

UNIVERSITÉ LIBRE DE BRUXELLES

European Master's Programme in Human Rights and Democratisation
A.Y. 2025/2026

QUID CUESTODIET IPSOS CUSTODES?

A study about the independent police complaints bodies across EU Member States
and his compliance with the European standards

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Word Count Declaration: 20.654

Abstract

This study examines the commitment of European Union Member States to European human rights standards regarding the design and implementation of Independent Police Complaint Bodies (IPCB). Based on the 2009 Opinion of the Council of Europe Commissioner for Human Rights, this research uses a mixed-methods legal approach to analyze and codify the legal and regulatory frameworks of IPCBs in 26 EU Member States. Applying a standardized tool, a score is generated to evaluate the independent bodies, based on 32 coding items divided into seven categories: a) institutional independence, b) visibility, c) notification, d) mediation, e) investigation, f) victim participation, and g) decision-making and appeals capacity.

The quantitative results reveal a sample mean score of 1.77 on a scale of 3, indicating moderate alignment with international recommendations. While formal institutional independence (2.28) and public access (2.53) receive high marks, shortcomings exist regarding the independence of investigative bodies (1.73), support for victims (1.00), and the capacity to impose binding disciplinary sanctions (1.23). Furthermore, a disparity is observed between different types of bodies: general mechanisms (ombudsman) exhibit greater structural independence but less investigative capacity compared to specific oversight agencies. Ultimately, this index serves as an empirical guide for improving democratic oversight and strengthening the protection of human rights in European Union countries.

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Acknowledgments

I want to thank first my family, who have always been by my side to give me the support and encouragement I have needed in every step I have taken. To my mother, M^a Luisa, my father, Leonardo, my sister, Constanza, and my partner, my friend, and my home, Mau.

I also like to thank EMA, particularly Orla, Judit, and Inge, for their support throughout this process. As well as the Université Libre de Bruxelles for their support during the second semester, especially to Mrs. Soizic.

I want to thank Professor Thomas Castell for his corrections and support, especially during the final stage where I needed it most.

And thanks to Professor Alvaro Paúl, who always has a precise advice and careful words.

Also, a brief greeting to all those who accompanied me during this project in Venice and Brussels, for the interesting conversations and the shared affection.

Definitions

Police force: It refers to the public service or services entrusted with maintaining security, order, and the rule of law in society. It prevents, detects, and suppresses conduct that infringes on individual rights or threatens community safety. It conducts its activities in accordance with the principles of democratic policing¹.

Democratic policing: This refers to the police force's full commitment to the principles of democracy, the rule of law, and human rights in a democratic society. It involves carrying out its services and activities in accordance with the public's needs and with a focus on promoting legal protection and a sense of security and justice throughout the community. The police force must be accountable to the political community as a whole.²

Police officer: They are public officials who serve in the police force and are responsible for conducting police operations to maintain public order, safety and to protect the rights of individuals. They have the right to receive appropriate training and equipment, as well as clear and precise legal guidelines to carry out their duties. They are subject to the same ordinary legal jurisdiction as other citizens, except in justified cases^{3 4}.

Misconduct: It refers to a conduct or an act that affects the rights and/or guarantees of individuals, as well as violations of internal regulations governing police conduct or breaches of ethical standards by police officers. These violations may be criminal, purely administrative, or ethical in nature. However, they require an independent and effective investigative system.

Complaint: This refers to the submission of a founded complaint to the competent authority regarding an act of misconduct involving the actions or conduct of a police officer or a police force.

Independent Police Complaints Body (IPCB): refers to a public body responsible for handling complaints against police officers or the police force. It is organized independently and has no hierarchical or subordinate relationship with the police force. It is governed by personnel who do not serve in the police force and is directly accountable to the political authority^{5 6}.

1. Introduction

In modern societies, security is a fundamental value for the development of a common life with others and for the exercise of the freedoms enjoyed by all human beings. Moreover, public safety is essential for a democracy. The tasks carried out by police

¹ Organization for the Security and Co-operation in Europe, *Guidebook on Democratic Policing*, (Vienna: OSCE, May 2008), para. 2-3.

² Organization for the Security and Co-operation in Europe, *Guidebook on Democratic Policing*, para. 3.

³ Organization for the Security and Co-operation in Europe, *Guidebook on Democratic Policing*, para. 11-16.

⁴ Council of Europe Committee of Ministers, Rec (2001)10, "Recommendation on the European code of Police Ethics," adopted September 19, 2001, para. 1-11.

⁵ Council of Europe Commissioner for Human Rights, *Opinion of the Commissioner for Human Rights Concerning Independent and Effective Determination of Complaints Against the Police*, CommDH (2009)4, (Strasbourg: Council of Europe, March 12, 2009), para. 10.

⁶ European Partners Against Corruption General Assembly, *Police Oversight Principles*, (Budapest: EPAC, November 19, 2011).

forces demonstrate the crucial role of the state in ensuring peace and security in society. But because the responsibilities and duties entrusted to police forces include maintaining peace, enforcing the law, and preventing crime, the Commissioner for Human Rights has emphasized that all such services must be provided in accordance with the principles of integrity, equality, and respect for human rights. However, because this police work is carried out in complex environments, it poses the risk of errors, mistakes, or crimes committed by police officers in the course of their duties.

The urgency of this issue becomes clear when reviewing reports and documentary records that denounce police abuses in European states, especially against peaceful protesters and marginalized or vulnerable groups, such as racial and ethnic minorities, immigrants, and members of the sexual diversity community. International human rights organizations have highlighted the use of excessive force or violence against peaceful protesters, journalists, and human rights activists, and how such conduct could jeopardize the exercise of fundamental rights and freedoms. They have also noted the particularly intense racial discrimination in checks and searches of members of racial or ethnic communities and migrants based on perceptions of their physical appearance.

These allegations of misconduct by police officers in various European Union Member States underscore a more structural problem: the lack of effective investigations capable of sanctioning the officers involved. Both civil society organizations and the High Commissioner for Human Rights have expressed concern about a lack of diligence in internal police investigations and about the lack of independence of the investigators who are supposed to review their peers' actions. This lack of independence is a structural deficiency within police forces, observed and documented for decades in different parts of the world, and which training schools have termed the "blue wall of silence." This refers to an informal structure of cover-up and indulgence by police officers toward their colleagues' actions that compromise the police force's performance. The wall of silence would lead officers to prioritize their loyalty to the group and their desire to belong over their loyalty to the law and professional ethics.

In response to these complaints and reports, the European human rights protection system has raised its voice. Technical bodies such as the European Court of Human Rights, the Committee for the Prevention of Torture (CPT), and the Commissioner for Human Rights, along with political bodies such as the Committee of Ministers and the Parliamentary Assembly of the Council of Europe, have been promoting an agenda since the 1990s to focus on police oversight, and in particular, on how allegations of misconduct by police officers should be handled and investigated. The aim is to ensure that policing complies with international law, while also combating corruption and building public trust in the police. Driven by these initiatives, the early 2000s saw a wave of the establishment of independent agencies for handling complaints against the police, paving the way for external oversight of the chain of command, which seeks to guarantee independence and impartiality in the processes.

Then, in 2009, the Commissioner for Human Rights of the Council of Europe issued an Opinion with extensive recommendations on establishing independent bodies to handle complaints against the police. This Opinion aimed to systematize the existing guidelines and principles, drawn primarily from the case law of the European Court of Human Rights, to guide the creation of such bodies in Member States. It sought to outline an ideal model for an agency separate from the police hierarchy, with broad powers to receive complaints and conduct independent, prompt, and impartial investigations. Such an agency would be able to ensure effective redress for victims and the application of

sufficient administrative sanctions to guarantee compliance with the law and police ethics.

This study aims to analyze the member states of the European Union in light of this Opinion by the Council of Europe's Commissioner for Human Rights, which calls for the establishment of independent bodies to handle complaints against police forces. The project aims to assess the commitment of European Union member to the standards proposed by specialized human rights institutions for the design and implementation of mechanisms against police forces and their officers. Drawing on the legal and regulatory documents of each IPCB in the Member States, this project codifies the main institutional characteristics and capabilities regarding investigation, victim assistance, and the imposition of sanctions into a standardized instrument. As a result of coding the legal instruments, scores are obtained for each independent complaint body in each assigned category for analysis, based on the criteria established in the 2009 Opinion of the Commissioner for Human Rights. The aim of this project is to provide a framework for analyzing and evaluating the legal instruments that regulate IPCBs by codifying their institutional characteristics and their operational and decision-making capacities.

This index aims to serve as a guide for analysis by researchers, policymakers, police leadership, and civil society in general. It is an attempt to systematize the complexities inherent in national organizations through a quantitative measurement system that allows for comparison among member states. I hope this research will help improve future studies on this topic and on the effective protection of complainants' and victims' rights. This analysis is divided into five parts. First, it reviews existing complaints regarding police misconduct, as well as the Council of Europe's concerns on the matter. This is followed by a review of the state's obligations to conduct effective investigations. Next, it examines in detail the methodology, the design of the coding instrument, and the sources used in the analysis. This is followed by a review of the coding results and a comparative analysis of the data obtained. Finally, the conclusions section discusses the study's results and limitations.

1.2 Research question

This research project aims to answer the question of how committed European Union member states are to European standards regarding the design and implementation of independent police complaint systems. Identifying the Member States that have some kind of independent complaints body and studying the legal capacities that each agency possesses to carry out the tasks of receiving complaints, conducting investigations, and imposing sanctions when wrongdoing is established. It focuses on the institutional capacities defined for the organization in the national law.

These characteristics will be assessed using a standardized questionnaire with closed-ended questions, with scores assigned based on compliance with the recommendations set forth in the 2009 Opinion of the Council of Europe's Commissioner for Human Rights. Through this process, the goal is to assess the characteristics of each agency using a score that allows comparison with the general standard and among the independent bodies of each Member State.

1.3 The relevance of this study

The process of creating or transferring supervisory powers to independent bodies is a relatively recent development, and it is part of a broader process of agencification⁷ in modern democracies. In particular, the creation of external and independent police complaints bodies only became a trend during the 1990s⁸. In Europe, the first recommendations regarding the need to ensure the independence and impartiality of these agencies date back only to the early 2000s, and this process is still ongoing in many European countries. Moreover, today “the existence of independent police complaints mechanisms is rather the exception than the rule”⁹ in the European countries. We will demonstrate this below.

Despite institutional efforts by international organizations such as the United Nations, the Council of Europe or the OSCE to establish a coherent framework for the development of IPCBs, their implementation and evaluation “remains understudied from a comparative perspective”¹⁰. A review of the literature on police accountability and oversight systems from 1990 to 2015 reveals a “limited number of empirical studies”¹¹ and a gap in research on the dilemmas surrounding police oversight, the proposed mechanisms, and the challenges they present. Additionally, the few studies that exist are based on secondary sources of information, anecdotal evidence, and limited methodological details¹².

For these reasons, research on independent police complaints bodies is still an emerging field, and more and better information on these bodies is needed. Information that is of great value for analysis in the areas of police studies, social conflicts, and the assessment of human rights protection in Europe. It is hoped that the information provided by this study on the independence and effectiveness of IPCBs will contribute to a better understanding of the current national mechanisms available to European Union member states for handling complaints against the police and will serve as a tool for evaluating and improving these agencies. That is the objective of this study: to take a closer look at these bodies, lifting the veil of “independence” and “effectiveness” contained in their names, to carefully examine their mandate, mechanisms, and actual powers. The Index will serve as a measure of the extent to which national agencies that handle complaints against the police comply with international recommendations within the European framework for the protection of human rights.

2. Concerns about police forces in Europe

2.1 Police violence, excessive force, and the risk of impunity

Due to the wide variety of activities involved in policing, police officers are exposed to a broad range of potential misconduct: bribery, corruption, excessive force, mistreatment, harassment, discrimination, and even torture or death. Breaches of ethics and integrity by

⁷ Simon Varaine and Sebastian Roché, "The fourth power. A mapping of police oversight agencies in Europe and Quebec," *Policing and Society* 33 no. 9 (2023), 2.

⁸ Varaine and Roché, "The fourth power. A mapping of police oversight," 3.

⁹ Council of Europe Commissioner for Human Rights, *Expert Workshop: Police Complaints Mechanisms: Ensuring independence and effectiveness*, CommDH (2008)13, (Strasbourg: Council of Europe, May 16, 2008), 7

¹⁰ Varaine and Roché, "The fourth power. A mapping of police oversight," 4.

¹¹ Yinthe Feys et al., "A state-of-the-art review on police accountability: What do we know from empirical studies?" *International Journal of Police Science and Management* 20 no. 3 (2018), 12.

¹² Varaine and Roché, "The fourth power. A mapping of police oversight," 4.

officers have become “major sources of public concern”¹³, especially in cases that “involve police brutality, lethal use of force, and serious misconduct”¹⁴. This issue is particularly relevant in a democratic society, where police conduct must “adhere to the principles of legality, proportionality, and necessity”¹⁵. These instances of police officer misconduct are a current problem that requires immediate attention. We will now review existing warnings regarding such conduct in Europe and international recommendations.

International organizations have consistently denounced the lack of oversight and the use of excessive force in the context of identity checks, border controls, or peaceful demonstrations. This is especially true against marginalized groups, such as sexual minorities, Muslims, Arabs, Black people, or racial minorities¹⁶. Amnesty International¹⁷ has recently expressed particular concern over the excessive use of force by police against peaceful protesters or those engaging in peaceful acts of civil disobedience, as well as against journalists covering these demonstrations. These incidents directly undermine the exercise of civil rights such as freedom of expression, freedom of conscience, and the right to peaceful assembly. Furthermore, Amnesty has found and reported “a lack of accountability for the actions of police officers, deficiencies in effective oversight systems, and police -administrative and criminal- impunity”¹⁸ related to human rights violations in the context of the control of assemblies in countries such as Austria, Belgium, France, Greece, Germany, Italy, Portugal, Slovenia, and Spain¹⁹. Similarly, it has consistently reported “a clear pattern of police abuse and excessive use of force against immigrants and members of ethnic minorities in Germany”²⁰ since the mid-1990s.

For its part, the European Network Against Racism (ENAR) has documented and reported the practice of “unjustified, particularly intensive checks based on physical appearance”²¹ by European countries police forces, known as “racial profiling”. These stops and checks are frequently reported in countries such as Germany, Austria, Poland, the Czech Republic, Croatia, the Netherlands, Belgium, and France²². ENAR has even reported that in Croatia, the police have refused to accept complaints of discrimination against police officers following incidents of racial profiling²³.

Human Rights Watch has also highlighted that the police exercise broad powers to detain and search children and minors, especially those of Arab and Black descent²⁴. Furthermore, police officers have harassed volunteer human rights monitors and

¹³ Emmanuel-Pierre Guittet et al., *Democratic Oversight of the Police*, study commissioned by the European Parliament’s Policy Department for Citizens’ Rights and Constitutional Affairs at the request of the LIBE Committee, European Parliament (Brussels: European Parliament, 2022), 13.

¹⁴ Emmanuel-Pierre Guittet et al., *Democratic Oversight of the Police*, 13.

¹⁵ Emmanuel-Pierre Guittet et al., *Democratic Oversight of the Police*, 13.

¹⁶ Amnesty International, *Under protected and over restricted: The state of the right to protest in 21 European countries*, Index: EUR 01/8199/2024, (London, Amnesty International Ltd., 2024), 137.

¹⁷ Amnesty International, *Under protected and over restricted*, 30.

¹⁸ Amnesty International, *Under protected and over restricted*, 29.

¹⁹ Amnesty International, *Under protected and over restricted*, 137.

²⁰ Amnesty International, *Under protected and over restricted*, 5.

²¹ European Network Against Racism and Platform for International Cooperation on Undocumented Migrants, *Racial profiling practices at EU’s internal borders*, (Belgium: PICUM, 2025), 20.

²² European Network Against Racism and Platform for International Cooperation on Undocumented Migrants, *Racial profiling practices*, 31.

²³ European Network Against Racism and Platform for International Cooperation on Undocumented Migrants, *Racial profiling practices*, 31.

²⁴ Human Rights Watch, *They talk to us like we’re dogs: Abusive police stop in France*, (Paris: Human Rights Watch, June 2020), 37.

humanitarian aid workers “with the aim of intimidating them and creating obstacles to humanitarian assistance”²⁵ during police operations enforcing immigration controls. And no sanctions are known to have been imposed²⁶. HRW has also expressed concern regarding countries such as France, where complaints of mistreatment by police officers “have not been properly investigated or punished”²⁷. Similarly, in Italy, various cases of police abuse involving racial minorities, migrants, and sexual minorities “have not been diligently investigated, prosecuted, or appropriately punished”²⁸; thus, the absence of an independent body to receive and investigate complaints against police officers “is an obstacle to accountability and redress for victims”²⁹. There are also reports of women who are victims of domestic violence in Belgium, where the police have failed to take adequate and prompt measures to protect migrant women who are survivors of physical abuse³⁰.

And the European Center for Press and Media Freedom recently published a study³¹ showing that between 2020 and 2025, 28% of recorded attacks on journalists in EU Member States were committed by police forces, and that nearly half of these (47%) were physical attacks, 21% of which resulted in injuries to the journalists

2.2 International Recommendations

Amnesty International has recommended since 2004 the “establishment of an independent body with effective powers to monitor and investigate complaints of serious police conduct”, especially in “cases where there does not appear to be a serious crime, but there are allegations of mistreatment and excessive use of force”³². HRW, for its part, has emphasized that, in many cases, victims of police abuse in France do not report these abuses “due to a lack of trust in the investigation system”³³ of the police internal affairs department.

The Council of Europe’s Commissioner for Human Rights has drawn particular attention to abuses committed by police officers, which pose a threat to the rule of law, democracy, and human rights. The Commissioner has stated that demonstrations have become increasingly common in Europe, creating “new challenges” for the police, who in “several cases” have acted “beyond what is legally and ethically acceptable”³⁴. He further notes that this type of conduct is particularly directed against protesters, migrants, detainees, and ethnic minorities. He also places particular emphasis on denouncing attacks on environmental protesters³⁵, who in many cases “face repressive actions, physical

²⁵ Human Right Watch, *Enforced misery: The degrading treatment of migrant children and adults in Northern France*, (Paris: Human Right Watch, 2021), 20.

