Background Report

Examining Existing Police Oversight Mechanisms in Asia

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1. Introduction: Civilian oversight mechanisms of the police

The Police symbolize and enforce the power of the state and law. At the same time, they are the frontliners of protecting people’s rights and safety. Enforcing power and law inherently and inevitably involves discretion and decision making. On the police organization level, policy sets the boundary for discretion and decision making. On the individual level, skill, attitude, and values contribute to officer’s behavior. Misbehavior or inefficiency of an officer or policy causing it may hinder the public trust in the state authorities or even endanger lives of members of the public. In order to prevent and deal with such inefficiency or misbehavior by securing accountability, the states and societies have developed various kinds of methods, devices and systems. On the state side, judicial and administrative oversight bodies such as the prosecution and the audit function have been established and operating. On the society side, the media and non-governmental organizations have worked as watchdogs. While judicial and administrative apparatuses are with resources but lack citizen participation and openness, social agencies are the opposite. Additionally, state sponsored civilian oversight bodies like ombudsman, human rights commission or anti-corruption institutions have been introduced. Police organizations themselves also try to control behavior and conduct of officers by setting up their own audit or internal investigation functions.

Of all, civilian oversight mechanisms are crucial in having the police democratically and directly accountable to the people.

2. Civilian oversight mechanisms in Asia

Most countries in Asia have experienced either authoritarian colonial rule or dictatorship in some form or another and started to transform to democracy sometime after the end of the 2nd world War. During the authoritarian rule, rulers and governments of Asian countries have relied heavily on the police in order to suppress opposition and control the society. Especially, ideological, religious, ethnic or border conflicts in the region caused acute tension and contributed to the hierarchical paramilitary command structure and organizational culture of the police. Additionally, the notions such as ‘human rights’, ‘transparency’ and ‘democratic accountability’ were regarded as ‘foreign’ and ‘Western’ by some conservative section of the society. As democracy replace authoritarian rule, some by revolutionary people’s movement and others by gradual political progress, the police had to be transformed as well. Outside oversight mechanisms as well as internal reforms have been introduced, with diversity in terms both of degree and style among different countries in Asia. Table 1 shows the current civilian police oversight mechanisms in the 16 Asian ASEM Member Countries. The Philippines is the only country who has all 4 kinds of police oversight mechanisms: Human Rights Commission, Anti-corruption Agency, Ombudsman and Specialized Police Complaints Organization. Laos and Myanmar have none of them introduced yet. Japan, Singapore and Vietnam are equipped only with single government agency or department dealing with complaints against and inspection of government officials, without any ‘civilian’ oversight mechanisms of the police. Others have 2 or 3 civilian oversight mechanisms of the government including police, in terms of human rights, corruption or complaints but no organizations specially dealing with complaints against the police. All over Asia, more concerns are raised regarding the functions and roles of the oversight mechanisms than the mere existence of them. For example, although countries like Japan and Singapore do not have any ‘civilian’ police oversight bodies, the Police in those countries maintain reasonably good relations with the public while some others with 2 or more civilian oversight bodies attract high attention and concerns regarding police brutality, corruption and/or inefficiency. It may be largely due to well structured and functioning judicial, administrative and police internal oversight mechanisms as well as to vigorous media and civil liberty NGO groups’ watchdog activities of Japan and Singapore. Nevertheless, it is clear that voices demanding the
Introduction of independent civilian oversight bodies are increasing not only in developing countries but in both Japan\(^1\) and Singapore\(^2\).

