

IPCAN

INDEPENDENT POLICE COMPLAINTS
· AUTHORITIES' NETWORK ·

Declaration of Strasburg

September 15th, 2017

We, members of the Independent Police Complaints Authorities' Network,

- Comité P (BELGIUM)
- Commissaire à la déontologie policière (CANADA-QUEBEC)
- Office of the Ombudsman (CROATIA)
- Independent police complaints authority (DENMARK)
- Chancellor of Justice (ESTONIA)
- Défenseur des droits (FRANCE)
- Greek Ombud (GREECE)
- Independent Police Complaints Board (HUNGARY)
- Garda Síochána Ombudsman Commission (IRELAND)
- Parliamentary Ombudsman (MALTA)
- Norwegian Bureau for the investigation of police affairs (NORWAY)
- Protector of the Citizens of Serbian Republic Ombud of Serbia (SERBIA)
- Public Defender of Rights (SLOVAKIA)
- Defensor del pueblo (SPAIN)
- Médiation de la police (SWITZERLAND)
- Independent Police Complaints Commission (UNITED KINGDOM - ENGLAND AND WALES)

Gathered, in Strasburg on the 14-15 September 2017, for the third time, at the initiative of the Defender of Rights to share our expertise on subjects of common interest and launch a call to the European authorities to promote the creation and/or maintenance of independent oversight mechanisms of national security services,

Recalling the Preamble of the Charter of the United Nations proclaiming the commitment of the member states to the fundamental rights, to the dignity and value of the human person,

Recalling the international and European standards, in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms, guaranteeing for all the right to life, the right not to be subjected to torture, nor to inhuman or degrading treatment and punishment, the right to liberty and security, as well as the States' obligations in the event of failure by the security forces, in particular those tasked with ensuring effective investigations and providing effective remedies to individuals,

Recalling also the provisions of the Recommendation 10 (2001) of the Committee of Ministers of the Council of Europe on the European Code of Police Ethics, under which,

- the trust of the population in the police is closely linked to the attitude and the behaviour of the latter towards this same population, and in particular to the respect for the human dignity and for the liberties and the fundamental rights,
- the police must be responsible to the State, the citizens and their representatives and must be subject to effective external control (article 59),

Emphasizing in this regard the fundamental role of independent oversight mechanisms of the security forces in our democracies, which ensure, in an impartial way and within their mandate the observance of the rules of ethics and fundamental freedoms and rights by the security forces,

Emphasizing as well their essential role as an interface between the authorities and the citizens, as well as their complementary position with the other oversight bodies and with the judicial authority,

Emphasizing as well the recommendations of the Committee of the Council of Europe for the prevention of torture and inhuman or degrading treatment or punishment, the guidelines of the Committee of Ministers of 2011 to eliminate impunity for serious violations of human rights, as well as the recommendations of the Commissionaire for Human rights, under which « *an independent and effective system of complaints against the police is of fundamental importance to ensure the functioning of a democratic and responsible police (...) to obtain and maintain the trust of the public in the police* »,

Inspired also by the « *International Standards Related to Police Forces, Guide for a Democratic Police* » of the Organization for Security and Co-operation in Europe (OSCE) of 2009, in particular those related to internal and external oversight bodies,

Inspired by the report of the Venice Commission CDL-AD(2015)010 of december 15th, 2015 according to which « *it is (...) necessary for the people who consider to have been affected by the security services to have legal remedies before an independent body* ».

Noting, in Europe, the existence of a diversity of national mechanisms of control of security forces both in their skills and in their powers, but, at the same time, the absence in some countries of such mechanisms,

Determined to contribute to the strengthening of such institutions, in particular through the common adoption of high standards and the promotion of good practice,

Convinced that a coordinated commitment between our various institutions would encourage the promotion and the respect for the principles and for the requirements enshrined in the texts guaranteeing the fundamental rights, such as the European Convention of Protection of Human Rights and Fundamental Freedoms;

We call on the Council of Europe, the European Union and the OSCE, to mobilize their institutions, to initiate a process of reflection involving all the relevant stakeholders and to recommend to their member states to:

- to put in place national independent oversight mechanisms for national security services, where such structures do not exist,
- Guarantee the independence of these structures and provide them with a broad competence and with effective powers of investigation, as well as sufficient human and material resources, to allow them to fulfil their mandates efficiently,
- In particular, allow these structures to receive and process individual complaints, to have effective investigation powers, to bring cases before disciplinary authorities and/or judicial authorities in order for them, where necessary to carry out disciplinary and penal proceedings against an agent of the police service.
- allow these structures to send recommendations to public authorities with the view to achieving significant results on the improvement of policing and on relations between police and citizens,
- Strengthen, where necessary, the existing national structures, on the basis of good practice and on those recommendations already in force, notably those of the Council of Europe and the Commissionaire for Human Rights.

To this end, we, the members of the *Independent Police Complaints Authorities' Network*, are committed to strengthen our cooperation with the Council of Europe, the European Union and the OSCE, in order to share our experiences in this regard.