²⁶ Human Rights Watch, *Enforced misery*, 20.

²⁷ Human Rights Watch, *They talk to us like we’re dogs*, 40.

²⁸ Human Rights Watch, *Everyday intolerance: racist and xenophobic violence in Italy*, (Washington DC: Human Right Watch, 2011), 70.

²⁹ Human Rights Watch, *Everyday intolerance*, 66.

³⁰ Human Rights Watch, *The law was against me: Migrant women’s access to protection for family violence in Belgium*, (Washington DC: Human Rights Watch, 2012), 42.

³¹ European Center for Press and Media Freedom, *Mapping media freedom: Six years monitoring media freedom violations in Europe 2020-2025*, (Brussels: European Federation of Journalists, 2026), 6.

³² Amnesty International, *Germany: Back in the Spotlight. Allegations of police ill-treatment and excessive use of force in Germany*, Index: EUR 23/001/2004, (Berlin: Amnesty International, 2004), 5.

³³ Human Rights Watch, *They talk to us like we’re dogs*, 40.

³⁴ Commissioner for Human Rights, “Police abuse: a serious threat to the rule of law,” Human Right Comment, February 2014, <https://www.coe.int/en/web/commissioner/-/police-abuse-a-serious-threat-to-the-rule-of-l-1>.

³⁵ Commissioner for Human Rights, “Crackdowns on peaceful environmental protests should stop and give way to more social dialogue,” Human Right Comment, June 2023, <https://www.coe.int/en/web/commissioner/>.

violence, arrests [...], and criminalization” by police forces in countries such as Austria, France, Finland, the Netherlands, and Spain.

The Commissioner also notes that many investigations into human rights violations committed by police officers are ineffective because “they are often entrusted to members of the same force who are investigating the actions of their colleagues”³⁶. He points out that it is a fundamental duty of States to “combat impunity” in the face of human rights violations committed by law enforcement officers. This entails finding solutions to the inefficient investigations carried out “usually by members of the same force investigating their colleagues [...] protecting their own”³⁷. In this way, victims receive justice, acts of misconduct are deterred, and citizens’ cooperation with police forces is strengthened³⁸.

The European Commission for Democracy through Law recommends that in cases of injury or death resulting from the use of force by the police, an “independent, open, prompt, and effective” investigation must be initiated³⁹, in which those responsible for conducting the investigation must be “independent of those involved in the events, which implies not only the absence of a hierarchical relationship or institutional connection, but also practical independence”. And if found responsible, police officers “must face civil and/or criminal liability, as well as disciplinary measures”⁴⁰ for their misconduct. The European Commission against Racism and Intolerance has also noted that experience “shows that victims of police abuse generally do not trust internal police mechanisms”⁴¹. It recommends that States establish “a body independent of the police and prosecutorial authorities, entrusted with investigating alleged cases of racial discrimination and racially motivated misconduct by the police”⁴².

Finally, the United Nations Human Rights Committee recently noted in a General Comment⁴³ that States “have an obligation to investigate effectively, impartially, and in a timely manner any allegation or reasonable suspicion” against police officers for unlawful use of force, sexual violence, or gender-based violence. The primary purpose of an ICPB is, on the one hand, to investigate serious instances of mistreatment by police officers, reach conclusions that allow for the imposition of appropriate sanctions, and provide recommendations to prevent the recurrence of such incidents.

2.3 The Blue Wall of Silence

The risks involved in police work, implies that instances of misconduct may occur, and the need to address them are evident. Why do international organizations insist on the existence of a body independent of the police to investigate acts committed by the police themselves? The argument can be well summarized by what scholars⁴⁴ have called the

³⁶ Commissioner for Human Rights, “Police abuse.”

³⁷ Commissioner for Human Rights, “Police abuse.”

³⁸ Commissioner for Human Rights, “Police abuse.”

³⁹ European Commission for Democracy Through Law, *Guidelines on the freedom of peaceful assembly*, CDL-AD (2019)017rev, (Strasbourg: Venice Commission and OSCE, July 15, 2020), 73.

⁴⁰ European Commission for Democracy Through Law, *Guidelines on the freedom of peaceful assembly*, 90.

⁴¹ European Commission Against Racism and Intolerance, *General Policy Recommendation N° 11 on combating racism and racial discrimination in policing*, CRI (2007)39, (Strasbourg: Council of Europe, June 2007), 15.

⁴² European Commission Against Racism and Intolerance, *General Policy Recommendation N° 11*, 15.

⁴³ UN Human Rights Committee, General Comment No. 37, “On the right of peaceful assembly (article 21),” CCPR/C/CG/37, (September 17, 2020), para. 90.

⁴⁴ Sanja Kutnjak Ivković and Tara O’Connor Shelley, “The Police Code of Silence and Different Paths towards Democratic Policing,” *Policing and Society* 18, no. 4 (2008): 445.

“wall of silence” or “the blue wall of silence.” This refers to an informal police subculture that shapes the behavior of police officers, leading them to cover up and tolerate “corruption, excessive use of force, and other forms of misconduct”⁴⁵ that threaten the integrity of the police force.

This “wall of silence” phenomenon began to receive particular attention when in 1992 the Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department—also known as the Mollen Commission—was established in New York City. In its final report of 1994, this Commission described the existence of a system of silence that instilled in New York police officers (in their traditional blue uniforms) a reluctance to report acts of corruption by their peers⁴⁶. A code of silence, a barrier of officers wearing a blue uniform that concealed the truth and protected the corruption, a blue wall of silence.

The Mollen Commission demonstrated that “in the contemporary police force, corruption and brutality often go connected”⁴⁷. The Commission observed how officers who became corrupt also commonly escalated their acts of violence and brutality toward citizens, and toward detainees⁴⁸. The violence served a dual purpose: on the one hand, to facilitate acts of corruption -by coercing the victims- and, on the other, to test another police officer’s reaction to determine “whether he could be trusted and accepted as a colleague”⁴⁹. Furthermore, the Mollen Commission concluded that “the vast majority of honest police officers continue to protect a minority of corrupt officers”⁵⁰. One of the main recommendations of the Mollen Commission in New York was precisely “the creation of a permanent external monitor to identify and investigate corruption [...] and evaluate the performance”⁵¹ of the police department.

This culture of silence has been widely documented and studied across the world⁵², and recent research has observed that “officers often bend and, in some cases, deliberately break the rules”⁵³. Observational studies⁵⁴ have consistently shown that police officers

⁴⁵ Kutnjak Ivković and O’Connor Shelley, “The Police Code of Silence,” 446.

⁴⁶ Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department, *Commission Report* (New York: City of New York, July 7, 1994).

⁴⁷ Harold, Baer Jr., and Joseph P., Armao, “The Mollen Commission Report: An overview,” *New York Law School Law Review* 40, no. 1 & 2 (1995): 77.

⁴⁸ Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department, *Commission Report*, 24.

⁴⁹ Baer and Armao, “The Mollen Commission Report,” 77.

⁵⁰ Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department, *Commission Report*, 56.

⁵¹ Baer and Armao, “The Mollen Commission Report,” 84.

⁵² Kutnjak Ivković and O’Connor Shelley, “The Police Code of Silence,” 445. Citing Westley, W.A. “Violence and the Police.” *American Journal of Sociology* 59, no. 1 (1953), Ferdinand, T.H. “Police attitudes and police organizations: some interdepartmental and cross-cultural comparisons.” *Police Studies* 3, no. 3 (1980), Crank, J. *Understanding police culture*. (Cincinnati: Anderson, 1998), Kremer, F. “Comparing supervisor and line officer opinions about the code of silence: the case of Hungary.” *College of Police and Security Studies* (2008), Kutnjak, I. “Controlling police corruption: the Croatian perspective.” *Police Practice and Research* 3, no. 1 (2002), Klockars, C., Kutnjak, I. and Haberfeld, M. *The contours of police integrity* (Thousand Oaks: Sage, 2004).

⁵³ Louise Westmarland and Steve Conway, “Police ethics and integrity: Keeping the ‘blue code’ of silence,” *International Journal of Police Science and Management* 22, no. 4 (2020): 379. Citing Kleining J. *The Ethics of Policing*. (Cambridge: Cambridge University Press, 1996), Westmarland L. “Police ethics and integrity: Breaking the blue code of silence.” *Policing and Society* (2005), Punch M. *Police Corruption. Deviance, Accountability and Reform in Policing*. (Cullompton: Willan, 2009) and Caldero et.al. *Police Ethics. The Corruption of Noble Cause*. (London: Routledge, 2018).

⁵⁴ Westmarland and Conway, “Police ethics and integrity”, 380, citing the studies by Westmarland L. “Police ethics and integrity: Breaking the blue code of silence.” *Policing and Society* (2005), Rowe M. “Tripping over molehills: ethics and the ethnography of police work.” *International Journal of Social Research Methodology* 10 (2007), Loftus B.

use the public authority “entrusted to them to cover up or fail to report their colleagues’ misdeeds”. There are various theories regarding the existence of these cover-up mechanisms within police forces⁵⁵, including: the consequence of quasi-military training; the desire to avoid restrictions on the discretion exercised in the field; or the aim of keeping the police force free from interference by authorities and democratic processes, thereby avoiding drawing attention. However, a review of the research suggests that various forms of police officer misconduct go unreported for two main reasons. One is positive: the desire to belong, and the other is negative: the fear of being excluded.

The literature indicates that, on the positive side, misconduct goes unreported as a sign of “loyalty to the group”⁵⁶. This is because there is a tendency among officers to create and reinforce a divisive mindset between the police force and the public, an “us versus them” situation⁵⁷. On the other hand, police officers generally choose not to report or discipline their colleagues for fear of being labeled as untrustworthy and excluded from the circle of trust⁵⁸. Indeed, there is evidence suggesting that police officers who identify as whistleblowers “do not always receive the full support”⁵⁹ of their colleagues in dangerous situations. Such situations are common, given the very nature of police work, in which officers’ integrity and lives may be at risk.

For these reasons, entrusting the investigation of complaints of abuse and misconduct by police officers solely to the internal affairs division of each police force does not appear to be sufficient to comply with the independent and impartial investigation. Intervention by a body external to the police force is required, and international recommendations regarding independent complaints bodies have pointed in that direction.

2.4 The Council of Europe and Its concerns regarding policing

The Council of Europe (CoE) is an international intergovernmental organization founded in 1949, following the end of World War II. It brings together forty-six (46) Member States, including all twenty-seven (27) Member States of the European Union; in fact, “no country has ever joined the European Union without first being a member of the Council of Europe”⁶⁰. All of them come together in a multilateral forum with the aim of “strengthening human rights, democracy, and the rule of law throughout the continent”⁶¹. The CoE aims to foster a process of integration among its members, through a set of shared values that are fundamental to regional democracy and political stability. To this end, it promotes and assists Member States in “carrying out the necessary political, legislative, constitutional, and judicial reforms”⁶² in order to align their national models with established standards, the international treaties they have signed, and the recommendations issued by specialized bodies. Among the more than 220 treaties related

Police Culture in a Changing World. (Oxford: Oxford University Press, 2009), Westmarland L. and Rowe M. “Police ethics and integrity: can a new code overturn the blue code?” *Policing and Society* 28 (2016), Bacon M. *Taking Care of Business: Police Detectives, Drug Law Enforcement and Proactive Investigation*. (Oxford: Oxford University Press).

⁵⁵ Kutnjak Ivković and O’Connor Shelley, “The Police Code of Silence,” 447.

⁵⁶ Gerd Muehlheusser and Andreas Roeder, “Black sheep and walls of silence,” *Journal of Economics Behavior and Organization* 65, no.1 (2008): 391.

⁵⁷ Baer and Armao, “The Mollen Commission Report,” 79.

⁵⁸ Muehlheusser and Roeder, “Black sheep and walls of silence,” 391.

⁵⁹ Muehlheusser and Roeder, “Black sheep and walls of silence,” 392.

⁶⁰ Council of Europe, *The Council of Europe: Upholding human rights, democracy and the rule of law*, PREMS 165824 (Strasbourg: Council of Europe, 2024), 3.

⁶¹ Council of Europe, *The Council of Europe: Upholding human rights*, 2.

⁶² Council of Europe, *The Council of Europe: Upholding human rights*, 3.

to human rights, democracy, and the rule of law that the Council encompasses, the most important is the system for the protection of rights based on the European Convention on Human Rights, which establishes the European Court of Human Rights, with jurisdiction to hear cases of violations of rights and freedoms in the 46 Member States of the Council.

The CoE has two main bodies for political decision-making: the Committee of Ministers and the Parliamentary Assembly. The Committee of Ministers is composed of the foreign ministers of the Member States and acts as the political decision-maker⁶³. The Parliamentary Assembly consists of 612 members appointed by the national parliaments of the Member States and serves as the forum where the region's major political and social issues are debated and examined⁶⁴. Among the wide variety of bodies, agencies, and monitoring mechanisms that make up the Council of Europe, some deserve special mention for their contributions to the creation of a consistent general framework of reference, with guiding principles and relevant recommendations in their respective areas of competence regarding policing⁶⁵, namely the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the European Commission against Racism and Intolerance (ECRI), the European Commission for Democracy through Law (Venice Commission), the Group of States against Corruption (GRECO), and the Council of Europe Commissioner for Human Rights (CommHR). All of this is in line with the established case law of the European Court of Human Rights regarding the protection of the rights enshrined in the European Convention, in relation to acts committed by police officers. We will now review some of the most important findings from these bodies, relevant to this research, on police oversight.

Although concern for democracy and the protection of society is a core value of the Council of Europe, its focus on policing did not begin in earnest until the late 1990s and early 2000s.

The first milestone is the Declaration on the Police⁶⁶, issued by the Parliamentary Assembly in 1979. While this initial declaration focuses on protecting the police function and police officers, it also aims to inspire ethical conduct among police forces. In its section on the status of police forces, it states that, in the face of disciplinary or criminal proceedings, police officers have the right to be heard and defended by a lawyer, that a decision must be made within a reasonable time⁶⁷, and that "they shall have the right to appeal to an independent and impartial body or a court"⁶⁸. While these recommendations focus on ensuring officers' rights, it is also important to develop independent systems as safeguards for all parties involved, both those who file complaints and those who are accused.

Then, in the late 1990s, amid a new political context emerging in Europe following the end of the Cold War, the Council of Europe launched new efforts to develop a shared

⁶³ Council of Europe, *The Council of Europe: Upholding human rights*, 4.

⁶⁴ Council of Europe, *The Council of Europe: Guardian of Human Rights*, PREMS 090425 (Strasbourg, Council of Europe 2025), 6.

⁶⁵ Council of Europe Committee of Ministers, *Toolkit - Legislating for the Security Sector: International Police Standards: The European Code of Police Ethics*, ISBN: 978-92-9222-085-3, (Geneva: DCAF, 2009), 15.

⁶⁶ Council of Europe Parliamentary Assembly, Resolution 690 (1979), "Declaration on the Police," adopted May 8, 1979.

⁶⁷ Council of Europe Parliamentary Assembly, Resolution 690 (1979) no. 9.

⁶⁸ Council of Europe Parliamentary Assembly, Resolution 690 (1979) no. 9.

vision of the role of the police in these new democratic societies. To this end, the CoE Committee of Ministers established the Committee of Experts on Police Ethics and Police Issues in 1998. This Committee of Experts was given a specific mandate regarding the studies and recommendations it was to prepare, but its primary task was to address the question of the role of the police in a democratic society and the mechanisms for oversight the police⁶⁹.

Among the results of the Committee of Experts, the most significant is undoubtedly the text adopted by the CoE Committee of Ministers in 2001, titled “General Recommendation on the European Code of Police Ethics”⁷⁰. This document seeks to “enshrine the basic principles that should apply to police services in democratic societies governed by the rule of law”⁷¹. The Committee of Experts based much of the Code of Ethics on “legal instruments (conventions and recommendations of the Council of Europe and other international organizations) as well as principles established by the European Court of Human Rights and other bodies of the Council of Europe”⁷².

The text of the European Code of Police Ethics contains a wide range of recommendations to promote police action in accordance with respect for and the promotion of democracy, the rule of law, and human rights. It emphasizes that an effective fight against crime requires police forces to work in “close contact with the public” and that an efficient police force “depends on public support”. It highlights that public trust in the police is closely linked to their performance, to their “attitude and behavior toward the public, in particular their respect for human dignity and individuals’ fundamental rights and freedoms”⁷³. Regarding the need for effective police oversight, the Code recommends that the police “must be subject to efficient external oversight” (no. 59). It also mandates that authorities “must ensure an effective and impartial procedure for handling complaints against the police” (no. 61). It emphasizes that investigations must be conducted impartially, because “«police investigating police» is an issue that generally raises doubts as to impartiality”⁷⁴. It also reiterates that, in the event of disciplinary measures against a police officer, these “must be subject to review by an independent body or court” (no. 33). These recommendations seek to emphasize that police forces require independent oversight to ensure their adherence to democratic principles, particularly respect for human rights; internal mechanisms alone are neither sufficient nor capable of achieving this.

For its part, the Council of Europe Commissioner for Human Rights -an institution established by Resolution⁷⁵ of the Council of Europe’s Committee of Ministers in 1999- has a mandate to facilitate dialogue and cooperation to promote the protection of human rights and the effective implementation of European standards in the practice of Member

⁶⁹ Council of Europe Committee of Ministers, *Toolkit - Legislating for the Security Sector*, 16.

⁷⁰ Council of Europe Committee of Ministers, Rec (2001)10, “Recommendation on the European code of Police Ethics,” adopted September 19, 2001.

⁷¹ Jonny Byrne and William Priestley, *Report on the Police Oversight in the Council of Europe Countries*, Council of Europe Publishing, (Strasbourg: CoE, 2017), 8.