[Table 1: Police Oversight Mechanisms of 16 Asian ASEM Member Countries]

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<tr>
<th></th>
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<tbody>
<tr>
<td>Brunei</td>
<td>None</td>
<td>Anti Corruption Bureau</td>
<td>Public Service Commissioner</td>
<td>None</td>
</tr>
<tr>
<td>Cambodia</td>
<td>Commission on Human Rights and the Reception of Complaints</td>
<td>None (Anti-Corruption Bill failed to pass the Parliament)</td>
<td>Commission on Human Rights and the Reception of Complaints</td>
<td>None</td>
</tr>
<tr>
<td>Mainland</td>
<td>None</td>
<td>National Corruption Prevention Bureau</td>
<td>Ministry of Supervision</td>
<td>None</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>None</td>
<td>Independent Commission Against Corruption</td>
<td>Office of the Ombudsman</td>
<td>Independent Police Complaints Council</td>
</tr>
<tr>
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<td>Macau</td>
<td>None</td>
<td>Commission Against Corruption</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>National Human Rights Commission</td>
<td><a href="http://nhrc.nic.in/">http://nhrc.nic.in/</a></td>
<td>Central Vigilance Commission</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td><a href="http://www.komnasham.go.id/home/">http://www.komnasham.go.id/home/</a></td>
<td></td>
<td>National Ombudsman</td>
<td>Anti-Corruption and Civil rights Commission</td>
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<tr>
<td></td>
<td><a href="http://www.ccac.org.mo/en/">http://www.ccac.org.mo/en/</a></td>
<td></td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td><a href="http://www.ipcc.gov.hk/en/aboutus_01.htm">http://www.ipcc.gov.hk/en/aboutus_01.htm</a></td>
<td></td>
<td>(Royal commission proposed to set up Independent Police Complaints and Misconduct Commission)</td>
<td></td>
</tr>
<tr>
<td>Laos</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
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<td>Anti-Corruption Agency</td>
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<td><a href="http://www.komnasram/">http://www.komnasram/</a></td>
<td></td>
<td>None</td>
<td>None</td>
</tr>
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<td>Mongolia</td>
<td>National Human Rights Commission</td>
<td><a href="http://www.mnhrc.org/en/about">http://www.mnhrc.org/en/about</a></td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Myanmar</td>
<td>None</td>
<td>National Accountability Bureau</td>
<td>Federal Ombudsman</td>
<td>None</td>
</tr>
<tr>
<td>Pakistan</td>
<td>None</td>
<td>None</td>
<td>None</td>
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</tr>
</tbody>
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2 AFP, “Singapore group urges rights commission”, Dec 9, 2007, SINGAPORE (AFP)
There is no research available proving or revealing the relationship between the number or activities of civilian oversight bodies and the degree of police accountability or public perception of the police, either any index gauging and comparing police performances in different regions and countries. The only possible index indicating the degree of police accountability of different countries, roughly and indirectly it may be, will be the Corruption Perceptions Index (CPI) maintained by Transparency International. The CPI ranks of Asian ASEM Member Countries in the Table 2 show that many of the countries with 3 or more civilian oversight bodies in Table 1 occupy the upper positions in the list except for the cases of Japan and Singapore. Laos and Myanmar who do not have any civilian oversight bodies ranked the lowest in the CPI list.

[Table 2 2007 CORRUPTION PERCEPTIONS INDEX of ASIAN ASEM Member Countries]

<table>
<thead>
<tr>
<th>country</th>
<th>2007 CPI score</th>
<th>surveys used</th>
<th>confidence range</th>
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</thead>
<tbody>
<tr>
<td>Singapore</td>
<td>9.3</td>
<td>9</td>
<td>9.0 - 9.5</td>
</tr>
<tr>
<td>Hong Kong, China</td>
<td>8.3</td>
<td>8</td>
<td>7.6 - 8.8</td>
</tr>
<tr>
<td>Japan</td>
<td>7.5</td>
<td>8</td>
<td>7.1 - 8.0</td>
</tr>
<tr>
<td>Macao, China</td>
<td>5.7</td>
<td>4</td>
<td>4.7 - 6.4</td>
</tr>
<tr>
<td>Malaysia</td>
<td>5.1</td>
<td>9</td>
<td>4.5 - 5.7</td>
</tr>
</tbody>
</table>


2 Explanatory notes*: * CPI Score relates to perceptions of the degree of corruption as seen by business people and country analysts, and ranges between 10 (highly clean) and 0 (highly corrupt).

