



Kingdom of the Netherlands

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

## Support to the Establishment of an External Oversight Mechanism

### Project Aim

The Council of Europe assists the national authorities in the process of introducing an independent and effective external oversight mechanism (EOM) over the work of the police. Such a mechanism is of fundamental importance for the operation of a democratic and accountable police service, which must be capable of dealing appropriately and proportionately with a broad range of allegations against the police in accordance with the seriousness of the complainant's grievance and the implications for the affected officer.

The request for technical assistance in introducing the EOM in the country comes from the national authorities and is supported by the civil society. The need for establishment of the EOM is also stemming from a series of round tables organized under the framework of the EU/CoE JP "Capacity Building of the Law Enforcement Agencies for Appropriate Treatment of Detained and Sentenced Persons".

The duration of the project is set at 5 months, it is expected to be completed by 30 April 2016 and the budget is EUR 130.000, including a voluntary contribution by the Ministry of Foreign Affairs of the Kingdom of the Netherlands in the amount of EUR 60.000.

### Background Information

Independent, effective and timely mechanisms of police oversight are requirements under the European Convention on Human Rights and its case law, as well as the findings of the European Committee for the Prevention of Torture (CPT), the Opinion of the Council of Europe Commissioner for Human Rights concerning Independent and Effective Determination of Complaints against the Police and other international standards.

All these documents underline that such a mechanism must be practically and hierarchically independent of those whose conduct is being investigated, open to some public scrutiny, and the results of its findings should be suitable to lead to legally binding decisions.

A several European Court of Human Rights judgments against the country held that there have been violations of Article 3 of the Convention (prohibition of torture and inhuman or degrading treatment), more specifically, they have found violation in respect to the procedural aspect of this article on an account of the failure of the authorities to conduct an effective investigation into the applicants' allegations of police brutality.

One of the major concerns for the CPT following the 2010 visit is the system of accountability for law enforcement officials in cases of alleged ill-treatment. In this respect, CPT recommended to the national authorities to ensure that an investigation was carried out into every allegation of ill-treatment and that senior officers were held accountable for their line-management responsibilities.

The latest Progress Report, issued by the European Commission in November 2015, requests police impunity to be addressed by establishing an independent oversight mechanism and investigating complaints of ill-treatment seriously and thoroughly.

### Expected Result

The most appropriate model of an independent oversight mechanism for monitoring the police work will be identified, presented to a wider professional audience and agreed among the relevant national stakeholders and decision makers.

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