



## Police in Rule of Law Support

Workshop Report (December 2022)\*

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### I. International Police Cooperation and Rule of Law Support

Within the framework of International Police Cooperation, the Federal Government supports its partners in improving practices of their police partners in accordance with the rule of law. Conceptually, police projects usually lie at the interface of security (sector reform), rule of law promotion and democracy promotion. This is the case, for example, when it comes to reforms in the field of police organization, the strengthening of the legal ties of the police as an executive force and its control, or its transparency and civil-police relations. The appropriate reflection of this interface may require coordination between the ministries (Federal Foreign Office, Federal Ministry of the Interior, Federal Ministry of Justice, the Federal Ministry for Economic Cooperation and Development) and above all the involvement of their experts on these different topics.

The measures concern core elements of a [feminist foreign policy](#), for example when police cooperation aims to improve prosecution in cases of sexual and domestic violence. The Federal Foreign Office is currently preparing a UN Women project which aims to train police forces in Pakistan together with lawyers on the topic of sexual violence. In Germany, when victims of sexual violence decide to report their cases, the police are usually the first contact. While mainly lawyers have been trained on the topic hitherto, it was observed that it helps

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female victims to be looked after by female officers while reporting cases of sexual violence. The project therefore also focuses on the working conditions of women in the police.

### *Types of Projects*

International police projects vary greatly in their form. German contributions to multi-lateral police missions of the European Union or the United Nations differ from bilateral agreements which the Federal Government enters into directly with international partners. In the context of stabilisation and crisis prevention, the Federal Foreign Office is involved in joint projects with the Bavarian and Baden-Württemberg police forces in Jordan and Gambia and the Federal Criminal Police Office, among others.

### *Content of Projects*

The content-related and geographical priorities of German international police cooperation follow the political priorities of the Federal Government as well as the preferences of the implementing institutions. Most projects with German participation focus on security, such as border management, the management of migration movements or the fight against transnational crime and terrorism. In contrast, the [GIZ Africa Police Programme](#), which has been established in 2009 and currently comprises projects in four countries and two regions, is explicitly geared towards promoting police capacities on the basis of rule-of-law principles and promoting women and citizen-oriented policing: training on various human rights issues is intended to counteract police violence, while the establishment of internal and external complaints mechanisms for police misconduct is intended to promote the control of power.

## II. Scientific observation of international police projects

The value of research of international projects goes beyond evaluation. Rather, it opens up access to research knowledge, for example about the police and its institutional integration in a context of action. Also, research opens up questions concerning international cooperation itself, for example about the impact of projects. Research findings raise the question of their generalizability. To what extent findings can be transferred between different contexts must be considered in each individual case. This applies to knowledge about the functioning of particular police forces as well as to abstract concepts such as citizen-oriented policing or community policing, and especially to legal concepts such as the rule of law, which are associated with multiple normative and institutional assumptions.

### *Research on International Police Cooperation*

[Researching police cooperation](#) can lead to the description of best practices and the creation of guidelines, which police projects often oversee in their daily practices. However, central prerequisites for a successful project are an appropriate understanding of the police in the context of action, but also in the continuity and coherence of project implementation and the continued coordination of the actors. This can be seen, for example, in training and further education, a key instrument for sustainable structural change: the knowledge imparted is usually linked to the experience background and home education of the trainers. A change of

the implementing organization therefore usually results in a complete redesign, so that trainers do not have to teach concepts with which they are not familiar.

Research also shows that in many places police are the subject of political struggle between the government and other social groups and external actors. The police are the central executor of state force and the police are the actors of state power that most visibly confronts people. Thus, demands for the democratisation of the police affect statehood as such. Against that background, police research is accordingly not neutral or apolitical and can be instrumentalised from different sides.

### *Standards for Assessing Policy Framework Conditions*

Concepts such as good governance or the rule of law, which describe the statehood of Western countries, are only exportable to a limited extent. Standards for [police accountability](#) also show strong differences in an international comparison, whereby the objectives between the formal legal obligation of the police and the building of trust between the police and the population vary just as much as the institutions. So far, there are no common standards that could facilitate international cooperation in this area. In any case, rule of law requirements can only be adapted to the respective context.

Concepts such as community policing are used by many international actors. They are often based on assumptions that cannot be confirmed in the context of partner countries. Whether the local police act as a citizen-oriented service instrument and part of the rule of law, or as an instrument of government domination, is admittedly an essential factor for the success of a community policing project. As a study by [IFSH Hamburg and the Berghof Foundation](#) on the role of trust in international security cooperation has shown, the assumption shared by Western donors that an improvement in police efficiency and contact could lead to trust-building is already contradicted by studies on the German population. On the contrary, the intensification of the contact factor can even have negative effects.

### III. German and European Police Research

From the perspective of a feminist foreign policy, it is worth taking a look at contributions to German and European police research that examine violence and discriminatory practices in European police forces. An overview of current issues and research approaches is offered by the recently presented [Berlin Police Study](#). Here, too, the question arises as to the usability of findings for the promotion of the rule of law and the transferability of knowledge to international partner contexts. First and foremost, it can contribute to sensitisation, and the description of the specific manifestations of discriminatory practices. Caution, on the other hand, is needed in formulating normative requirements and institutional solutions to be developed within the structures of the recipient context. In this respect, police are no different from other areas of rule of law promotion such as the topic of access to justice.

## *Critical Reflection of European Role Models*

Institutional and normative deficits of the Western model that continue to shape international police cooperation must be taken into account by developing and implementing international police projects. Racial profiling, for example, is also part of the reality of the police in Germany, as the [ECtHR](#) recently stated in *Basu v. Germany*, and the German courts have not yet found a sufficiently sensible way of dealing with this discriminatory practice. While a transfer of the normative standard can only be considered to contexts where the ECHR is also applicable, research on this question can sharpen the view of the problem and possibly also point to safeguards that help prevent discriminatory practices in Germany and other European countries.

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### **About RSF Hub**

The RSF Hub is a project-based think tank of the Free University of Berlin and the Berlin School of Economics and Law funded by the German Federal Foreign Office that is fostering knowledge transfer between politics, academia, and field practice in the area of rule of law support and related topics. RSF Hub organizes, in collaboration with various partners, expert talks and round tables. Team members teach at universities and train ministry staff, speak at events, contribute to blogs and publish academically. For more information on the Hub's activities see <http://www.fu-berlin.de/rsf-hub>.

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