** Confidence range provides a range of possible values of the CPI score. This reflects how a country's score may vary, depending on measurement precision. Nominally, with 5 percent probability the score is above this range and with another 5 percent it is below. However, particularly when only few sources are available, an unbiased estimate of the mean coverage probability is lower than the nominal value of 90%.

*** Surveys used refers to the number of surveys that assessed a country's performance. 14 surveys and expert assessments were used and at least 3 were required for a country to be included in the CPI.
<table>
<thead>
<tr>
<th></th>
<th>South Korea</th>
<th>5.1</th>
<th>9</th>
<th>4.7 - 5.5</th>
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<tbody>
<tr>
<td>72</td>
<td>China</td>
<td>3.5</td>
<td>9</td>
<td>3.0 - 4.2</td>
</tr>
<tr>
<td>72</td>
<td>India</td>
<td>3.5</td>
<td>10</td>
<td>3.3 - 3.7</td>
</tr>
<tr>
<td>84</td>
<td>Thailand</td>
<td>3.3</td>
<td>9</td>
<td>2.9 - 3.7</td>
</tr>
<tr>
<td>99</td>
<td>Mongolia</td>
<td>3.0</td>
<td>6</td>
<td>2.6 - 3.3</td>
</tr>
<tr>
<td>123</td>
<td>Viet Nam</td>
<td>2.6</td>
<td>9</td>
<td>2.4 - 2.9</td>
</tr>
<tr>
<td>131</td>
<td>Philippines</td>
<td>2.5</td>
<td>9</td>
<td>2.3 - 2.7</td>
</tr>
<tr>
<td>143</td>
<td>Indonesia</td>
<td>2.3</td>
<td>11</td>
<td>2.1 - 2.4</td>
</tr>
<tr>
<td>162</td>
<td>Cambodia</td>
<td>2.0</td>
<td>7</td>
<td>1.8 - 2.1</td>
</tr>
<tr>
<td>168</td>
<td>Laos</td>
<td>1.9</td>
<td>6</td>
<td>1.7 - 2.2</td>
</tr>
<tr>
<td>179</td>
<td>Myanmar</td>
<td>1.4</td>
<td>4</td>
<td>1.1 - 1.7</td>
</tr>
</tbody>
</table>

With only a few exceptions, Human Rights Commissions, Anti-corruption Organizations and Ombudsman have been introduced and implemented in Asian ASEM member countries. Human Rights Commissions deal with wide range of issues such as discrimination, freedom of speech and assembly, fair trial and integrity of the person as well as police related arrest and detention issues. Anti-corruption Organizations are exclusively concerned with prevention and detection of corruption not only by the police employees but by public officials in general. Ombudsmen take petitions and complaints from members of the public, investigate and resolve matters in dispute. All of these mechanisms function as bridges between the police and the public mediating between the two. However, none of those has specialties in policing and there are complaints against police not falling into any of these.

3. **Roles of International or Regional Organizations**

Different international and regional organizations contribute to the development of Asian countries in terms not only of economy but also of governance, human rights, transparency and civil rights as well as civilian oversight mechanisms of government including the police. Among those, whose roles need to be specially noted are: international inter-governmental organizations such as United Nations (UN) and Organization for Economic Co-operation and Development (OECD), regional co-operative bodies such as Asia-Europe Meeting (ASEM) and Association of Southeast Asian Nations (ASEAN), international financial organizations such as the World Bank (WB) and Asian Development Bank (ADB) and international as well as regional civil rights ‘Non governmental Organizations’ such as the Amnesty International (AI), the Transparency International (TI) and the Asian Human Rights Commission (AHRC).