⁷² Byrne and Priestley, *Report on the Police Oversight*, 9.

⁷³ Council of Europe Committee of Ministers, Rec (2001)10, Preamble.

⁷⁴ Council of Europe Committee of Ministers, *Toolkit - Legislating for the Security Sector*, 43.

⁷⁵ Council of Europe Committee of Ministers, Res (99)50, “On the Council of Europe Commissioner for Human Rights,” adopted May 7, 1999.

States in the field of human rights⁷⁶. In 2007, through a General Comment, the Commissioner warned of the dangerous problems of impunity in European countries, where acts of police violence allegedly resulting from the excessive or abusive use of force by law enforcement were reported⁷⁷. Furthermore, it cautioned that, in democratic societies, the role of law enforcement forces must be to protect the population without violating the law, since safeguarding public safety cannot come at the expense of violating individual rights⁷⁸. It also issued a strong call regarding the “legal obligation to undertake effective inquiries into serious allegations of such violations,” processes that “must be independent, transparent, prompt, and thorough.”

This led to an intensive process of dialogue on a mechanism for democratic oversight of the police. These discussions involved academic experts, national prosecutors, government authorities, universities, police forces, nongovernmental organizations, and representatives of Council of Europe member states⁷⁹. This entire process was organized as part of a program titled “Setting up an active network of independent non-judicial human rights structures”, jointly organized by the Council of Europe and the European Union⁸⁰.

This process culminated in two workshops held in May 2008—one in Strasbourg and the other in St. Petersburg—both focused on discussing the effectiveness and independence of police complaint mechanisms and how to manage them at the national level. The primary objective was “to share experiences from different models and procedures, to assess their independence, effectiveness, and transparency, and to discuss best practices and challenges”⁸¹. The main documents discussed during these workshops were: the European Convention on Human Rights (1950), the General Recommendation on the European Code of Police Ethics (2001), the Standards on Combating Impunity of the European Committee for the Prevention of Torture (2002), and the General Policy Recommendation on Combating Racism and Racial Discrimination in Policing by the European Commission against Racism and Intolerance (2007). Finally, in 2009, the Commissioner for Human Rights issued his General Opinion on the Independent and Effective Resolution of Complaints Against the Police, as a way to summarize in a single document all the work carried out in the 2008 workshops and the human rights standards regarding the protection of rights when police forces are involved.

The Commissioner’s Opinion integrates the recommendations of the Council of Europe’s specialized committees—such as the Committee for the Prevention of Torture and the Committee against Racism—with the case law of the European Court of Human Rights. It identifies common ground among these bodies and articulates a coherent text centered on recommended best practices for handling complaints against police forces, conducting effective investigations, and fighting impunity.

⁷⁶ Council of Europe Committee of Ministers, Res (99)50, art. 3.

⁷⁷ Council of Europe Commissioner for Human Rights, *Viewpoint: There must be no impunity for police violence*, (Strasbourg: Council of Europe, December 3, 2007).

⁷⁸ Council of Europe Commissioner for Human Rights, *Viewpoint: There must be no impunity*.

⁷⁹ Council of Europe Commissioner for Human Rights, *Expert Workshop: Police Complaints Mechanisms: Ensuring independence and effectiveness*, CommDH (2008)13, (Strasbourg: Council of Europe, May 16, 2008), 4.

⁸⁰ Council of Europe Commissioner for Human Rights, *Opinion of the Commissioner for Human Rights Concerning Independent and Effective Determination of Complaints Against the Police*, CommDH (2009)4, (Strasbourg: Council of Europe, March 12, 2009), 4.

⁸¹ Council of Europe Commissioner for Human Rights, *Expert Workshop: Police Complaints Mechanisms*, 3.

3. State duties

The modern international public law can be classified into binding and non-binding instruments. Binding instruments are what is known as treaty law or international agreement and they refer to the obligations that states generally assume by signing and ratifying an international treaty—that is, by becoming a party to a legally binding document at the international level. These international instruments are regulated by the Vienna Convention on the Law of Treaties (1969) or the Vienna Convention, which establishes that states must fulfill their obligations in accordance with the principles of *pacta sunt servanda*, which stipulates that when the treaty is in force “is binding upon the parties to it and must be performed by them in good faith”⁸². This general principle of law, good faith or *bona fides*, implies that states must conduct the course of their actions in a manner consistent with the legitimate expectation that they will fulfill the obligations they have contracted⁸³. Furthermore, under Article 18 of the Vienna Convention, states must protect the object and purpose of the agreement from acts that could undermine the intended effects of the international legal provisions adopted⁸⁴.

Non-binding instruments are normative texts that lack legally binding force but possess a “particularly persuasive moral or social force”⁸⁵. This category of international instrument is also known as ‘soft law’, “even though there is no universally accepted definition of the term”⁸⁶. Soft law generally takes the form of jurisprudence, resolutions, declarations, principles, comments, recommendations, guidelines and experts’ opinions. They can be understood as an “extensive catalogue of instruments that may be deemed to have at least some evidentiary weight as soft law with particular significance in the field of human rights”⁸⁷ issued by organizations or agencies that lack the authority to enforce compliance with the provisions set in these instruments. Even without being legally binding, these instruments serve a fundamental role in determining the provisions of treaties and have an “undeniable impact on the interpretation, application, and development of international human rights law”⁸⁸. Furthermore, the fact that there is a usual “lack of strong enforcement institutions in the field of human rights [...] grants soft law a privileged position in resolving interpretive uncertainties”⁸⁹.

Another way to approach this distinction is from the perspective of the source of law⁹⁰. Classifying treaty law “as law that is currently in force” (*lege lata*) and non-binding norms, or soft law, as law that is in the process of “becoming law or that could become law in the future” (*lege ferenda*). That is why it is important to analyze the issue of the

⁸² Vienna Convention on the Law of Treaties, done in Vienna May 23, 1969, United Nations, Treaty Series, vol. 1155, 2005, Art 26.

⁸³ Kolb Robert, “Principles as sources of International Law”, *Netherlands International Law Review* 53, no. 1 (2006), 18.

⁸⁴ Kolb, “Principles as sources of International”, 18.

⁸⁵ Paul Weismann, *Soft Law and its Importance in Ensuring Member States Compliance with Union Law* (Baden-Baden: Nomos, 2024) 93.

⁸⁶ John Cerone, “A Taxonomy of Soft Law: Stipulating a Definition,” in *Tracing the Roles of Soft Law in Human Rights*, ed. Stéphanie Lagoutte, Thomas Gammeltoft-Hansen, John Cerone (Oxford University Press, 2016), 17.

⁸⁷ Cerone, “A Taxonomy of Soft Law”, 19.

⁸⁸ Cerone, “A Taxonomy of Soft Law”, 19.

⁸⁹ Stéphanie Lagoutte, Thomas Gammeltoft-Hansen, John Cerone (editors), *Tracing the Roles of Soft Law in Human Rights*, (Oxford: Oxford University Press, 2016), 6.

⁹⁰ Kolb, “Principles as sources of International”, 4.

independence of the bodies tasked with handling complaints against the police, taking into account not only the strictly legal obligations of states but also the interpretations and recommendations made by international organizations. Especially considering that these “soft law” provisions could come to constitute full-fledged obligations in the future.

We make this distinction because the system for protecting rights in Europe—with regard to the investigation of complaints against the police—is based on the signing of various binding human rights instruments, the first and most fundamental of which is the European Convention on Human Rights, along with its (equally binding) Protocols, and the European Convention for the Prevention of Torture. Regarding these instruments, other international intergovernmental organizations have contributed to their interpretation and adaptation from a human rights perspective. This is the case with the established case law of the European Court of Human Rights, the recommendations of the European Committee for the Prevention of Torture, and the resolutions of the Committee of Ministers of the Council of Europe and its constituent bodies, such as the European Commission against Racism and Intolerance and the Commissioner for Human Rights. The 2009 Opinion by the Commissioner for Human Rights, on which this study is based, is a non-binding instrument; however, it carries significant normative weight due to the series of instruments it includes, compiles, and presents in a coherent manner.

In Europe, the main instrument for safeguarding people's rights is the European Convention for the Protection of Human Rights and Fundamental Freedoms, known as the European Convention on Human Rights (ECHR). This Convention is a legally binding international treaty designed to protect and preserve human rights and freedoms across Europe. Signed in 1950, it entered into force in September 1953. It establishes a list of defined rights and freedoms that the signatory states agree to respect and protect. The Convention entrusts two institutions with the task of enforcing these obligations: the European Court of Human Rights (ECtHR) and the Committee of Ministers of the Council of Europe⁹¹.

The European Court is entrusted with implementing the European Convention and has jurisdiction to hear individual and inter-state petitions regarding violations of the rights and freedoms enshrined in the ECHR in any of the states that are signatories to the Convention. The Court also has the power to issue advisory opinions regarding the interpretation of the Convention. Once the Court has issued a judgment, states are obligated to take all necessary measures to comply with the decision. It is the responsibility of the Committee of Ministers of the Council of Europe to monitor the implementation of these judgments and to request information regarding the implementation of the Convention⁹².

The ECtHR has established a consistent body of case law regarding relevant criteria in situations involving allegations of excessive use of force, discrimination, or the risk of torture resulting from acts committed by police officers⁹³. This case law is based primarily

⁹¹ European Court of Human Rights, *The European convention on Human Rights: a living instrument*, (Strasbourg: CoE, September 2022)

⁹² Council of Europe, *ECHR Toolkit to inform about state obligations under the European Convention on Human Rights*, (Strasbourg, 2023)

⁹³ Joint European Union – Council of Europe Programme, *Complaints against the Police: Their handling by the national human rights structures: Workshop debriefing paper*, (St. Petersburg: University of Padua, May 21, 2008), 15.

on an analysis of the obligations regarding the general duty to respect human rights (Art. 1), protection of the right to life (Art. 2), the prohibition of torture (Art. 3), the prohibition of discrimination (Art. 14), and the right to an effective remedy (Art. 13) as guaranteed by the ECHR. Based on an analysis of violations of these articles, the Court has interpreted a “procedural obligation” of states to investigate allegations of ill-treatment by the police, particularly when such allegations involve arbitrary discrimination, serious injury, or death⁹⁴. To ensure the investigation by the states of well-founded allegations of acts by police officers that may breach the rights guaranteed by the European Convention, the Court has developed five principles for an effective investigation of complaints against the police.

As a result of the Court’s analysis of states’ obligations to investigate well-founded allegations that may breach the rights guaranteed by the European Convention, five principles for an effective investigation were developed: principles of independence, adequacy, promptness, public scrutiny, and victim involvement. We will discuss this in more detail later in the methodology section.

Regarding the role the European Convention assigns to the Committee of Ministers of the Council of Europe, the work carried out by the Council of Europe Commissioner for Human Rights is particularly significant. For example, the 2009 Opinion on independent mechanisms for determining complaints against the police is a thorough compilation of the principles established by the European Court in its interpretation of the European Convention, supplemented by the recommendations of the Council of Europe’s specialized bodies for the protection of the human rights guaranteed by the treaties. With this document the Commissioner converges the recommendations of the European Committee for the Prevention of Torture and the European Commission against Racism and Intolerance, along with reports issued by international organizations such as the United Nations and the Organization for Security and Co-operation in Europe (OSCE).

One of the Commissioner for Human Rights primary responsibilities is to promote awareness of human rights, provide information and advice on the protection of human rights and the prevention of human rights violations, and collaborate with international institutions to promote the human rights recognized in the European Convention⁹⁵. The 2009 Opinion is precisely a summary of those responsibilities and represents a cornerstone in the protection of human rights in Europe. For perspective, since 1999 only fifteen Opinions have been issued. Signaling that the topic of the 2009 Opinion, that is the issue on how complaints against the police are handled, is a key concern for the Commissioner.

In particular, regarding the Member States of the Council of Europe that are also part of the European Union, the principles set forth in the Council of Europe Treaty and the European Convention on Human Rights are reinforced by the provisions of the Treaty on European Union (TEU). In the TEU, the European Union recognizes that it is “founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights” (Art. 2), and that the rights and freedoms guaranteed in the European Convention on Human Rights “result from the constitutional traditions

⁹⁴ Joint European Union – Council of Europe Programme, *Complaints against the Police*, 21.

⁹⁵ Council of Minister, Res. (99)50, art. 3.

common to the [EU] Member States, [and] shall constitute general principles of the Union's law" (Art. 6(3)).

It is also important to note that the European Union is legally obligated to accede to the European Convention in the future under the Treaty on EU⁹⁶. Although the "ECHR has already played a significant role in ensuring the effective protection of fundamental rights [when] EU institutions and Member States act within the scope of EU law"⁹⁷, the EU's accession to the European Convention "will establish an explicit and direct legal obligation for the EU to comply with the ECHR as a treaty and create a direct legal responsibility for the EU"⁹⁸.

4. Methodology

4.1 Introduction

One of the main difficulties in analyzing IPCBs is the wide variety of institutional designs and capacities among European Union Member States. However, measuring the functions of each independent body helps us to understand the variation in their capacities. Measuring their integration, their functions, and the powers they hold to investigate, issue reports and impose sanctions allows us to look beyond the label of 'independent body', describing the characteristics and powers that the institutions possess.

The presented index of independence is designed to measure the capabilities of independent police complaints bodies across the Member States of the European Union, and in doing so, to facilitate the identification of the strengths and weaknesses of each independent body. This index is not an attempt to criticize the design of each IPCB, but rather an effort to measure their characteristics and facilitate comparison based on an international standard.

All processes for measuring indicators and evaluating public policies are "based on certain assumptions about what is good and what is bad"⁹⁹. Normative assumptions regarding the guiding principles – in this case, the concept of independence within a complaints body – which it is "important to make explicit" to clarify the direction of the assessment and facilitate dialogue regarding its results¹⁰⁰. This research project assumes that the best way to improve police performance, ensure respect for human rights by police officers and increase public confidence in the police is through the existence of a body that is entirely independent of the police force, with its independence guaranteed by law and with clearly defined procedures and powers, thereby safeguarding the rights of both the complainant and the subject of the complaint.

4.2 Methodology and coding

⁹⁶ *Treaty of the European Union (Consolidated Version)*, signed at Maastricht, February 7, 1992, Official Journal of the European Union C 326 (2012), art. 6(2).

⁹⁷ European Union Agency for Fundamental Rights, *EU Accession to the European Convention on Human Rights: Questions and answers on legal and operational implications*, (Vienna: FRA, 2025), 4.

⁹⁸ European Union Agency for Fundamental Rights, *EU Accession to the European Convention*, 16.

⁹⁹ UNDP, *A Users' Guide to Measuring Local Governance*, (Oslo: UNDP Governance Center, 2015a), 10.

¹⁰⁰ UNDP, *A Users' Guide to Measuring*, 10.

This analysis aims to develop a metric for measuring and comparing the IPCBs of the European Union Member States under review, based on an independence index drawn up in accordance with the 2009 recommendation of the Council of Europe’s Commissioner for Human Rights (CommHR). The index will be known as the Complaints Police Body Independence Index (CPBIindex).

The CPBIindex is based on a coding grid comprising thirty-two (32) items, grouped into six categories. Each item is scored on a scale of 0 to 3, depending on the IPCB’s performance in relation to that coding item, where zero (0) represents the lowest performance and three (3) the highest. The thirty-two (32) items have been drawn up on the basis of the recommendations included in the CommHR Opinion of 2009. The general principles of each recommendation are extracted from this document from the Commissioner for Human Rights and translated into one or more items.

A preliminary review was carried out of each EU Member State to determine whether there was an independent body responsible for handling complaints against the police. In total, twenty-six (26) Member States were analyzed; only one EU Member State (Italy) does not have independent mechanisms at federal level to handle complaints against the police, and as a result is not part of this study.

This was followed by a search and review of the legal and regulatory framework relating the powers and functions of each independent body in each Member State. This information was obtained primarily from the website of each IPCB, where details of its applicable legal basis could be found. Where this was not possible, a search was carried out on each Member State’s legal reference website. The documents were analyzed in English when they were available directly in that language. In cases where it was only possible to find the documents in the Member State’s original language — a language other than English — a digital web-based tool¹⁰¹ was used to translate the document into English.

Following the review and analysis of the legal and regulatory documents, the information was mapped to the categories of the coding items that forms the CPBIindex. Each item in the coding grid presents four options on a scale representing the performance of each IPCB in relation to that item. The intervals represent: zero (0): failed; one (1): weak; two (2): satisfactory; and three (3): excellent.

Finally, a statistical analysis is carried out of the results obtained by each Member State in the CPBIindex and in their respective categories. This leads to the compilation of the respective rankings to compare the performance of each EU Member State analyzed in each category.

4.3 Epistemological framework

This research project is based on a pragmatic epistemological approach¹⁰². It was designed on the premise that “social science research, particularly that focused on the study of public policies, should have a practical impact [...] it should be effective, insightful and emancipatory”¹⁰³. In other words, this project aims both to describe reality,

¹⁰¹ Google translate, option for full documents.

¹⁰² Gillespie, Vlad Glăveanu, and Constance (Cambridge University Press 2024), 30.

¹⁰³ Gillespie, Glăveanu, and Constance, xi.

thereby enhancing existing knowledge regarding IPCBs in Europe, and to provide a tool to facilitate the assessment of these independent bodies. Our aim is to enable both citizens and those responsible for designing and deciding on public policies to assess the performance of IPCBs across Europe.

This study aims to provide a tool for evaluating public policies relating to democratic and citizen oversight of the police. Our work seeks to promote the respect and protection of human rights in democratic societies, sustained by the belief that “social research should push towards knowledge that empowers people”¹⁰⁴.

4.4 Methodological Framework

This research project employs mixed-methods research. It successively integrates qualitative and quantitative research methods, based on the premise that “the use of mixed methods makes social science more robust [and] insightful”¹⁰⁵.

