Parliamentary Assembly
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COUNCIL OF EUROPE
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Opinion 223 (2001)[1]

Committee of Ministers draft recommendation on "the European Code of Police Ethics"

Parliamentary Assembly

1. The Assembly stresses the essential role of the police in a modern democratic society.

2. It recalls its own Resolution 690 (1979) and the Declaration on the Police, which forms an integral part of it.

3. While supporting the draft for a European code of police ethics prepared under the responsibility of the Committee of Ministers, the Assembly proposes, with a view to strengthening this text, the following modifications:

3.1. The last part of the sentence in Article 1 should read as follows: "to respect the individual's fundamental rights and freedoms as enshrined in the European Convention on Human Rights and other international instruments".

3.2. Replace Article 7 by the following text: "The police must strictly respect the independence and the impartiality of judges; in particular the police shall respect all judgments and decisions made by the courts and do whatever is appropriate to enable their execution."

3.3. Replace Article 8 by the following text: "Police shall not exercise judicial functions. It shall always be possible to challenge before the judicial authorities any acts, decisions and omissions of the police."

3.4. After Article 9, add a new article as follows: "The police shall recognise the importance of defence lawyers to the criminal justice system and therefore not interfere unduly in their work or in any sense intimidate or harass them. The police shall not associate the defence lawyers with the clients they represent."

3.5. In Article 14, replace the words "personally liable" by the word "responsible".

3.6. In Article 16, replace the words "and, where appropriate, co-operation" by the sentence: "This will require, where appropriate, effective co-operation".

3.7. In Article 18, after the words "as enshrined", add the words "in particular".

3.8. At the end of Article 20, add the following phrase: "In addition, the police shall aim at actively recruiting both men and women."

3.9. Replace the second sentence of Article 27 by the following text: "Restrictions to these rights may only be made when foreseen in the European Convention on Human Rights and if they are necessary for the exercise of the functions of the police in a democratic society."

3.10. At the end of Article 30, add the following sentence: "Public authorities shall ensure an independent police complaints system which has the confidence of the police and the general public and shall support police personnel who are subject to ill-founded accusations concerning their duties."

3.11. Add to Article 31 the following text: "A police officer shall be given very clear instructions as to when, where and how to use force. He shall receive adequate training in this respect."

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1. See Doc. 8923. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 14 March 2001 (see Doc. 8994, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr McNamara).

3.12. After Article 41, add a new article to read as follows: “A police officer in uniform shall normally be identifiable.”

3.13. At the end of Article 43, add the following words: “in accordance with Article 6 of the European Convention on Human Rights.”

3.14. After Article 52, add the following new article: “A police officer having the custody of a person needing medical attention shall secure such attention by medical personnel and, if necessary, take measures for the preservation of the life and health of this person. He shall follow the instructions of doctors and other competent medical workers when they place a detainee under medical care.”

3.15. After Article 57, add a new article to read as follows: “A police officer who complies with the provisions of this code of ethics is entitled to the active moral and physical support of the community he is serving.”