(1) **UN**

One of the fundamental goals of The United Nations is to ‘promote respect for human rights’ in the world. The Universal Declaration of Human Rights, proclaimed by the UN General Assembly in 1948, sets out basic rights and freedoms to which all people are entitled. Since all of the 16 Asian ASEM Member countries are UN member countries, they are obliged to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments. The Declaration laid the groundwork for some 80 conventions and declarations on human rights, including conventions against torture and other degrading treatment of

punishment and the rights of human rights defenders. Currently, the UN is shifting the emphasis of its human rights efforts to the implementation of human rights laws. The High Commissioner for Human Rights, who coordinates UN human rights activities, works with governments to improve their observance of human rights, seeks to prevent violations, and works closely with the UN human rights mechanisms. The UN Commission on Human Rights, an intergovernmental body, holds public meetings to review the human rights performance of States, to adopt new standards and to promote human rights around the world. The Commission also appoints independent experts —"special rapporteurs"— to report on specific human rights abuses or to examine the human rights situation in specific countries. Especially, the ‘Paris Principles’ defined at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights in Paris on 7-9 October 1991, and adopted by United Nations Human Rights Commission Resolution 1992/54 of 1992 and General Assembly Resolution 48/134 of 1993, has been working as the propeller pushing member countries to set up independent national institutions promoting and protecting human rights, which constitutes essential part of the civilian oversight mechanism of the police.

(2) ASEM & ASEF
Asia-Europe Meeting is an inter-governmental informal process of dialogue and co-operation addressing political and cultural issues, participated by 17 European Member countries, 16 Asian countries, the European Commission and the ASEAN Secretariat. The Asia-Europe Foundation (ASEF), the only permanent physical institution of ASEM, facilitates interactions among non-officials from diverse fields by way of research projects, conferences, workshops and seminars in areas including human rights and governance, and transmits the resulting outputs as recommendations to policymakers.

(3) ASEAN
The Association of Southeast Asian Nations (ASEAN) established in 1967 participated by 10 countries: Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam. The 2 main purposes of ASEAN are:

1. to accelerate economic growth, social progress and cultural development in the region
2. to promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries in the region and adherence to the principles of the United Nations Charter

ASEAN promotes good governance as well as cooperative security and cultural-social development in the region.

(4) World Bank and Asian Development Bank
The World Bank is an international body owned by 185 member countries, made up of 2 development institutions – the International Bank for Reconstruction and Development (IBRD) and the International Development Association (IDA). The main purpose of the World Bank is to advance the vision of an inclusive and sustainable globalization. To pursue the goal, IBRD and IDA provide low-interest loans, interest-free credits and grants to developing countries for a wide array of purposes including investments in law, justice and public administration. The IBRD focuses on middle income and creditworthy poor countries, while IDA focuses on the poorest countries in the world. The Asian Development Bank (ADB) is an international development finance institution established in 1966, whose mission is to help developing countries in Asia reduce poverty and improve the quality of life of

6 http://www.asef.org/
7 http://www.aseansec.org/
8 http://www.worldbank.org/
their people. As a part of their operations, both the World Bank and the Asian Development Bank invest in the fight against corruption and promoting transparency in the public sector, including the police, of the developing countries. Especially, ADB join forces with the Organization for Economic Co-operation and Development (OECD) in supporting the fight against corruption in Asia and the Pacific by launching the “ADB/OECD Anti-Corruption Initiative”.

(5) International and regional NGOs

The Amnesty International (AI) is an NGO with more than 2.2 million members in more than 150 countries and regions, working to improve human rights through campaigning and international solidarity. AI has offices in more than 80 countries and regions including Brunei, Cambodia, China, Hong Kong, India, Indonesia, Japan, Korea, Laos, Macao, Malaysia, Mongolia, Myanmar, Pakistan, Philippines, Singapore, Thailand and Vietnam. The Asian Human Rights Commission (AHRC) is a Hong Kong based NGO seeking to achieve the following goals:

- Protect and promote human rights by monitoring, investigation, advocacy, and taking solidarity actions;
- Work towards social equality, with particular emphasis on social groups who have suffered discrimination in the past, such as women and children and minorities, including Dalits;
- Develop a speedy communication system using modern communication techniques to encourage quicker actions to protect human rights, redress wrongs and prevent violations in future;
- Develop appropriate modes of human rights education and especially promote the folk school approach;
- Promote appropriate legal and administrative reforms, particularly judicial and police reforms;
- Develop close links with the victims of human rights violations to promote solidarity with victims, to preserve the memory of the victims and to organize significant commemorations linking large sections of people for the purpose of eliminating human rights violations;
- Participate in peace making, reconciliation, conflict resolution, truth commissions and international tribunals;
- Develop cultural and religious programmes for the promotion of human rights;
- Encourage ratification of UN instruments and development of local legislation, law enforcement and judicial practices in keeping with such instruments, and assist the formation and functioning of national human rights commissions;
- Promote the United Nations, particularly its human rights agencies and assist organisations and persons in Asia to utilize these agencies for better promotion and protection of human rights in Asia;
- Work towards the development of regional human rights mechanisms and encourage people’s participation in this process by promoting the Asian Human Rights Charter.

Both AI (and its regional offices and Asian countries) and AHRC are working very actively and vigorously as watchdogs and civilian oversight body of the police in Asia.

On the other hand, the Transparency International (TI), a global coalition of civilian efforts to fight corruption works at the national and international levels to change laws, regulations and practices in order to prevent and stamp out corruption.

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9 http://www.adb.org/
10 28 countries and jurisdictions of the Asia-Pacific region have formally endorsed the Initiative, committed to its goals and designated a representative to the Initiative’s Steering Group: Australia; Bangladesh; Bhutan; Cambodia; People’s Republic of China; Cook Islands; Fiji Islands; Hong Kong, China; India; Indonesia; Japan; Republic of Kazakhstan; Republic of Korea; Kyrgyz Republic; Macao, China; Malaysia; Mongolia; Nepal; Pakistan; Republic of Palau; Papua New Guinea; the Philippines; Samoa; Singapore; Sri Lanka; Thailand; Vanuatu; and Vietnam.
11 http://www.amnesty.org/en/who-we-are
12 http://www.ahrchk.net/
13 http://www.transparency.org/
4. Selected Examples for the civilian oversight mechanisms of the police in Asia

(1) Hong Kong, China

The most distinguished of the Asian countries or regions in terms of police oversight mechanisms should be Hong Kong, China which has actively and vigorously working specialized police complaints handling body – The Independent Police Complaints Council (IPCC) - on top of Human Rights Commission (NGO), Anti-Corruption Commission and Ombudsman. IPCC of Hong Kong is an independent body appointed by the Chief Executive to monitor and review the investigations by the Complaints Against Police Office (CAPO) of complaints against the Police by the public. Unlike the Independent Police Complaints Commission of the UK, IPCC of Hong Kong does not directly receive complaints nor investigate them, but only monitor and review the investigation carried out by the Police internal complaints dealing unit called CAPO. More serious police malpractice cases are dealt with by the Internal Investigations Office (IIO) of the Police under the supervision of the Independent Commission against Corruption (ICAC) which is the outside ‘civilian’ oversight organization, armed with its own strong statutory investigative power. IPCC Hong Kong is consisted of 1 Chairperson, 3 Vice-Chairpersons, 14 Council Members and 29-strong secretariat, all of whom are civilians. The legal function and duty of IPCC are as the followings:

1. To monitor and, where it considers appropriate, to review the handling by the Police of complaints by the public;
2. To keep under review statistics of the types of conduct by police officers which lead to complaints by members of the public;
3. To identify any faults in Police procedures which lead or might lead to complaints; and
4. Where and when it considers appropriate, to make recommendations to the Commissioner of Police or, if necessary, to the Chief Executive.

ICAC Hong Kong is a much bigger and stronger organization with 1,200 staff and its own law enforcement power as well as corruption prevention and community relation functions.
Figure 1. The Monitoring of CAPO Completed Investigations on Police Complaints by the IPCC\(^{14}\)

Note:
CAPO - Complaints Against Police Office

The overall police oversight system of Hong Kong, China is illustrated in the Figure 2.