The research design consists of a sequence of qualitative methodologies followed by quantitative methodologies, defined as a design intended for description and measurement¹⁰⁶. The objective is to use qualitative methodologies to describe the phenomenon of IPCBs, based on an analysis of their legal and regulatory documents, extracting their main characteristics to be captured in the coding grid. Subsequently, quantitative methodologies will be used based on statistical variables, seeking to identify patterns and measure the extent to which each IPCB aligns with the Commissioner for Human Rights Opinion of 2009.

4.5 Legal Approach

The legal definition of competencies, organizational structure, institutional framework, and performance standards are classified as a type of “fact-based” evidence by the United Nations Development Program (UNDP) in terms of objective resources for measuring elements of governance¹⁰⁷. This contrasts with perception-based resources, which are subjective in nature. This objective information is useful for measuring the quality of government resources¹⁰⁸ in that it comes from reliable sources and provides transparency regarding the agencies’ performance capabilities.

This study focuses exclusively on the analysis of the legal and regulatory texts of each IPCB. Given its objective nature as a source of information, the central importance of the law in shaping the concept of the rule of law, and its close relationship with democracy and human rights.

The European Commission for Democracy through Law defines the concept of the Rule of Law through a series of normative principles, including the principles of legality and conformity with the law¹⁰⁹. These principles require that the State and officials acting on

¹⁰⁴ Gillespie, Glăveanu, and Constance, 25.

¹⁰⁵ Gillespie, Glăveanu, and Constance, 123.

¹⁰⁶ Gillespie, Glăveanu, and Constance, 125.

¹⁰⁷ UNDP, *A Users’ Guide to Measuring Local Governance*, (Oslo: UNDP Oslo Governance Center, 2015a), 16.

¹⁰⁸ UNDP, *User’s Guide to Measuring Corruption and Anti-Corruption*, (New York: UNDP Global Anti-corruption Initiative, 2015b), 16.

¹⁰⁹ European Commission for Democracy through Law, Resolution CDL-AD (2016)007, “Rule of Law Checklist,” adopted March 11-12, 2016, 18.

behalf of the State carry out their actions in accordance with the law and, specifically, as authorized by law, that is, that “the powers of public authorities be defined by law”¹¹⁰. Hence the importance of studying the text of the law and describing the powers that have been defined and delimited for the IPCBs, as well as the rights and guarantees granted to them in the course of their activities.

The law thus emerges as a central element in the protection of human rights. The rule of law and human rights are intimately intertwined. This is because “the protection and promotion of human rights are achieved only through respect for the rule of law”¹¹¹. Furthermore, the concept of the rule of law has been regarded as a fundamental shared value among the members of the Council of Europe¹¹² since its origin in 1949. Similarly, the concept of the rule of law is recognized as a founding value among the Member States of the European Union and is included in the preamble to the EU Treaty¹¹³, alongside democracy and respect for human rights as a pillar shared by the nations of Europe.

Furthermore, a legal approach to IPCBs allows for compliance with one of the minimum recommendations adopted by the United Nations Regarding the Status of National Institutions for the Promotion and Protection of Human Rights¹¹⁴ (The Paris Principles). These principles were adopted in 1993 by the United Nations General Assembly and designed to ensure a minimum standard of operation for national bodies designated to promote, protect, and monitor human rights. The Paris Principles establish that these institutions—which may include the IPCBs—“shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence”¹¹⁵.

Ultimately, the legal characterization of each independent complaint body constitutes a cornerstone both for its definition and for the implementation of its mechanisms for the protection of rights.

4.6 Sample group: EU Member States

This exploratory study seeks to generate initial knowledge about a specific group: the current state of IPCBs among European Union Member States. For this purpose, we used a non-randomized sample group based on predefined criteria of relevance and accessibility. The study only considers the European Union member states that have some form of IPCB at the national level as of March 2026.

The Member States that make up the European Union¹¹⁶ have been chosen as the study population based on three criteria: first, the European Union’s role as an international actor that serves as a normative model for the protection of human rights worldwide. Second, the possibility of easier access to and a greater volume of available information

¹¹⁰ European Commission for Democracy through Law, Resolution CDL-AD (2016)007, 18.

¹¹¹ European Commission for Democracy through Law, Resolution CDL-AD (2016)007, 13.

¹¹² Council of Europe Parliamentary Assembly, Resolution 1594 (2007), “The principle of the Rule of Law,” adopted November 23, 2007.

¹¹³ *Treaty of the European Union (Consolidated Version)*, signed at Maastricht, February 7, 1992, Official Journal of the European Union C 326 (2012), Art. 2.

¹¹⁴ UN General Assembly, Resolution 48/134, “National institutions for the promotion and protection of human rights,” A/RES/48/132 (December 19, 1993).

¹¹⁵ UN General Assembly, Resolution 48/134, art. 2.

¹¹⁶ European Union, “EU Countries,” EU website, April 5, 2026, https://european-union.europa.eu/principles-countries-history/eu-countries_en.

regarding IPCBs in European countries; and third, the existence of a set of regulations—including both binding international law and soft law—that can be used as a framework for evaluating IPCBs in Europe.

Today, the European Union has twenty-seven (27) Member States. The criteria for selecting each unit of analysis in each Member State are as follows: First, that the Member State has some kind of independent body designated to handle complaints filed against police forces. This independency is defined as the absence of a hierarchical relationship and administrative dependence on police services. Second, The independent body must have a federal mandate (if it is a federal state) or a national mandate (if it is a unitary state) covering the entire territory to handle complaints against police forces operating within the Member State. This mandate may apply only to police forces under the federal government or to all police forces within the State.

The initial assessment of each Member State was conducted using the list of “non-police oversight bodies in Europe”¹¹⁷ compiled by the European Parliament’s Policy Department for Citizens’ Rights and Constitutional Affairs as a reference. Then we checked each Member State’s website to verify the nature of the body responsible for handling complaints against the police. As a result of this review, twenty-six (26) units of analysis (IPCBs) were identified in the EU. Only one Member State (Italy¹¹⁸) does not have an independent body that meets the established selection criteria.

The list below (Table 1) shows the name of each Member State (EU MMBR), whether or not it has any type of IPCB (Yes/No), the nature of the mandate (Mandate: G: General; S: Specific), and the name of each IPCB. Additionally, the date from which each IPCB began operating was recorded.

The mandate categories (Mandate) were defined based on a criterion of specialization. IPCBs defined as general (G) are those with a general mandate to protect human rights and are empowered to receive and investigate complaints against the general state administration and its officials, including police forces and police officers. IPCBs defined as specific (S) are those bodies created with a specific mandate to address complaints against the police and its officers. In the case of Italy, it has been classified as a category, dealing exclusively with internal affairs (iAf) and not part of the study.

Table 1. List of the IPCB as determined in each European Union Member State:

EU MMBR	IPCB	Mandate	Name ¹¹⁹	Operating since
Austria	Yes	S	Investigation and Complaints Office for Clarifying Allegations of Abuse (EBAM)	2024
Belgium	Yes	S	Standing Police Monitoring Committee (Committee P)	1998

¹¹⁷ Emmanuel-Pierre Guittet et al., *Democratic Oversight of the Police*, study commissioned by the European Parliament’s Policy Department for Citizens’ Rights and Constitutional Affairs at the request of the LIBE Committee, European Parliament (Brussels: European Parliament, 2022), Annexe 2, 67.

¹¹⁸ Italy has three federal police forces (Carabinieri, Polizia di Stato, and Guardia di Finanza); as a general rule, all complaints must be filed directly with the police force involved. Additionally, Italy does not have a federal office responsible for promoting and protecting human rights, commonly known in Europe as an Ombudsman.

¹¹⁹ All names of each IPCB are listed in their English translations.

Bulgaria	Yes	G	Ombudsman of the Republic of Bulgaria	2005
Croatia	Yes	G	Ombudsman of the Republic of Croatia	1992
Cyprus	Yes	S	Independent Authority for the Investigation of Allegations and Complaints against the Police (IAIACP)	2006
Czechia	Yes	G	Public Defender of Rights	1999
Denmark	Yes	S	Danish Independent Police Complaints Authority (DIPCA)	2012
Estonia	Yes	G	Chancellor of Justice	1999
Finland	Yes	G	Parliamentary Ombudsman	2002
France	Yes	G	Defender of Rights	2011
Germany	Yes	S	Parliamentary Commissioner for the Federal Police Authorities	2024
Greece	Yes	G	Greek Ombudsman	1998
Hungary	Yes	G	Commissioner for Fundamental Rights	2020
Ireland	Yes	S	Office of the Police Ombudsman (Fiosrú)	2025
Italy	No	iAf	None	No
Latvia	Yes	G	Ombudsman's Office of the Republic of Latvia	2007
Lithuania	Yes	G	Seimas Ombudsmen's Office	2007
Luxembourg	Yes	S	General Inspectorate of the Police (GPI)	2018
Malta	Yes	S	Independent Police Complaints Board	2017
Netherlands	Yes	S	Police Complaint Committee	2013
Poland	Yes	G	Commissioner for Human Rights	1997
Portugal	Yes	G	Provider of Justice	1991
Romania	Yes	G	Peoples's Advocate Institution	2004
Slovakia	Yes	G	Public Defender of Rights	2001
Slovenia	Yes	S	Ministerial Panel of Appel	2013
Spain	Yes	G	People Defender	1981
Sweden	Yes	G	Parliamentary Ombudsmen (JO)	1986

4.7 Normative framework of the Index

When examining the units of analysis selected in each of the EU Member States, it is possible to observe a wide diversity in the nature, design, and capabilities of each independent body. However, as previously explained, all EU Member States are also members of the Council of Europe and, as such, have ratified the European Convention on Human Rights. This establishes the general framework within which all EU Member States are also required to consider the recommendations of the Council of Europe's Commissioner for Human Rights, in order to promote and facilitate the protection of the human rights set forth in the European Convention.

For this reason, the instrument chosen to evaluate each of the IPCBs is the Opinion of the Council of Europe Commissioner for Human Rights on the Independent and Effective

Investigation of Complaints Against the Police¹²⁰, adopted in March 2009. This document should be understood as a normative guide on the minimum standards that Member States must consider when establishing independent bodies responsible for addressing complaints against police forces.

The Commissioner's Opinion (Opinion) consists of seventy-four (74) sections; each one addresses the various aspects involved in the independent and effective investigation of complaints against the police. These recommendations follow the principles established by the settled case law of the European Court of Human Rights (ECtHR) for the investigation of serious incidents involving risks of violations of Article 2 —the right to life— and Article 3 —the prohibition of torture— of the European Convention on Human Rights, and in which police actions are involved. The principles developed by the European Court¹²¹ are:

1. Independence: There should be no institutional or hierarchical links between those conducting the investigation and those under investigation. This includes practical independence in the manner in which the investigation is conducted.

2. Adequacy: The independent body conducting the investigation must be able to request cooperation, gather evidence, and collect sufficient information to determine the nature of the alleged facts and, where relevant, identify those responsible.

3. Timeliness: The investigation process must be conducted promptly. Expedited procedures and predetermined deadlines are required to build trust in the process and in the Rule of Law.

4. Public scrutiny: The independent body must conduct its proceedings transparently, and its decision-making must be open to the community, ensuring appropriate accountability.

5. Victim involvement: The complainant must participate in the complaint process to safeguard their legitimate interests.

These principles guide the development of the Opinion, which has two main purposes¹²²: To ensure that those who have been affected by illegal or inappropriate conduct by a police officer obtain an effective remedy (Article 13), particularly when the incident involves violations of the right to life (Article 2) and the prohibition of torture (Article 3) under the European Convention. Furthermore, these principles must serve as a guide for action in response to other, less serious complaints that individuals file against police officers. The systems for receiving complaints, investigating them, determining responsibility where appropriate, and imposing the corresponding sanctions must be viewed as a harmonious whole within police accountability mechanisms. Only by moving in this direction it is possible to offer the public a system that effectively protects fundamental rights and freedoms against arbitrary violations committed by police

¹²⁰ Council of Europe Commissioner for Human Rights, Opinion Concerning Independent and Effective Determination of Complaints Against the Police, CommDH (2009)4 (Strasbourg: Council of Europe, March 12, 2009).

¹²¹ Council of Europe Commissioner for Human Rights, *Opinion Concerning Independent and Effective Determination of Complaints Against the Police*, no. 30, 7.

¹²² Council of Europe Commissioner for Human Rights, *Opinion Concerning Independent and Effective*, no. 31, 7.

officers, within a framework of effective principles for the prevention, investigation, and punishment of unjust or criminal acts.

4.8 Indicators Design

The tool used to evaluate the IPCBs in each Member State is a coding grid consisting of thirty-two (32) closed-ended items, grouped into six (6) categories. The purpose of this grid is to capture the nature, capabilities, and main qualitative characteristics of each IPCB on a comparable ordinal scale. The evaluation scale was defined as ranging from zero (0) to three (3), where zero represents “fail” and three represents “excellent” in relation to the aspect measured by each question. The items have been classified into the following categories described in the Table 2.:

Table 2. Description of the questionnaire categories:

Category	Cat.	Description	Number of Related Items
Institutional independence	A	The questions cover the nature of the IPCB’s mandate, its institutional structure within the government, the process for appointing its head or collegiate members, and the legal instrument that governs it.	5
Visibility and Access	B	The questions cover how people can access the IPCB, the channels available for filing complaints, the possibility of representation, and whether there is a time limit for filing a complaint.	4
Notification, Registration, and Allocation	C	The questions include those regarding the IPCB’s ability to initiate investigations on its own, particularly in cases involving death or serious injury and acts of discrimination. In addition to the autonomy to decide on filed complaints, the obligation to record all complaints, and the IPCB’s ability to request cooperation from other government agencies and public services.	6
Mediation Process	D	A question is included regarding the possibility of accessing a less formal mechanism that could provide a satisfactory solution for the person filing the complaint.	1

Investigation process	E	The questions cover the independence of the IPCB, the existence of safeguards in the process for the officer under investigation, the IPCB's ability to gather or collect evidence, and its ability to evaluate the evidence. The obligations of the police officer under investigation, as well as the police force's obligation to cooperate with the investigation, are reviewed. The existence of time limits for conducting the investigation is also addressed. Additionally, questions are included regarding the ability to access case information during the investigation and access to the report once it is finalized.	9
Victim Involvement	F	These include questions regarding the extent to which the victim should be consulted during the process, the possibility of accessing legal counsel and support, and the obligation to inform the victim of the outcome of the investigation.	3
Decision and Appeal	G	These include questions about the content of the conclusion reached following the investigation, the victim's ability to appeal the decision or the process, and possible disciplinary or criminal actions in cases where it is determined that individuals are responsible.	4

4.9 Scale of Coding

Each of the thirty-two (32) items has four possible answers, which represent values on a scale with discrete numbers. These values form a progressive scale: zero (0), one (1), two (2) and three (3) as is showed in the Table 3.

Table 3. Values associated with the scale:

Grade	Value assigned	Concept
Excellent	3	The standard is optimally met, and the proposed alternatives are consistent with the intent and scope of the recommendations. The legal text contains a clear and precise reference to the recommended characteristics.

Satisfactory	2	The standard is met to an adequate degree, or there is an alternative that points in a direction similar to the one recommended. The legal text contains a reasonable reference that allows for its interpretation.
Weak	1	The approach falls short of the proposed standard, or the proposed alternatives point in different directions. The legal text contains vague or incomplete references.
Fail	0	The recommended standard is not met, or alternatives are proposed that run counter to it. There are no references to the evaluated standard in the legal and/or regulatory texts.

This discrete scale with an even number of possible values was chosen to facilitate the identification of responses from each IPCB and, in principle, to generate two clusters. Avoiding a scale with an intermediate number, so as not to generate neutral values in the evaluation. Thus, by assigning a score to each item, it is expected to be easier to distinguish between low-performing independent bodies [0-1] and high-performing ones [2-3].

4.10 Items design

Measuring the concept of independence in a complaints body is a “way of showing the degree of alignment between the current state (baseline) [...] and the desired state at another point (target)”. In other words, the measurement is used to compare two states: what is happening now and what should be happening¹²³. To achieve this, a “critical step is to transform principles into measurable indicators and operational questions”. The sequence followed by this project is the “operationalization of principles” recommended by the UNDP: Define general principles for the evaluation, specify the indicators to be reviewed, and operationalize questions that help identify those indicators¹²⁴.

The HR Commissioner’s Opinion contains seventy-four (74) sections with suggestions, both general and specific. Of these, forty-eight (48) were used to develop the thirty-two (32) items in the coding grid. The items were developed based on at least one of the recommendations in the Opinion, and some recommendations were used in more than one item. The recommendations used to design each question are listed below as part of the Annex 1.

4.11 Coding Grid

The final grid was structured as follows:

Table 4: Coding grind:

ID	Category	Nº	Item
A	Institutional independence	1.1	The IPCB has a mandate to handle complaints over:
		3	All police forces and services involved in policing services at local or federal level

¹²³ UNDP, *A Users’ Guide to Measuring Local Governance*, (Oslo: UNDP Governance Center, 2015a), 9.

¹²⁴ UNDP, *A Users’ Guide to Measuring Local Governance*, 10.

