to that?
- **Expertise.** It is essential that a network must have a strong secretariat, this is very important. The network should be dynamic enough to translate regional themes into local activities. Here, it is important to know what benefits you.
- Does the network provide some kind of service to their member organizations?

Now we move on to the challenges of virtual networks.

- What are the key activities the network will engage in?
- Time commitment of its members.
- Resource allocation/expenses
- Membership
- Utility of the network? Do you see a point of forming the network or not? I can't put enough emphasis on this.
- How much do you own the network?
- What are the activities undertaken by the network?
- Clear lines of communication
- Does the network provide any services for its members?
- Will the network remain virtual? When do you translate from virtual to formal? Do you see it happening?

At this stage we have to ask, what can you do? What's in it for you as an individual organization? This is an important question if you're going to be a part of a network, mainly what value does it add to the work you're doing? Do you see any value of it?

What are the success stories of virtual networks?

Atlas Freedom Network

This freedom network was started by youngsters along the lines of networking sites like facebook, it is extremely popular and has members in the thousands.

Junior Summit Network

This network has college going kids from over a 100 countries as its members. This network is hosted by the Massachusetts Institute of Technology (MIT) annually.

What are the challenges we face with virtual networks?

- Because it is mainly online, time commitment of members becomes a big issue.
- Ownership of a virtual network becomes critical
- Does it provide any services to its members?
- The activities undertaken by the network become the most crucial part of a network. This determines whether or not members actively continue to contribute.

Break out session:

The break out session was divided into two groups, one moderated by Sanjay Patil and one moderated by Arpita Nepal. The two groups discussed various ways for network implementation and what use could be made of it. The two groups then reconvened for the plenary discussion

Plenary discussion

The plenary discussion resulted in a highly charged session whereby delegates voiced their opinions and suggestions to make for a fruitful outcome. Some of the points that emerged from the plenary discussion were:

- **Moderators role** is very important the network to remain active
- **“Physical interaction is the key”- Sanjay Patil.** Suggests having more learning based visits, whereby people can study the differences in procedure, laws and functioning of various countries of the region. He gives an example of the visiting programme that follows the conference. Logistics and cost become important factors in this case
- It was decided that the best way to move forward is to **focus on a particular subject matter for the initial three to six months**
- At this point, it was contemplated **whether membership of the network would solely be restricted to civil society.** Could Political actors, the media, educational institutes be included?
- What kind of advocacy work is possible through the network?
- It was stressed that there is a need for a **centralised resource** for the network, like a website, which all members can use as a resource for information and assistance whenever required
- Delegates pointed out that maybe instead of sticking to a strict framework, **the network should be more dynamic and flexible** to get off the ground
- **Commitment** in terms of time and effort is probably the most important consideration in running a network. The moderator(s) especially need high levels of commitment for the network to survive
- Initial enthusiasm is a trend seen in most networks. It is important to maintain this enthusiasm, however, to be a successful network, **routine** must be the most important consideration, not enthusiasm
- Communications between members should be limited and valuable. The aim of the network is not to bombard the members with worthless emails, but with less frequent more substantive material, with proper notification of the same
- At this point, Maja called out to Sean Tait, who has set up a successful network in **APCOF**. She asked him to state the difficulties while setting up this network and what it would take to become a success on the lines of APCOF. Sean stated that APCOF the result of a conference held by the South African Complaints Authority in 2004. All members rallied around a common issue and established a network. The network was very fluid in its first two years, but 5 years on has become much more focussed. **The difficulties in creating the network** were the following:
 1. Communication between our members is difficult. In Africa, most places still don't have access to the internet. Even other electronic means, telephones are not available
 2. It is very difficult to consolidate all the stakeholders within the network. While you have the aspiration, you work with what you have and consolidate it. Try to root this as local as possible. Since the drive is to set up regional networks, it should be done so there's more proximity followed by interaction with the continental network
 3. It becomes very important to find points of common interest
 4. The best way to do it, at least in our experience, is to draw your members around a common goal. We are far from having an inclusive network, but we do have a good foundation we can expand upon.

Closing Remarks

At the end of the break out session, Maja Daruwala thanked all the delegates for travelling to Delhi and for their sincere commitment to police reform. She invited further comments from delegates. The final comments made by delegates are as follows:

- The need of the hour is a change in the police legislation
- Getting the public involved, to “massify” the movement
- More involvement of media in the process will help in popularising the movement. In Sri Lanka, the highest circulated daily is one on police torture, similarly in Bangladesh, they got word out on the draft legislation. Mr. I.A Rehman pointed out that media relations in Pakistan are very poor and need to be strengthened.