(2) Korea

In Korea, there are 2 main civilian oversight mechanisms of police policies and activities; National Human Rights Commission (NHRC)\textsuperscript{15} and Anti-Corruption and Civil Rights Commission (ACRC)\textsuperscript{16}. However, unlike the case of Hong Kong, the 2 Commissions do not work in conjunction with the police internal investigation or complaints dealing mechanisms. There is no specialized body dealing exclusively with complaints against the police, either. The Human Rights Commission of Korea is guaranteed its absolute independence by law. The Commission was established in 2001 as a national advocacy institution for human rights protection in order to fulfill human rights in a broader sense, including dignity, value and freedom of every human being, as signified in international human rights conventions and treaties to which Korea is a signatory. The Commission deals with human rights abuses perpetrated by public institutions, with focus on human rights issues as follows: protection for people accommodated in

\textsuperscript{15} http://www.humanrights.go.kr/english/index.jsp
\textsuperscript{16} http://www.acrc.go.kr/eng_index.jsp
detention facilities; advocacy for the rights of persons with mental disabilities; improvement of human rights conditions in the prosecution, police, and military; human rights protection for migrants; and protection of privacy and personal information. It accepts complaints from members of the public, investigate and make necessary recommendations according to the investigation result. For 7 years since the establishment in 2001, the Human Rights Commission has received a total of 28,854 complaints and 5,077 of them were against the police. The main missions of the Commission are:

- To monitor potential civil rights violations committed by state authorities;
- To monitor state authorities and private actors to prevent any human rights infringements;
- To realize the principles and standards in human rights set forth in the Constitution of the Republic of Korea and international human rights treaties and conventions to which Korea is a party;
- To determine human rights violations and make policy recommendations in accordance with the principles set forth in the Constitution, international law and international customary law;
- To nurture a societal culture respecting and observing human rights; and
- To foster societal understanding and embrace of human rights through education programs and public awareness campaigns for the fundamental advancement of human rights.

The main tasks the Commission undertakes are:

1. Analysis and research of human rights statutes (including bills pending at the National Assembly), legal and judicial systems, policies and practices as well as issuance of opinions and improvement recommendations thereon;
2. Investigation of human rights violations and remedy recommendations;
3. Investigation of discriminatory practices and remedy recommendations;
4. Review of human rights issues and environments;
5. Education and public awareness programs on human rights;
6. Proposal for and recommendation of guidelines for various categories of human rights violations, determination standards, and preventive measures thereof;
7. Research and issuance of recommendations or opinions with respect to the ratification and/or implementation of international human rights treaties to which Korea is a party;
8. Cooperation with domestic and overseas organizations and activists engaged in the protection and promotion of human rights;
9. Exchanges and cooperation with international human rights organizations and human rights institutions of foreign countries; and
10. Other matters deemed necessary to protect and promote human rights.

The Commission is comprised of 11 commissioners including the Chairperson, 3 Standing Commissioners and 7 Non-Standing Commissioners, all of whom are civilian representatives of various
sectors of the society. Among the 11 commissioners, 4 shall be elected by the National Assembly, 4 shall be nominated by the President of Korea, and 3 shall be nominated by the Chief Justice of the Supreme Court and then approved by the President of Korea. The Commission compulsorily consists of at least 4 female commissioners. The term of the Commissioners is for 3 years and can serve for up to 2 terms. The Commission’s Secretariat is comprised of 5 departments, 22 teams and 3 subsidiaries.

The Anti-Corruption and Civil Rights Commission (ACRC) deal with both corruption issues and complaints against public officials. It was launched on February 29, 2008 by the integration of the formerly separate 3 institutions - Ombudsman of Korea, the Korea Independent Commission against Corruption and the Administrative Appeals Commission. ACRC has a designated unit for the police related complaints – Police Complaints Bureau. However, neither ACRC nor its designated police complaints unit has not been widely known to the general public for its existence or activities, yet. There have been concerns as well as criticisms for the amalgamation of 3 organizations with different functions\(^\text{17}\). Moreover, ACRC does not have statutory investigation power, which is the main reason for ICAC Hon Kong’s success. For complaints regarding police human rights violation, the complainants tend to contact Human Rights Commission which has gained popularity and reputation for independence through its 7 year’s operation. For other complaints against the police - such as unfairness, corruption, rudeness, negligence of duty or inefficiency - members of the public seek assistance or intervention more frequently from police internal complaints bureau; governmental agencies such as Presidential Office, the Audit Office and the Prosecutors’ Office; the media or internet portal service bulletins than from ACRC.