			2	Only Federal police forces or services / or a specific police force/service
			1	Structure deficiencies or grave breach in individual conducts
			0	Only works as an external adviser in a political level or administrative level
		1.2	The nature of the IPCB is	
			3	A type of an independent complaint body, external to the police force and not subordinated or related to the police dedicated exclusively to dealing with complaints against the police
			2	An independent body, external and not related to the police BUT is a general mechanism (Ombudsman)
			1	A department, side office or part of other services or public authority mandated to deal with complaints
			0	A structure or service or office related to the police force
		2	The head office or the members of the board head of the IPCB are designated by:	
			3	A collaborative intervention of the Legislative Power and the Executive Power, and/or Judicial Power or another autonomous high-level office of the State
			2	Only by the Legislative Power
			1	By the Executive power with the intervention of a council advice or another office
			0	Only by office of the Executive Power (Direct by the head of the government or a secretary of government)
		3	The independency and main features of the IPCB are determinate on:	
			3	The Constitution or Fundamental law
			2	The law (common law/ special law)
			1	Sub legal document (Decree)
			0	An administrative regulation/ executive order/ Not determinate
		4	The head office or the members of head the board of the IPCB are:	
			3	Only civilians not related to the police services
			2	Civilians or former police officers or police officer, but mostly civilians
			1	Civilians or active members of the police, former police officers, but mostly police officers (active or former)
			0	Only police officers
B	Visibility and access	1	The access to make a complaint in the IPCB is:	
			3	Direct access to the IPCB by the complainant after experiencing/suffering a wrongful action

		2	The IPCB procedure is only possible after try the police procedures/or other mean on institutional complain
		1	No access by citizens, the IPCB can only be accessed by other institutions or public authorities
		0	The IPCB cannot deal with complains, It just overwatches general police activities
	2	Channels open to receive the complaint are:	
		3	The IPCB has a wide range of digital (web site form, email) and call, letter and on-site options to make a complain
		2	The channels can only be accessed in person or physically (letter/form) at the IPCB offices
		1	The channels can only be accessed in person at police offices.
		0	The channels require a large number of prerequisites and are only available at police offices
	3	The complain to open an investigation by the IPCB can be presented:	
		3	By the person claiming to be the victim or a representative appointed by the victim
		2	Only by the victim
		1	By another office/institution related to rights protection
		0	By the Police force involved in the incident
	4	Limit of time to present the complaint:	
		3	There is a period of time determined by law (Long/mid-term: one year or more since the incident)
		2	There is a period of time determined by law (short term: less than a year since the incident)
		1	The IPCB can determine it freely
		0	There is no set time limit/ not reference to
C	Notification, Registration, and Allocation	1.1	The IPCB has the power to open an investigation by its own if it becomes aware of an incident related to the Police services:
		3	Yes, ex officio
		2	Yes, ex officio, but only under certain circumstances
		1	Only by request/after being called/ General mandate of ex officio
		0	No, is not allowed/ this is excluded from his powers
		1.2	The IPCB MUST open an investigation if the incident involves a dead or serious injuries or grave rights violations:
		3	Yes, ex officio
		2	Yes, ex officio, but only under certain circumstances.
		1	Only by request/after being called/ General mandate of ex officio
		0	No, is not allowed/ this is excluded from his powers

		1.3	The IPCB MUST open an investigation if the incident involves discrimination to certain categories or social groups specially protected (ethnicity, gender, race, sexual orientation, religion):	
		3	Yes, ex officio	
		2	Yes, ex officio, but only under certain circumstances.	
		1	Only by request/after being called	
		0	No, is not allowed/ this is excluded from his powers	
		2	The IPCB can determinate how to handle a complaint (take it, take no action):	
		3	Yes, the office is free to decide how to proceed the investigation by his own	
		2	The IPCB can only take cases under specific conditions	
		1	The office can only take into account that the complaint has been filed, for statistical purposes or send the case to another authorities	
		0	The IPCB MUST hand the case over to the police authority.	
		3	All the complaints made directly at the Police are forwarded to the IPCB to be informed and recorded:	
		3	Yes, always	
		2	Yes, but only if certain rights or guarantees are involved.	
		1	The Police can decide about it	
		0	No, it is not mandatory/ the legislation does not require it	
		4	The IPCB may request cooperation or information from all public services, judicial officer or public practitioners or other government agencies:	
		3	Yes, always	
		2	Yes, under specific circumstances	
		1	Services may freely cooperate/ cooperation is voluntary	
		0	No, it is not mandatory/ the legislation does not require it	
D	Mediation Process	1	The IPCB may offer a mediation or another less formal mechanisms to solve the complain	
		3	Yes, it is one of its powers and can propose it freely.	
		2	Yes, but under specific circumstances	
		1	Only if the victim asks for it/ after other procedures failed	
		0	No/ the legislation does not consider that power	
E	Investigation process			

	Independence	1.1	Which body has to conduct the investigation, regardless of where the complaint is filed:	
			3	The IPCB must always conduct an investigation if it/the complaint involves police misconduct allegations
			2	The IPCB must always conduct an investigation if the complaint involves a police misconduct and some determinate rights or freedoms
			1	The investigation is only carried out by the IPCB if it is submitted to it
			0	If the complaint is filed with the Police, they can freely decide on the complaint/ Even if the complaint is filed with the IPCB, the complaint must first be sent to the police.
	Adequacy	2.1	The procedure and process guarantee protection to both the complainant and the accused police officer:	
			3	Yes, guarantees are defined by law
			2	General rules about administrative procedure may apply
			1	Some guarantees are mentioned but not specific
			0	No reference is made to procedural guarantees.
		2.2	The IPCB can carry full statement to the victim, trace witness and analyses forensic or medical evidence	
			3	Yes, always and by law
			2	It can only be done under certain circumstances
			1	It requires the willingness of the parties to obtain those means of proof/ Partial access
			0	No/ the legislation does not give that powers/ cannot be determinate
		2.3	The complained police officer must cooperate with the IPCB by giving a statement or as a witness:	
			3	Yes, always and by law
			2	It can only be done under certain circumstances
			1	It requires the willingness of the parties
			0	No/ the legislation does not give that powers
		2.4	The IPCB can evaluate the evidence	
			3	Yes, free and critically
			2	Yes, but under strict rules and specific circumstances
			1	No determinate
			0	No/ Not allowed
	Promptness	3.1	The procedure must be carried with promptness and expeditiously way and steps	
			3	Procedures of the process and the investigation have time limits defined by law/regulations (all his parts)
			2	Some procedures have set deadlines by law/ General time limits to the process
			1	Suggestions of period of time/ some part have timeline/ the IPCB can freely determinate
			0	No timelines or time limits

		3.2	Police forces cooperation and evidence collaboration	
		3	Police services and his officers have timelines to send information, and can be charged if they refuse	
		2	In some cases, under specific circumstances, police have to cooperate and have time limits	
		1	Cooperation is completely voluntary and has no time limits	
		0	IPCB cannot ask for cooperation	
	Public scrutiny	4.1	The procedure lead by the IPCB and his confidentiality	
		3	The process is completely open to those involved and to society	
		2	The complainant can request access to the information during the process/ The access for each part is continuous	
		1	Most of the process is confidential and secret; the parties involved can request partial access.	
		0	All the process is confidential and carried under secret/ Not defined	
		4.2	After the complaint is solved, the access to the reports, documents and the final decision	
		3	Can be access openly	
		2	The final decision is public, but the process is not/ May be access if the IPCB allows	
		1	Only access to the parts (complainant/officer complained)	
		0	No possibility to access/ Not defined- references in law	
F	Victim involvement	5.1	The complainant is consulted during the process:	
		3	Must be informed and consulted	
		2	Can be informed about specific procedures	
		1	The complainant may intervene along the process under specific circumstances	
		0	Not consulted and not possible access to information/ Not determined	
		5.2	Victim support and counseling	
		3	Counseling and support are available if needed.	
		2	Only some cases/ under decision of the IPCB or other authority	
		1	The complainant may apply for or ask for it	
		0	No possibility to access/ no defined	
		5.3	After the IPCB have a resolution the victim/complainant	
		3	Must be informed through official channels about the final resolution	
		2	Complainant may ask for information about the final resolution	

			1	The final resolution is delivered as part of the annual report/accountability report
			0	No resolution is informed
G	Decision and Appeal	1	The resolution must contain reasons for the decision taken	
			3	Yes, always
			2	Yes, but only under specific circumstances
			1	Not, but can be asked for it
			0	No, not possible /not determinate
		2	The resolution issued by the IPCB and the possibility of appeal or review by the complainant:	
			3	Can be reviewed by regular justice/administrative justice
			2	Can be reviewed by another administrative authority / second instance in the IPCB
			1	The IPCB can help to request a review from another agency
			0	Cannot be appealed or reviewed / The IPCB does not have the power to take a resolution/ not determined
		3	After the resolution, the principal courses of action are:	
			3	The IPCB or the Police Command must apply disciplinary measures if the complaint was decided as true and the officer consider responsible
			2	The IPCB or the Police management must open a disciplinary procedure against the officer considered responsible
			1	The IPCB may send the information to the pertinent authority with a recommendation/suggestion about measures
			0	The resolution may be sent to a pertinent authority/ any further step or action is not mandatory
		4	The IPCB has the power to file criminal charges following an investigation of a complaint.	
			3	Yes, the office can file charges against those responsible identified in its investigation.
			2	Sometimes, under specific circumstances
			1	The office can hand over its investigation to the prosecutor's office to request to open a criminal investigation.
			0	No, never/ not determined

4.12 Pilot coding and refinement

Initially, the coding grid consisted of thirty-eight (38) items; however, after administering the initial grid to five (5) random IPCBs, it was reduced to thirty-two (32) items. That because some recommendations refer to similar issues; for example, there are recommendations stating that government agencies, public services and its staff are required to cooperate with investigations, and it then reiterates that judicial officials,

medical examiners and forensic personnel should also cooperate with investigations. This was done in an effort to eliminate redundancies and prioritize institutional issues present in the reviewed legal documents. In addition, some of the questions were redefined or reframed more precisely, incorporating details and correcting stylistic issues.

Furthermore, considering that a limitation of this study is that the design and implementation of the coding grid is carried out by the same person, transforming the coder into the instrument, some random cases were taken at the end of the application phase, and the cases were remade to check that the criteria were consistent.

4.13 Document search and analysis

During this stage of the study, we reviewed the legal and regulatory documents that establish the creation and functions of the independent bodies responsible for handling complaints against the police in each EU Member State.

The information used to identify the appropriate agency was obtained cross-referencing information from the list present in “Police Oversight Mechanisms in the Council of Europe Member States”, a qualitative study on complaint handling agencies that includes “all of the relevant policing oversight mechanisms in the CoE states” by academics Jonny Byrne and William Priestley from 2015, updated in 2017. A comprehensive review of policing oversight across the forty-seven Council of Europe States published by the Council itself. Additionally, we collected information present in the list of “Non-police Oversight Bodies in Europe”¹²⁵, a critical study commissioned by the European Parliament’s Policy Department for Citizens’ Rights and Constitutional Affairs to a group of academics and experts from France and the United Kingdom in 2022.

Those lists were contrasted with information available on the website of the European Network of National Human Rights Institutions (ENNHRI)¹²⁶ with a list of “state-mandated bodies, independent of government, with a broad constitutional or legal mandate to promote and protect human rights at the national level”. Its members include different forms of agencies, from ombuds institutions to human rights commissions. In conjunction with information from partners of the Independent Police Complaints Authority Network (IPCAN)¹²⁷. An “informal network for exchange and cooperation between independent bodies responsible for the external oversight of security forces, as well as bodies that receive and process complaints against public security forces”. Its participating agencies are primarily from European Union Member States, as well as non-member European states and agencies from other regions.

Finally, all this information was reviewed using the information available on each Member State's website with the guidelines for filing a complaint against police officers. Each selected IPCBs had to be a type of independent body designated to handle complaints filed against police forces, with no hierarchical relationship or administrative dependence on police services. It also had to have a state mandate—subnational units were not considered—to address complaints regarding police forces in the whole territory.

¹²⁵ Emmanuel-Pierre Guittet et al., *Democratic Oversight of the Police*, Annexe 2, 67.

¹²⁶ www.ennhri.org

¹²⁷ www.ipcan.org

As a result of this review, twenty-six (26) units of analysis, or IPCBs, were identified in the EU. Only one Member State (Italy) does not have any independent body that meets the established selection criteria. In those Member States where the public has the option of turning to more than one independent body to file a complaint against police forces and their officers, the independent body with the highest degree of specialization in complaints against police forces¹²⁸ was selected, over general complaint mechanisms against the public administration.

The documents analyzed include constitutional and legal texts, as well as other administrative documents, such as decrees and circulars. These documents were accessed via open-access sources on the internet, primarily on the websites of the respective independent bodies or on the official legal text portals of each Member State. The legal texts provided information on the composition of the independent body, its leadership, its powers, and, in many cases, the procedures it was authorized to use to receive complaints and conduct investigations.

Table 5. Category and number of documents analyzed:

EU MMBR	Man date*	IPCB Name	Constitutional text	Legal text	Sub-Legal text
Austria	S	Investigation and Complaints Office for Clarifying Allegations of Abuse (EBAM)	0	4	1
Belgium	S	Standing Police Monitoring Committee (Committee P)	0	1	1
Bulgaria	G	Ombudsman of the Republic of Bulgaria	0	2	0
Croatia	G	Ombudsman of the Republic of Croatia	1	1	1
Cyprus	S	Independent Authority for the Investigation of Allegations and Complaints against the Police (IAIACP)	0	2	0
Czechia	G	Public Defender of Rights	0	1	0
Denmark	S	Danish Independent Police Complaints Authority (DIPCA)	0	1	1
Estonia	G	Chancellor of Justice	1	1	0
Finland	G	Parliamentary Ombudsman	1	1	0
France	G	Defender of Rights	0	2	1
Germany	S	Parliamentary Commissioner for the Federal Police Authorities	0	1	0
Greece	G	Greek Ombudsman	0	4	0
Hungary	G	Commissioner for Fundamental Rights	1	2	0

¹²⁸ For example, Austria has a specialized Federal Office to handle complaints against the police regarding acts of corruption and incidents resulting in serious injury or death in which police officers are involved. Additionally, it is possible to lodge a complaint with the Austrian Ombudsman regarding violations of rights by police officers. In this case, was chosen to focus on the first, as the Federal Office has more expertise in these specific police matters, whereas the Ombudsman serves as a general mechanism.

Ireland	S	Office of the Police Ombudsman (Fiosrú)	0	2	1
Latvia	G	Ombudsman's Office of the Republic of Latvia	0	2	0
Lithuania	G	Seimas Ombudsmen's Office	1	1	0
Luxembourg	S	General Inspectorate of the Police (GPI)	1	4	0
Malta	S	Independent Police Complaints Board	0	1	0
Netherlands	S	Police Complaint Committee	0	2	2
Poland	G	Commissioner for Human Rights	1	1	0
Portugal	G	Provider of Justice	1	1	0
Romania	G	Peoples's Advocate Institution	1	1	1
Slovakia	G	Public Defender of Rights	1	1	0
Slovenia	S	Ministerial Panel of Appel	0	1	1
Spain	G	People Defender	1	2	0
Sweden	G	Parliamentary Ombudsmen (JO)	1	1	0

*Mandate: (S): Specific agency, (G): General agency/Ombudsman.

4.14 Final score output

The final score for each independent body is determined by calculating the simple arithmetic mean of the total scores obtained on each of the thirty-two (32) items in the coding grid. In addition, partial scores were calculated for each of the six categories, also using the arithmetic mean of the items within each category. Each item within each category of analysis has equal weight in calculating the final score. This is because the 2009 Opinion of the High Commissioner for Human Rights considers each recommendation equally appropriate to the independence of IPCBs. Moreover, the principles developed by the European Court of Human Rights are considered equally relevant for the protection of people's rights, each of these principles being meant to guide investigations under criteria of independence and impartiality.

4.15 Data analysis

The quantitative phase of this study was conducted by analyzing the scores obtained by the independent body of each Member State. This involved analyzing measures of central tendency, which made it possible to identify those independent bodies that perform best in terms of recommendations regarding the degree of independence, impartiality, and effectiveness of independent bodies handling complaints against the police.

5. Analysis of results

In the following section, we will review the classification of agencies, their score on the questionnaire, and some of their characteristics. Concluding with the results obtained from the coding of the cases selected as IPCB in the EU Member States. The table that shows the individual scores for each coded item of each selected IPCB can be found in Annex 1.

5.1 IPCB categories across Europe

On Figure 1 we display the classification of agencies responsible for handling complaints against the police, and the exclusion of Italy from this study as an anomalous member state, since it does not have any independent agency at the federal level, such as an IPCB.

Member States that have a specialized agency functioning as an IPCB are shown in blue, and those that have allocated the functions of handling complaints against the police to general mechanisms such as an ombudsman are shown in light blue. Future research will need to determine the relationships between specific agencies and their establishment mostly in Central European countries, as well as in Ireland, Cyprus, and Malta.

Figure 1.

EU Member States Complaint Bodies Categories

Type of each category by Member State:

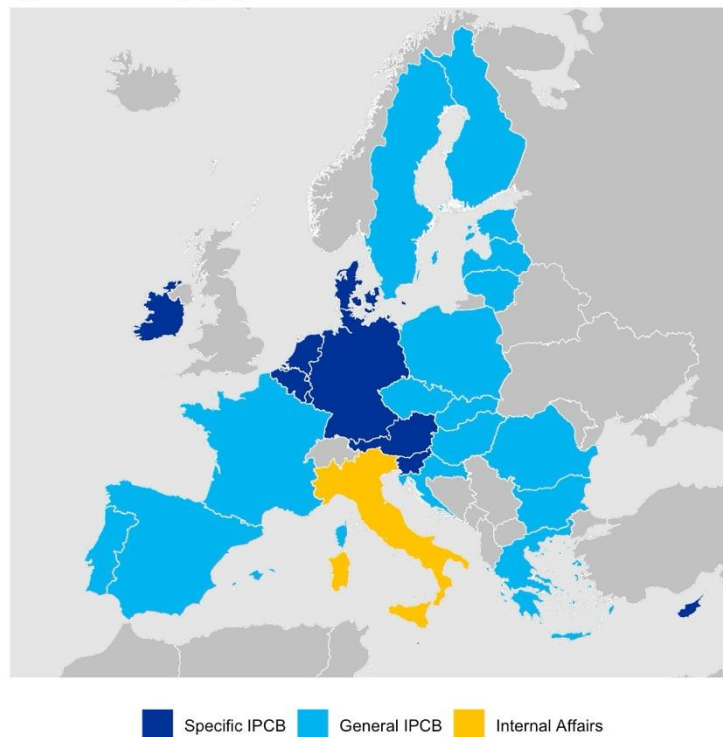


Figure 2 shows the number of agencies responsible for handling complaints against the police, by category. Most states have chosen to incorporate police complaints into the Ombudsman's general mechanisms. Most of the IPCBs considered in this study are part of general mechanisms (16 agencies), followed by specialized agencies (10 agencies). Only Italy, relies solely on internal affairs mechanisms to resolve complaints against police officers.