(3) Singapore

Singapore is one of the most developed countries in Asia. However, Independent Human rights Commission has not been introduced yet. To address corruption problem, Singapore government has established a designated corruption investigation agency called ‘the Corruption Practice Investigation Bureau (CPIB)’ in 1952. Singapore government admits that until the introduction of CPIB corruption was 'a way of life' in Singapore\(^\text{18}\). The current reputation and image of ‘Clean and Transparent Society’ with the Asia’s No. 1 rank (the 4\(^\text{th}\) in the world) in the Corruption Perception Index is largely thanks to the vigorous and uncompromising efforts of CPIB. The Corrupt Practices Investigation Bureau (CPIB) is an independent body which investigates and aims to prevent corruption in the public and private sectors in Singapore. The bureau is headed by a director who is directly responsible to the Prime Minister. The main functions of the CPIB are:

- to receive and investigate complaints alleging corrupt practices;

- to receive and investigate complaints alleging corrupt practices;

- to investigate malpractices and misconduct by public officers with an undertone of corruption; and

- to prevent corruption by examining the practices and procedures in the public service to minimise opportunities for corrupt practices.

However, the absence of other independent police oversight mechanisms such as Human Rights Commission, Ombudsman or specialized Police Complaints Commission in Singapore brings about

concerns\textsuperscript{19} and criticisms\textsuperscript{20} because the Corrupt Practices Investigation Bureau (CPIB) is not suited to investigating unethical or improper, but not necessarily criminal or corrupt, behaviour.

(4) Vietnam

Vietnam is well known as one of the most rapidly changing and aggressively opening-up ‘communist’ countries in terms both of economy and society. Vietnam started its market-oriented reform initiatives called ‘doi-moi’ in 1986 and joined ASEAN in 1995. Although Vietnam does not accommodate full range political freedom including multi-party system, vigorous efforts have been made to make rule of law prevail, to strengthen the oversight role of the National Assembly over government and democratic governance participated directly by the people. Regarding efforts to keep transparency and to fight corruption, Vietnam might be evaluated to be ahead of neighboring developing countries. Anti-Corruption Law introduced in 2005 is expected to provide momentum and basis for Vietnam’s fight against corruption. In the TI’s 2007 list of CPI shown in the above table 2, Vietnam is above the Philippines, Indonesia, Cambodia, Laos and Myanmar. However, as pointed out by observers like Gainsborough, Vietnam’s National Integrity System (NIS) as a whole does not seem work well, with wide gap between the formal rules governing the NIS and actual practices on the ground. Gainsborough suggest the followings as principal reasons why the NIS is not operating well\textsuperscript{21}:

- insufficient separation between the CPV, the executive and agencies such as the legislative, supreme audit, the judiciary, civil service, law enforcement, the ombudsman and the anti-corruption agency;
- an inadequate incentive structure for civil servants;
- a tendency for politicians and officials to operate outside the law;
- institutional rivalry;
- poorly enforced codes of conduct (if they exist);
- widespread access to off-the-books funds;
- nepotism in appointments;
- a tendency toward secrecy in the public sector;
- narrowly based and formalistic public consultation and inadequate protection for whistleblowers.
- both civil society and the media remain constrained in terms of what they can do

Overall, it can be said that civilian oversight mechanism of the police has not been properly set up in Vietnam and that assistance and monitoring from outside as well as systematic reform efforts from inside are needed to secure a healthy oversight system of the police.