Figure 2.

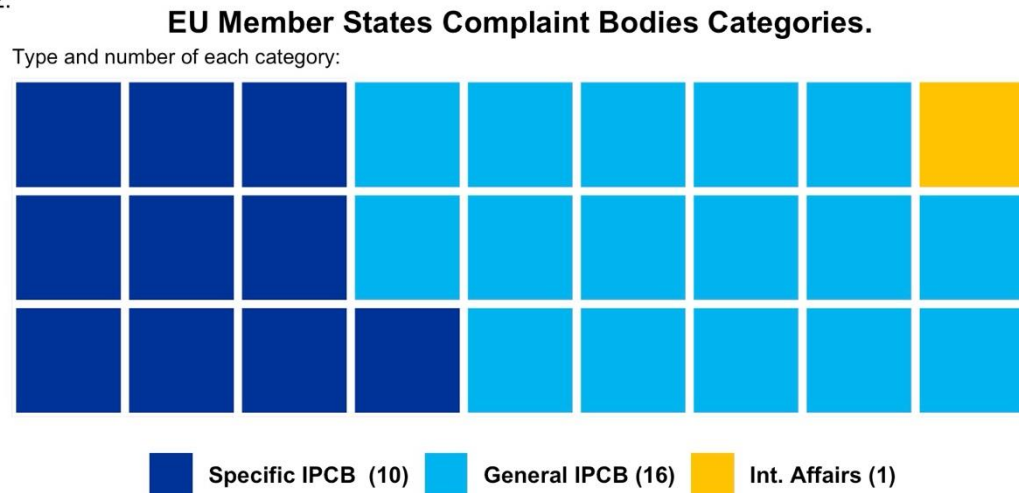


Figure 3 shows the year in which each agency began operating, either because they were established (as is the case with the specialized agencies highlighted in blue) or because the function of receiving complaints against government officials—including police officers—was added to their responsibilities (as is the case with the general agencies highlighted in light blue).

This timeline shows that the possibility of lodging complaints against the police only began to emerge in the 1980s (as seen in Spain in 1981). It is interesting to note that, between 1997 and 2007, there was a wave of initiatives to establish mechanisms allowing complaints against the police; 12 of the 26 mechanisms were established during that period. This may coincide with the concern the Council of Europe began to express regarding the democratic oversight of police forces in the late 1990s. It is also important to note that, since 2011, most IPCBs have been specialized agencies: of the 10 agencies in our sample, 8 are specialized.

Figure 3.

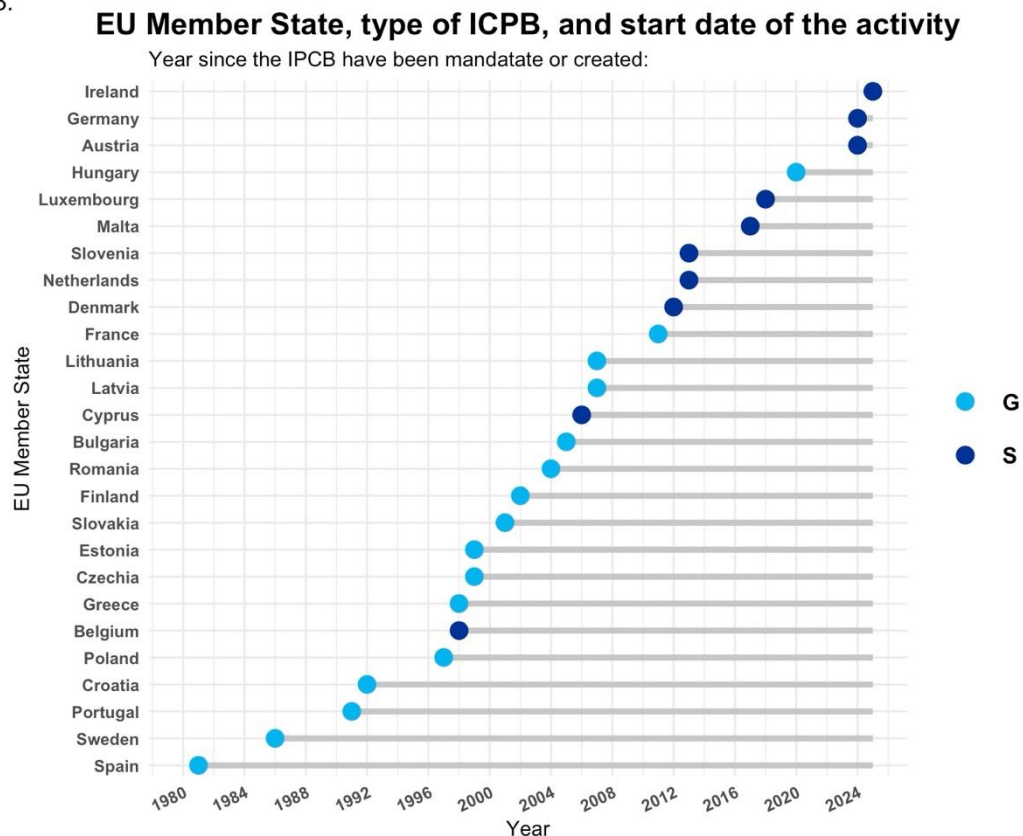


Figure 4 shows a word cloud. It displays the most common words used to describe the IPCBs in each Member State. We can see that there is a wide variety of names for each agency responsible for handling complaints against the police. Despite this, the most common keywords are “Ombudsman,” “Police,” and “rights”. This is important because it helps us understand the approach used to present the IPCBs to the public—not from the perspective of police officers’ duties, but from the perspective of safeguards for individuals rights.

Figure 4.

Common words words in the names of IPCB in EU Members

Analysis of individual word frequencies across EU Members:



5.2 Review of the scores obtained

As previously mentioned in the methods section, our questionnaire has seven different categories that get scored. To display the name of each category, the following code was used, as shown in Table 4.

Table 4. Categories of the coding process:

Letter	Category
A	Institutional independence
B	Visibility and Access
C	Notification, Registration, and Allocation
D	Mediation Process
E	Investigation process
F	Victim Involvement
G	Decision and Appeal

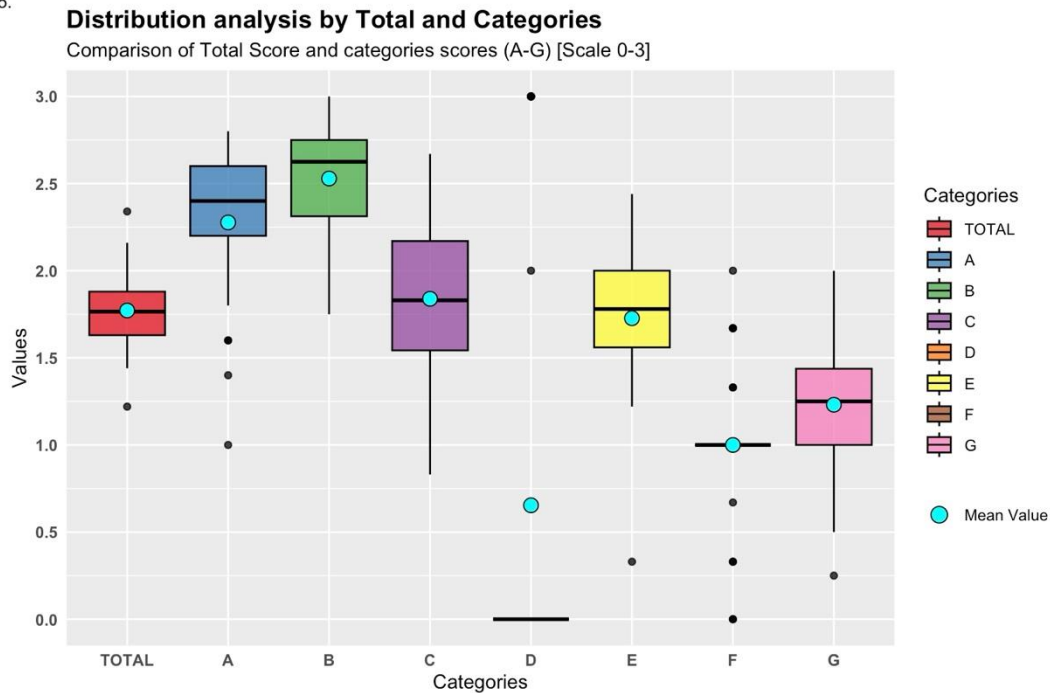
On Table 5 we show the scores obtained by applying the instrument of coding on each IPCB. The columns show first the category of the instrument, which can be G (General) or S (Specific), the total score obtained by each IPCB (listed as “Total”) and the score obtained in each category (A-G). The states are listed alphabetically.

Table 5.

EU Member	Category	TOTAL	A	B	C	D	E	F	G
Austria	S	2.16	2.20	2.75	2.50	0.00	2.11	1.67	2.00
Belgium	S	1.50	2.20	1.75	1.33	0.00	1.44	0.67	1.75
Bulgaria	G	1.88	2.40	2.75	1.83	0.00	2.00	1.00	1.25
Croatia	G	1.72	2.60	2.75	1.50	0.00	1.56	1.00	1.25
Cyprus	S	1.94	2.40	2.25	2.17	0.00	2.00	1.00	1.75
Czechia	G	1.81	2.60	2.50	1.83	0.00	1.78	1.00	1.25
Denmark	S	2.34	2.20	3.00	2.67	2.00	2.22	2.00	2.00
Estonia	G	1.88	2.80	3.00	1.50	0.00	1.78	1.00	1.50
Finland	G	1.63	2.60	3.00	1.00	0.00	1.56	1.00	1.00
France	G	1.91	2.40	2.25	2.00	3.00	1.78	1.67	1.00
Germany	S	1.94	2.20	2.50	2.17	3.00	1.89	1.00	1.25
Greece	G	1.63	2.20	2.50	1.33	3.00	1.56	1.00	0.75
Hungary	G	1.66	2.60	2.50	1.67	0.00	1.33	1.00	1.25
Ireland	S	2.16	2.80	3.00	2.67	0.00	2.44	0.00	1.25
Latvia	G	1.72	2.40	2.75	1.83	3.00	1.22	1.00	1.00
Lithuania	G	1.78	2.60	2.75	1.83	0.00	1.56	1.00	1.25
Luxembourg	S	1.75	1.60	2.00	2.33	0.00	2.00	1.00	1.25
Malta	S	1.59	1.80	2.75	2.33	0.00	1.56	0.33	0.50
Netherlands	S	1.44	1.00	1.75	0.83	3.00	1.89	1.67	1.00
Poland	G	1.59	2.60	2.00	2.17	0.00	1.56	0.33	0.50
Portugal	G	1.72	2.60	2.00	1.83	0.00	1.56	1.33	1.25
Romania	G	1.81	2.40	2.50	1.83	0.00	1.89	1.00	1.25
Slovakia	G	1.84	2.60	2.75	1.83	0.00	1.67	1.00	1.50
Slovenia	S	1.56	1.60	2.50	1.17	0.00	2.22	1.33	0.25
Spain	G	1.88	2.40	2.75	1.83	0.00	2.00	1.00	1.25
Sweden	G	1.22	1.40	2.75	1.83	0.00	0.33	0.00	1.75

Figure 5 shows a box plot of the total score and the scores for each category. The average total index score is 1.77 out of 3, with a standard deviation of 0.24, indicating that most data points cluster around the mean. The highest IPCB score recorded is 2.34, and the lowest is 1.22.

Figure 5.



Regarding the scores for each category, the category with the highest average was Category B (**Visibility and Access**), with an average score of 2.53 (and a standard deviation of 0.38), a maximum of 3.00, and a minimum of 1.75. Next is Category A (**Institutional independence**), with an average score of 2.28 (and a standard deviation of 0.45), with a maximum of 2.80 and a minimum of 1.00. Both categories indicate that, in general, the institutional independence of the IPCBs is well established in legal terms, which allows for formal independence for the agencies and their staff. In addition, access to complaint mechanisms is readily available. As the highest-rated category.

Following, we have Category C (**Notification, Registration, and Allocation**), with an average of 1.84 (and a standard deviation of 0.47), a maximum of 2.67, and a minimum of 0.83. This category reflects the IPCB's capacity to initiate investigations and register complaints. The data showed that there is greater variation among the powers of each IPCB. For example, some agencies can initiate investigations on their own initiative, while others can only do so after a formal complaint has been filed. Furthermore, some IPCBs are responsible for recording all complaints, while others have no mention of this requirement.

The next is Category E (**Investigation process**), with an average of 1.73 (a standard deviation of 0.41), a maximum of 2.44, and a minimum of 0.33—among the lowest in the sample. This category begins to show that, in general, IPCBs lack strong investigative capabilities and frequently fail to meet deadlines in their investigative processes. Furthermore, they often cannot compel cooperation from those involved or are not authorized to collect evidence. The lowest-scoring aspect in this category relates to the fact that, in general, the reports and documents produced by the IPCB are typically classified as confidential or secret, which prevents the disclosure of these records.

Forward, we have Category G (**Decision and Appeal**), where the average is 1.23 (with a standard deviation of 0.43), a maximum of 2.00, and a minimum of 0.25. We can see that the box is positioned below the midpoint of the scale, indicating that most IPCBs fall

between 1.00 and 1.50. This highlights the agencies limited capacity to determine liability and initiate administrative, disciplinary, or criminal proceedings against those responsible. For the most part, the IPCBs are only entitled to issue recommendations or prepare reports on the state of human rights in the country. In fact, only 2 of the 26 IPCBs are authorized to initiate disciplinary proceedings against those responsible and impose sanctions. The lack of authority to impose sanctions represents a serious obstacle to determining responsibility and to the effectiveness of investigations.

Next is Category F (**Victim Involvement**), with a mean of 1.00 (standard deviation of 0.47), a maximum of 2.00, and a minimum of 0.00. This category highlights the lack of attention given to the complainant. The recommendation is that victims should be able to access support and advice from professionals; however, this is not possible in almost all IPCBs. Furthermore, even when the recommendation is that the victim should be consulted during the investigation or that the victim should be able to inquire about the proceedings, in most cases, the proceedings are conducted in confidentiality or in secret, which prevents further involvement by the complainant.

Finally, we have Category D (**Mediation Process**), with a mean of 0.65 (standard deviation 1.23), a maximum of 3.00, and a minimum of 0.00. The graph shows that the median is 0.00. In fact, only 6 of the 26 IPCBs have the capacity to offer less formal mechanisms for resolving complaints. Even though this is a direct recommendation, it does not appear to be a viable alternative for complaint resolution agencies. Future research will need to examine in detail the limited availability of mediation procedures and their effectiveness.

Figure 6. shows the average scores for only those IPCBs classified as Specific.

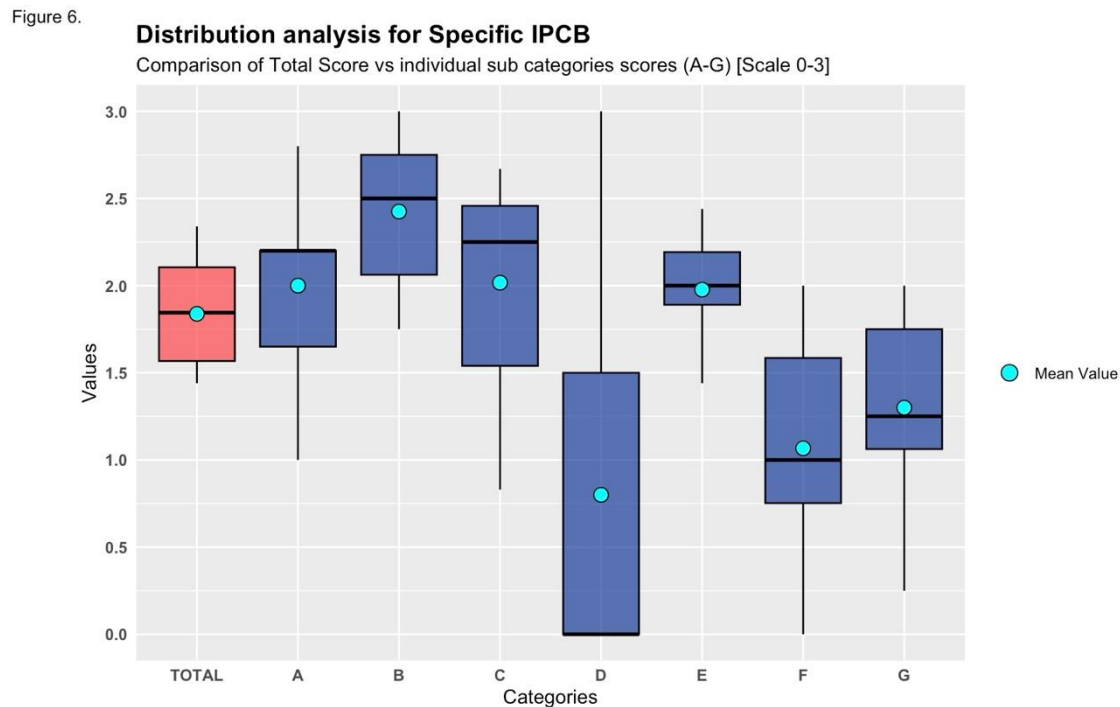


Figure 7 shows the average scores for only those IPCBs classified as General.

Figure 7.

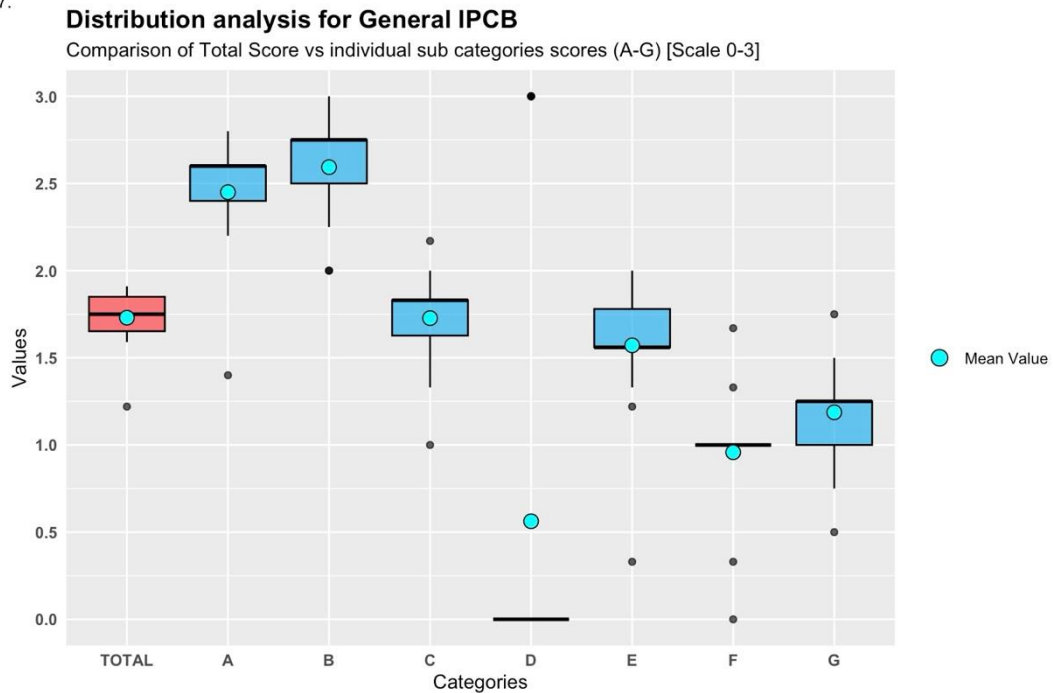


Figure 8 presents a comparative graph of the average IPCB scores for those classified as Specific and as General.

Figure 8.

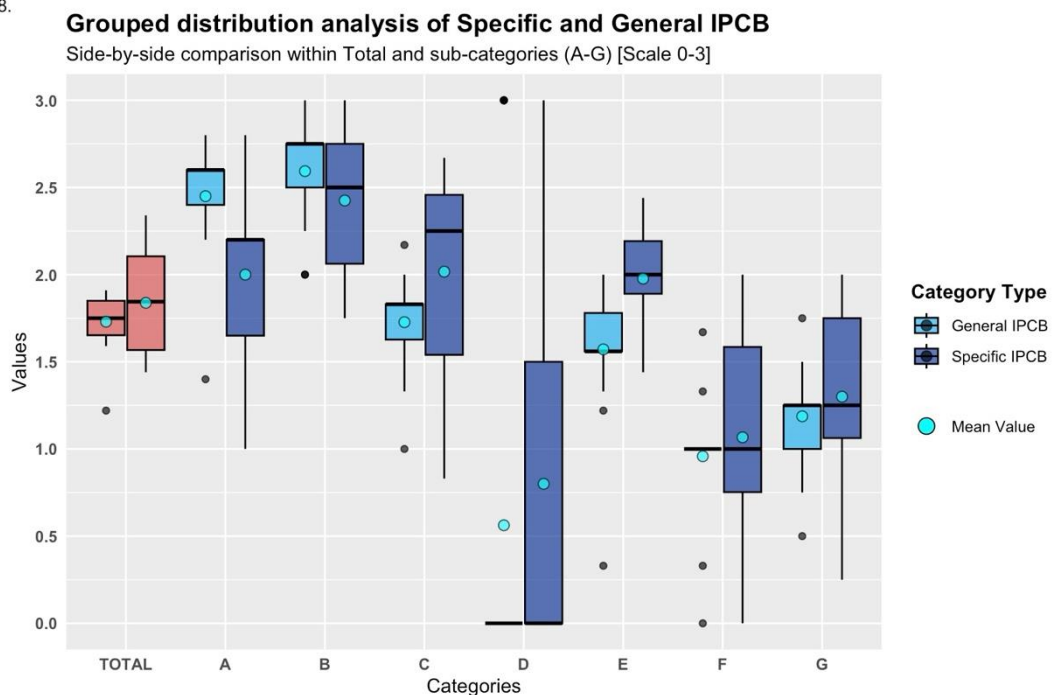


Table 5. Summary of the scores obtained by each IPCB category in the total score and in each analysis category.

Category	IPCB type	Mean	StDv	Min	Max	Median
Total	G	1.73	0.17	1.22	1.91	1.75
	S	1.84	0.32	1.44	2.34	1.85

A	G	2.45	0.31	1.40	2.80	2.60
	S	2.00	0.50	1.00	2.80	2.20
B	G	2.59	0.30	2.00	3.00	2.75
	S	2.43	0.47	1.75	3.00	2.50
C	G	1.73	0.28	1.00	2.17	1.83
	S	2.02	0.66	0.83	2.67	2.25
D	G	0.56	1.20	0.00	3.00	0.00
	S	0.80	1.32	0.00	3.00	0.00
E	G	1.57	0.39	0.33	2.00	1.56
	S	1.98	0.30	1.44	2.44	2.00
F	G	0.96	0.36	0.00	1.67	1.00
	S	1.07	0.63	0.00	2.00	1.00
G	G	1.19	0.29	0.50	1.75	1.25
	S	1.30	0.60	0.25	2.00	1.25

We note that the total scores for both categories are similar (General: 1.73, Specific: 1.84); however, the Specific category has a maximum score of 2.34 (which is the highest score among all IPCBs), whereas the General category has a maximum score of 1.91. We also note that, in general, the “General IPCB” category shows less data dispersion; that is, the averages represent the samples better. We can interpret this as greater homogeneity among the general IPCBs, whereas among the specific IPCBs, there is greater variability across Member States. This is evident in the larger size of the blue boxes (specific IPCBs). This could be because national ombudsman agencies have a longer history of institutional development across European countries, leading to greater consensus regarding their capabilities. In contrast, agencies specifically tasked with handling complaints against the police are still an emerging phenomenon, and there are different national approaches to their design and powers. This hypothesis is strengthened when reviewing categories, A (**Institutional independence**) and B (**Visibility and Access**), where the general IPCBs achieve higher average scores than the specific ones.

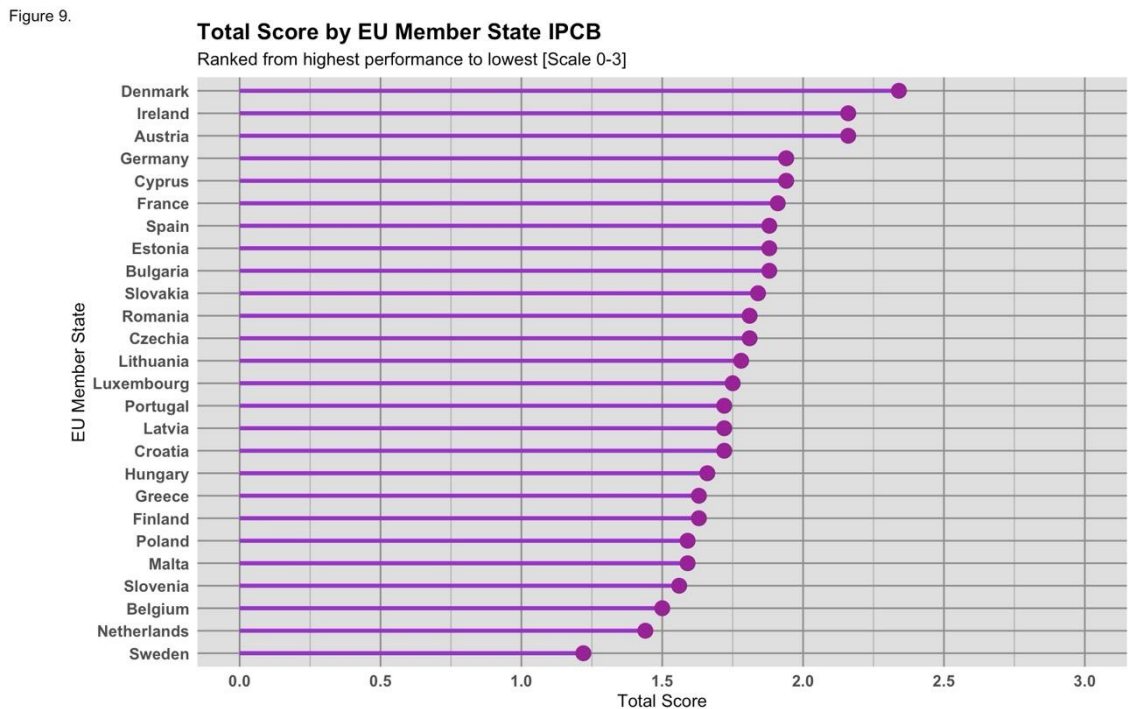
It is interesting to note a trade-off between categories A (**Institutional independence**) and E (**Investigation process**). In Category A, General agencies have an average of 2.45 (standard deviation of 0.31 and mean of 2.60), while Specific agencies have an average of 2.00 (standard deviation of 0.50 and median of 2.20). On the other hand, in Category E, General agencies have an average of 1.57 (standard deviation of 0.39 and median of 1.56), while Specific agencies have an average of 1.98 (standard deviation of 0.30 and median of 2.00). We can interpret this by considering that, while General IPCBs have higher institutional independence than Specific IPCBs, the latter, in turn, have more capacity to conduct research. This could be a consequence of the way the government allows for greater independence if the results of investigations are not binding or are used only as a basis for generating reports. However, if investigations led by the IPCBs have a higher degree of ability to produce consequences, then the government tends to exert more influence over the appointment of its officials. This can be inferred from the subtle difference among the IPCB categories in Category G (**Decision and Appeal**), where specific IPCBs have an average of 1.30, while general IPCBs have an average of 1.19.

About Category D (**Mediation Process**), both types of IPCBs show similar performance. As previously mentioned, only 6 of the 26 coded agencies have the authority to offer less

formal mechanisms or mediation as a solution to complaints. Of these 6 agencies, 3 are General IPCBs, and 3 are Specific IPCBs. Notwithstanding, the average for the Specific IPCBs is 0.80, and that for the General IPCBs is 0.56. And both have a median of 0.00.

Something similar occurs with Category F (**Victim Involvement**), where the General IPCBs have a mean of 0.96 (standard deviation of 0.36), and the Specific IPCBs have a mean of 1.07 (standard deviation of 0.63). Both categories have a median of 1.00. In this case, it is observed that there is higher dispersion in the data from the specific agencies, as they exhibit more variability regarding the likelihood that the victim can intervene in certain procedures.

Figure 9. shows a graph of the total scores obtained by each Member State when coding the legal documents of each IPCB.

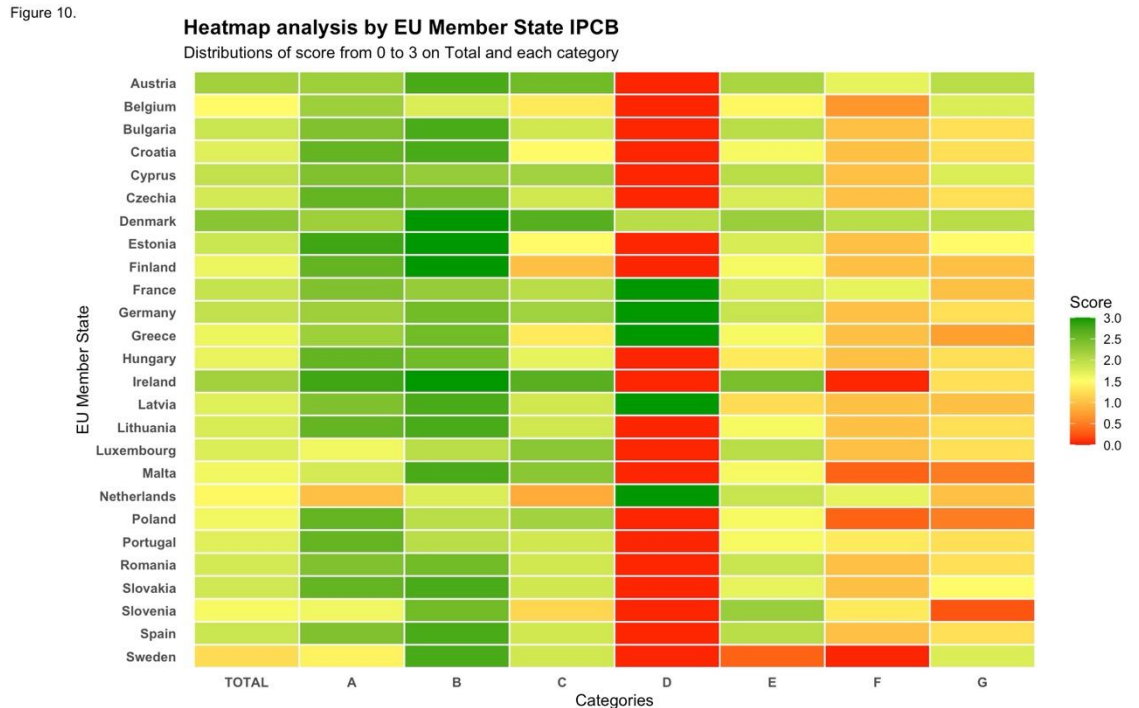


In this graph, we can see the distribution of total scores obtained for each coded IPCB. The sample mean is 1.77 (standard deviation of 0.24), with a median of 1.77, a minimum score of 1.22, and a maximum score of 2.34. There is low dispersion in the scores (the standard deviation is only 0.24), indicating that, in general, IPCBs obtain similar total scores. This is due in part to the trade-offs we discussed among attributes such as independence, research, and sanctioning capabilities. We can therefore conclude that the average is a good representation of the sample and that, with a score of 1.77, the IPCBs in EU Member States rate just above the midpoint of the evaluation scale.

The agencies with the highest overall scores are the IPCBs in Denmark (2.34), Ireland (2.16), and Austria (2.16). All of them are Specific agencies; Denmark's has been in operation the longest, since 2012, while Austria's has been in operation since 2024 and Ireland's since 2025. On the other hand, the agencies with the lowest total scores are those in Belgium (1.50), the Netherlands (1.44), and Sweden (1.22). Both the Netherlands and Belgium are Special IPCB, while Sweden is a General mechanism. In addition, Sweden's

IPCB has been in operation since 1986, Belgium's since 1998, and the Netherlands since 2013. Given that the variables for both the best and worst agencies overlap (category and years in operation), one can only speculate that the difference in their scores stems more from internal policy issues in each country. Nevertheless, older systems, such as those in Belgium and Sweden, may need to be updated to align their agencies with the recommendations developed by the European system.

And finally, In Figure 10 we present a heat map. In this graph, it is possible to see more clearly the distribution of scores overall and within each category.



This type of chart provides an overview of each of the IPCBs coded for each Member State. Scores are associated with a color, with 0.00 being red (Failed) and 10.00 being green (Excellent). We can see that green colors predominate in the first two categories of analysis, A (**Institutional independence**) and B (**Visibility and Access**), with the exceptions of Luxembourg, Slovenia, Sweden, and the Netherlands, which have low scores for institutional independence. It also highlights the absence of less formal mechanisms or mediation processes offered by the IPCBs, in the column for Category D, where red predominates with six exceptions. And it is clearly shown how, in the last few columns, the colors begin to turn orange in relation to the low scores regarding victim involvement and the capacity to impose sanctions. It is important to note that Denmark scores only shades of green across all categories. As a result, it has the highest IPCB score in the sample.

Section 6. Conclusions

This research project set out to codify the legal documents governing the operations of independent police complaint bodies (IPCB) in the Member States of the European Union until 2025. With the primary goal of improving public understanding of these agencies

involved in law enforcement and to examine whether or not these IPCBs comply with the standards adopted by specialized human rights institutions in Europe.

The initial concern regarding the resolution of complaints against police misconduct stems from the numerous reports documented by international organizations such as Amnesty International and Human Rights Watch, as well as by organizations focused on the work of journalists or ethnic minorities in Europe. These organizations have consistently reported incidents of excessive force, mistreatment, racial profiling, intimidation, and discrimination by police officers in European Union member states. These concerns have been expressed also by the Council of Europe Commissioner for Human Rights, as well as by the European Court of Human Rights. The focus then shifts to the mechanisms for receiving and investigating the complaints arising from such conducts.

A review of the literature on police oversight in democratic states shows that the internal structures of police forces—which are initially called upon to address these complaints—are characterized by a strong culture of silence or cover-ups, a phenomenon conceptualized as "the blue wall of silence". This barrier would manifest itself as a strong tendency among police officers not to report their colleagues or to consider acts that violate the ethical and regulatory standards governing police forces to be normal. Officers would prioritize loyalty to the group and the desire to belong to the police force over their duty to report such acts or to cooperate in internal investigations.

The discussion surrounding the guarantees of an independent and impartial investigation is approached from a legal perspective, grounded in the international obligations of States to respect and protect human rights. These obligations derive directly from the European Convention on Human Rights, to which all member states of the European Union are parties. Furthermore, the European Court of Human Rights has interpreted that states have a procedural obligation to conduct these investigations impartially, in accordance with Articles 1 (respect for human rights), 2 (right to life), 3 (prohibition of torture), 14 (prohibition of discrimination), and 13 (right to an effective remedy). These provisions are reinforced by the stipulations set forth in the Treaty on European Union (TEU), which, in Articles 2 and 6, establishes that the Union and its Member States recognize as foundational shared values the respect for human rights, the rule of law, and democracy. These principles are shared with the rights and freedoms enshrined in the European Convention on Human Rights.

Our starting point for achieving these objectives is the 2009 Opinion of the Council of Europe Commissioner for Human Rights. This Opinion provides a legal and normative framework to guide the establishment of mechanisms for handling complaints against the police, taking into account the importance of striking a balance between security needs and respect for human rights, within the rule of law and democratic principles.

The objectives of this study are achieved through a sequence of mixed research methods that includes a review of the legal and regulatory texts governing IPCBs in each Member State. These texts are coded in a standardized instrument, structured in 32 parts which, in turn, are grouped into seven categories of analysis. The scores obtained are then reviewed and analyzed from a quantitative perspective, both the total score and the scores for each category. This research provides information based on empirical data. The index helps to develop a description, based on the legislation of each Member State, of the main

institutional characteristics of each Independent Police Complaint Body. The coding process is carried out using a discrete scale with four levels of achievement (0, 1, 2, 3), avoiding the use of an intermediate level to prevent a neutral assessment of each of the coded parts. The coding instrument is divided into seven categories: Institutional Independence; Visibility and Access; Notification, Registration, and Allocation; Mediation; Investigation Process; Victim Involvement; and Decision and Appeal. This follows the recommendations contained in the 2009 Opinion of the High Commissioner for Human Rights.

The overall conclusion of the review of the legal framework is that most Member States have undertaken to establish some form of independent mechanism for receiving and investigating complaints against the police. The only exception to this was found in Italy, where the only option is to use the police's own internal mechanisms—something the recommendations advise against. Of the 26 European Union members analyzed, 16 have assigned the responsibility for handling complaints against the police to General mechanisms for human rights monitoring, usually known as Ombudsman, and 10 States have designated Specific mechanisms for handling complaints. From a temporal perspective of the creation of the IPCBs or the accommodation of the mechanism—as appropriate—it can be seen that an initial wave of complaints mechanisms emerged between 1997 and 2007 (12 of the 26 agencies have been operating since that period and, for the most part, are General mechanisms), and a second wave from 2011 to date (in which, of the ten agencies that began operating, eight are Specific).

In the overall index score, the IPCBs analyzed have an average score of 1.77 out of a maximum of 3. This indicates compliance with just over minimum of the recommendations issued by the Human Rights Commissioner. The data obtained show that the IPCB perform well in the Institutional Independence category (score of 2.28) and in the Visibility and Access category (score of 2.53), which indicates that the channels available for citizens to file complaints are highly accessible and that institutional independence, at least formally, would be guaranteed. However, scores begin to decline as we move on to the effective capacity to conduct investigations and apply sanctions. The notification, registration, and allocation category (score of 1.84) shows, for example, that there is a difference between agencies that can initiate investigations on their own initiative and those limited to passively receiving complaints. The decline in scores continues in the category related to the investigation process (score of 1.73), which shows how frequently IPCBs lack the legal authority to compel officials to testify, to gather evidence, and how their procedures and reports are subject to secrecy or confidentiality.

Finally, the performance dimensions relate to both the complainant and the effectiveness of sanctions. The category on victim participation (score 1.00) underscores the lack of support services that provide legal or other professional assistance to the complainant, who is also typically excluded from monitoring the investigation process due to the confidentiality surrounding it or the lack of legal definitions regarding victim access. The category that conceptualizes the existence of mediation processes (score 0.65) was the lowest, as only 6 codified agencies offer less formal alternatives for conflict resolution or mediation processes. The category that analyzes decision-making capacity and the opportunity to appeal investigation results (score 1.23) reveals that most IPCBs are only empowered to issue reports with recommendations or suggestions to the corresponding police chiefs. And only 2 of the 26 mechanisms have the power to directly initiate disciplinary proceedings and impose binding sanctions on those who have been

determined to be responsible. However, despite the establishment of these independent mechanisms for handling complaints in the EU Members, the IPCBs have very limited capacity to impose sanctions on officers found guilty of certain offenses or to issue binding recommendations to police forces.

While general agencies exhibit less data dispersion and greater institutional independence than specialized agencies (a score of 2.45 versus 2.00), this could be due to the established institutional tradition of National Ombudsmen across Europe and the fact that specialized agencies are still developing. Despite the above, General IPCBs demonstrate a lower capacity to conduct effective investigations (score of 1.57) compared to Specific IPCBs, which show greater investigative capabilities (score of 1.98). These findings suggest an inverse relationship between IPCB independence and the capacity to impose effective sanctions. Governments appear more willing to grant structural independence when the agency's final output results in non-binding reports or recommendations. However, when an agency is legally empowered to actively investigate misconduct and impose disciplinary or criminal sanctions, governments tend to exercise more control over the agency's leadership appointments and powers.

At the Member State level, the best-performing IPCBs are agencies with specific mandates: Denmark (2.34), Ireland (2.16), and Austria (2.16). Denmark, in particular, stands out for consistently achieving satisfactory results across all coded aspects of the index. Conversely, the lowest-scoring IPCBs are Belgium (1.50), the Netherlands (1.44), and Sweden (1.22). The longer history of these mechanisms—Sweden (1986) and Belgium's Committee P. (1998)—might suggest that their institutional designs need updating to align with European recommendations.

These findings would suggest that, in many cases, the independence of the agencies responsible for handling complaints is more nominal than effective. As we have seen, many of these agencies have limited capacity to investigate, gather information, or summon witnesses. They have even fewer powers to initiate disciplinary proceedings or impose sanctions when the final report establishes individual liability. This suggests that while independence is guaranteed in formal terms, in practice, protecting individuals who suffer rights violations or misconduct by police officers remains a challenge in European Union countries. This situation could be improved by considering the implementation of international treaties that are binding on member states, which would make it possible to demand higher standards regarding the effectiveness of complaint mechanisms.

It is important to recognize that a major limitation of this study is its strictly legal and institutional focus. Additionally, the coding instrument was designed and applied by a single person, without the possibility of peer review or an independent inter-coder. These limitations are inherent in a research design based on measuring legal instruments from the Member States themselves, and the validity of the coding of these instruments depends exclusively on the coder—in this case, a single person. Our research project examines just the institutional capacities described by the states themselves in their legal documents, focusing solely on the formal characteristics and capacities—as defined by law—of each IPCB. Future research is needed on the effectiveness and practical application of these capacities. Furthermore, research is needed to analyze and measure the outcomes and impacts of IPCBs, victim satisfaction, the effect on police operations, and public perception of police forces. This includes examining the advantages and disadvantages of locating complaint-handling mechanisms within general or specialized

agencies, which can undoubtedly contribute to the discussion on sharing best institutional practices to promote and protect human rights across Europe.

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Annex 1. Total scores for each agency

EU MMBR	cat	TOTAL	A	B	C	D	E	F	G
Austria	S	2.16	2.20	2.75	2.50	0.00	2.11	1.67	2.00
Belgium	S	1.50	2.20	1.75	1.33	0.00	1.44	0.67	1.75
Bulgaria	G	1.88	2.40	2.75	1.83	0.00	2.00	1.00	1.25
Croatia	G	1.72	2.60	2.75	1.50	0.00	1.56	1.00	1.25
Cyprus	S	1.94	2.40	2.25	2.17	0.00	2.00	1.00	1.75
Czechia	G	1.81	2.60	2.50	1.83	0.00	1.78	1.00	1.25
Denmark	S	2.34	2.20	3.00	2.67	2.00	2.22	2.00	2.00
Estonia	G	1.88	2.80	3.00	1.50	0.00	1.78	1.00	1.50
Finland	G	1.63	2.60	3.00	1.00	0.00	1.56	1.00	1.00
France	G	1.91	2.40	2.25	2.00	3.00	1.78	1.67	1.00
Germany	S	1.94	2.20	2.50	2.17	3.00	1.89	1.00	1.25
Greece	G	1.63	2.20	2.50	1.33	3.00	1.56	1.00	0.75
Hungary	G	1.66	2.60	2.50	1.67	0.00	1.33	1.00	1.25
Ireland	S	2.16	2.80	3.00	2.67	0.00	2.44	0.00	1.25
Latvia	G	1.72	2.40	2.75	1.83	3.00	1.22	1.00	1.00
Lithuania	G	1.78	2.60	2.75	1.83	0.00	1.56	1.00	1.25
Luxembourg	S	1.75	1.60	2.00	2.33	0.00	2.00	1.00	1.25
Malta	S	1.59	1.80	2.75	2.33	0.00	1.56	0.33	0.50
Netherlands	S	1.44	1.00	1.75	0.83	3.00	1.89	1.67	1.00
Poland	G	1.59	2.60	2.00	2.17	0.00	1.56	0.33	0.50
Portugal	G	1.72	2.60	2.00	1.83	0.00	1.56	1.33	1.25
Romania	G	1.81	2.40	2.50	1.83	0.00	1.89	1.00	1.25
Slovakia	G	1.84	2.60	2.75	1.83	0.00	1.67	1.00	1.50
Slovenia	S	1.56	1.60	2.50	1.17	0.00	2.22	1.33	0.25
Spain	G	1.88	2.40	2.75	1.83	0.00	2.00	1.00	1.25
Sweden	G	1.22	1.40	2.75	1.83	0.00	0.33	0.00	1.75

Annex 2. Name and year of start of operations for each agency

EU MMBR	cat	name	year
Austria	S	Investigation and Complaints Office for Clarifying Allegations of Abuse	2024
Belgium	S	Standing Police Monitoring Committee	1998
Bulgaria	G	Ombudsman of the Republic of Bulgaria	2005
Croatia	G	Ombudsman of the Republic of Croatia	1992
Cyprus	S	Independent Authority for the Investigation of Allegations and Complaints against the Police	2006
Czechia	G	Public Defender of Rights	1999
Denmark	S	Danish Independent Police Complaints Authority	2012
Estonia	G	Chancellor of Justice	1999
Finland	G	Parliamentary Ombudsman	2002
France	G	Defender of Rights	2011
Germany	S	Parliamentary Commissioner for the Federal Police Authorities	2024
Greece	G	Greek Ombudsman	1998
Hungary	G	Commissioner for Fundamental Rights	2020
Ireland	S	Office of the Police Ombudsman	2025
Latvia	G	Ombudsman Office of the Republic of Latvia	2007
Lithuania	G	Seimas Ombudsman Office	2007
Luxembourg	S	General Inspectorate of the Police	2018
Malta	S	Independent Police Complaints Board	2017
Netherlands	S	Police Complaint Committee	2013
Poland	G	Commissioner for Human Rights	1997
Portugal	G	Provider of Justice	1991
Romania	G	People Advocate Institution	2004
Slovakia	G	Public Defender of Rights	2001
Slovenia	S	Ministerial Panel of Appel	2013
Spain	G	People Defender	1981
Sweden	G	Parliamentary Ombudsman	1986

Annex 3. Coding grid for each agency

N°	CEU		CAT.	A				B				C				D				E				F							
				1.1	1.2	2	3	4	1	2	3	4	1.1	1.2	1.3	2	3	4	1	1.1	2.1	2.2	2.3	2.4	3.1	3.2	4.1	4.2	5.1	5.2	5.3
1	1	Austria	S	3	2	1	2	3	3	3	3	2	3	3	1	3	2	3	0	2	3	2	1	3	3	2	2	1	1	1	3
2	2	Belgium	S	1	3	2	2	3	2	3	2	0	1	1	1	0	2	3	0	0	2	2	3	3	1	2	0	0	0	0	2
26	3	Bulgaria	G	3	2	2	2	3	3	3	2	3	3	1	1	3	0	3	0	1	0	3	3	3	1	3	1	3	0	0	3
3	4	Croatia	G	3	2	2	3	3	3	3	2	3	3	1	1	3	0	1	0	1	0	3	2	3	1	2	0	2	0	0	3
4	5	Cyprus	S	3	3	1	2	3	3	3	3	0	3	1	1	3	3	2	0	1	3	3	3	3	2	2	1	0	0	0	3
27	6	Czechia	G	3	2	3	2	3	2	3	2	3	3	1	1	3	0	3	0	0	1	3	3	3	1	3	0	2	0	0	3
5	7	Denmark	S	3	3	0	2	3	3	3	3	3	3	3	1	3	3	3	2	3	2	3	3	3	1	3	2	0	3	0	3
6	8	Estonia	G	3	2	3	3	3	3	3	3	3	3	1	1	1	0	3	0	1	1	3	3	3	1	2	0	2	0	0	3
7	9	Finland	G	3	2	2	3	3	3	3	3	3	3	1	1	1	0	0	0	1	1	2	3	3	1	2	0	1	0	0	3
8	10	France	G	3	2	1	3	3	3	3	3	0	3	1	1	2	2	3	3	1	1	3	3	3	1	3	0	1	0	2	3
9	11	Germany	S	2	3	2	2	2	3	3	2	2	3	1	1	2	3	3	3	1	2	2	3	3	0	3	0	3	0	0	3
10	12	Greece	G	3	2	0	3	3	3	3	2	2	3	1	1	0	0	3	3	1	0	3	3	3	1	2	0	1	0	0	3
11	13	Hungary	G	3	2	2	3	3	2	3	2	3	3	1	1	2	0	3	0	1	1	1	1	3	1	2	0	2	0	0	3
12	14	Ireland	S	3	3	3	2	3	3	3	3	3	3	2	2	3	3	3	0	3	3	3	3	3	1	3	2	1	0	0	0
13	16	Latvia	G	3	2	2	2	3	3	3	2	3	3	1	1	3	0	3	3	1	0	3	1	3	2	1	0	0	0	0	3
14	17	Lithuania	G	3	2	2	3	3	3	3	2	3	3	1	1	3	0	3	0	1	0	1	2	3	2	3	0	2	0	0	3
15	18	Luxembourg	S	3	3	0	2	0	3	3	2	0	3	1	1	3	3	3	0	3	3	3	3	3	0	3	0	0	0	0	3
16	19	Malta	G	3	1	0	2	3	3	2	3	3	3	1	1	3	3	3	0	1	1	3	3	3	0	3	0	0	0	0	1
17	20	Netherlands	S	0	1	1	1	2	1	3	3	0	0	0	0	2	0	3	3	0	2	1	3	3	2	3	0	3	2	0	3
18	21	Poland	G	3	2	2	3	3	3	3	2	0	3	1	3	3	0	3	0	1	0	3	3	3	1	3	0	0	0	0	1
19	22	Portugal	G	3	2	2	3	3	3	3	2	0	3	1	1	3	0	3	0	1	0	2	2	3	1	2	1	2	1	0	3
20	23	Romania	G	3	2	2	2	3	2	3	2	3	3	1	1	3	0	3	0	1	0	3	3	3	2	3	0	2	0	0	3
21	24	Slovakia	G	3	2	2	3	3	3	3	2	3	3	1	1	3	0	3	0	1	1	2	3	3	0	3	0	2	0	0	3
22	25	Slovenia	S	3	1	0	2	2	3	2	3	2	0	0	0	2	2	3	0	1	3	3	3	3	2	3	1	1	1	0	3
23	26	Spain	G	3	2	2	2	3	3	3	2	3	3	1	1	3	0	3	0	1	1	3	3	3	2	1	1	3	0	0	3
24	27	Sweden	G	3	2	2	0	0	3	3	2	3	3	1	1	3	0	3	0	1	0	0	0	0	0	2	0	0	0	0	0

G MEAN

1	2	3	4	TOTAL	A	B	C	D	E	F	G		
3	3	1	1	2.16	2.20	2.75	2.50	0.00	2.11	1.67	2.00	Austria	S
3	2	1	1	1.50	2.20	1.75	1.33	0.00	1.44	0.67	1.75	Belgium	S
3	0	1	1	1.88	2.40	2.75	1.83	0.00	2.00	1.00	1.25	Bulgaria	G
3	0	1	1	1.72	2.60	2.75	1.50	0.00	1.56	1.00	1.25	Croatia	G
3	0	3	1	1.94	2.40	2.25	2.17	0.00	2.00	1.00	1.75	Cyprus	S
3	0	1	1	1.81	2.60	2.50	1.83	0.00	1.78	1.00	1.25	Czechia	G
2	0	3	3	2.34	2.20	3.00	2.67	2.00	2.22	2.00	2.00	Denmark	S
3	0	2	1	1.88	2.80	3.00	1.50	0.00	1.78	1.00	1.50	Estonia	G
3	0	1	0	1.63	2.60	3.00	1.00	0.00	1.56	1.00	1.00	Finland	G
3	0	1	0	1.91	2.40	2.25	2.00	3.00	1.78	1.67	1.00	France	G
3	0	1	1	1.94	2.20	2.50	2.17	3.00	1.89	1.00	1.25	Germany	S
1	0	1	1	1.63	2.20	2.50	1.33	3.00	1.56	1.00	0.75	Greece	G
3	0	1	1	1.66	2.60	2.50	1.67	0.00	1.33	1.00	1.25	Hungary	G
1	2	1	1	2.16	2.80	3.00	2.67	0.00	2.44	0.00	1.25	Ireland	S
3	0	1	0	1.72	2.40	2.75	1.83	3.00	1.22	1.00	1.00	Latvia	G
3	0	1	1	1.78	2.60	2.75	1.83	0.00	1.56	1.00	1.25	Lithuania	G
3	0	1	1	1.75	1.60	2.00	2.33	0.00	2.00	1.00	1.25	Luxembourg	S
0	0	1	1	1.59	1.80	2.75	2.33	0.00	1.56	0.33	0.50	Malta	S
3	0	0	1	1.44	1.00	1.75	0.83	3.00	1.89	1.67	1.00	Netherlands	S
0	0	1	1	1.59	2.60	2.00	2.17	0.00	1.56	0.33	0.50	Poland	G
3	0	1	1	1.72	2.60	2.00	1.83	0.00	1.56	1.33	1.25	Portugal	G
3	0	1	1	1.81	2.40	2.50	1.83	0.00	1.89	1.00	1.25	Romania	G
3	0	2	1	1.84	2.60	2.75	1.83	0.00	1.67	1.00	1.50	Slovakia	G
0	0	1	0	1.56	1.60	2.50	1.17	0.00	2.22	1.33	0.25	Slovenia	S
3	0	1	1	1.88	2.40	2.75	1.83	0.00	2.00	1.00	1.25	Spain	G
3	0	1	3	1.22	1.40	2.75	1.83	0.00	0.33	0.00	1.75	Sweden	G