(5) India

India is a union comprised of 28 states and 7 union territories, each of whom has its own police force separately. All together, there are approximately over 2 million police officers in the whole India. As civilian oversight mechanisms, India has the National Human Rights Commission (NHRC), the Central Vigilance Commission (CVC) and the federal and state Ombudsmen but no specialized police complaints handling body. NHRC India was established in 1993 under the Protection of Human rights Act. NHRC is composed of 8 commissioners including a chairperson. There are also State Human Rights Commissions in 17 states. The main functions NHRC and state commissions are:

a) Inquire, on its own initiative or on a petition presented to it by a victim or any person on his behalf, into complaint of

i) violation of human rights or abetment or

ii) negligence in the prevention of such violation, by a public servant;

b) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;

c) visit, under intimation to the State Government, any jail or any other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection to study the living condition of the inmates and make recommendations thereon;

d) review the safeguards by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;

e) review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures;

f) study treaties and other international instruments on human rights and make recommendations for their effective implementation;

g) undertake and promote research in the field of human rights;

h) spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means;

i) encourage the efforts of non-Governmental organizations and institutions working in the field of human rights;

j) such other functions as it may consider necessary for the promotion of human rights.

In order to carry out investigation into complaints of human rights violations, the Commission has its own investigating staff headed by a Director General of Police. By law, it is open to the Commission to utilize the services of any officer or investigation agency of the Central Government or any State Government. The Commission also works in conjunction with Non-Governmental Organizations in the investigation work.22

To address the issue of corruption, Indian government set up the Central Vigilance Commission in 1964. The main powers and functions of CVC are23:

- to exercise superintendence over the functioning of the Delhi Special Police Establishment (DSPE) with respect to investigation under the Prevention of

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22 [http://nhrc.nic.in/](http://nhrc.nic.in/)
23 [http://cvc.nic.in/](http://cvc.nic.in/)
Corruption Act, 1988; or offence under CRPC for certain categories of public servants and to give directions to the DSPE for purpose of discharging this responsibility;

- to review the progress of investigations conducted by the DSPE into offences alleged to have been committed under the PC Act;
- to undertake an inquiry or cause an inquiry or investigation to be made into any transaction in which a public servant working in any organization, to which the executive control of the Government of India extends, is suspected or alleged to have acted for an improper purpose or in a corrupt manner;
- to tender independent and impartial advice to the disciplinary and other authorities in disciplinary cases, involving vigilance angle at different stages i.e. investigation, inquiry, appeal, review etc.;
- to exercise a general check and supervision over vigilance and anti-corruption work in Ministries or Departments of the Govt. of India and other organizations to which the executive power of the Union extends; and
- to chair the Committee for selection of Director (CBI), Director (Enforcement Directorate) and officers of the level of SP and above in DSPE.
- to undertake or cause an inquiry into complaints received under the Public Interest Disclosure and Protection of Informer and recommend appropriate action.

Lokpal and Lokayuktas can be said to be ‘Ombudsman for India’. The idea of Ombudsman type of institution for the country was first suggested by the First Administrative Reforms Commission of 1966. It recommended setting up of a two-tier machinery of Lokpal at the center and Lokayuktas at the state level to redress the citizens’ grievances and to check corruption and mal-administration. Since, 1968, the legislation for Lokpal at the Central level has been tabled not less than eight times (last time in 2001) in Parliament but in vain. Every time it was introduced, it lapsed with the dissolution of House. In recent years, various commissions and committees have stressed the need for establishing and strengthening of this institution. At the state level, there are 17 states where the institution of Lokayukta has been constituted, beginning with Orissa in 1971. However the power, function and jurisdiction of Lokayuktas are not uniform in the country.

5. Best practices, lessons learnt, issues and challenges

In terms of overall civilian oversight mechanisms of the police, the case of Hong Kong, China can be a very good model for other Asian countries or developing countries in other parts of the world. Especially, its specialized police complaints dealing organization, IPCC is worthwhile to look at. India and Korea have vigorously and effectively working Independent Human Rights Commissions. The CPIB of Singapore has its merits as an oversight body of the police in terms of corruption matters. Vietnam’s efforts to balance democratic governance with economic growth needs close observation and assistance from allies near and far. Gap between the official laws or rules and the actual practices in the area of police oversight mechanisms is found in most Asian countries. Legislation to set up or empower civilian oversight institutions of the government agencies and personnel including the police often face resistance or sabotage by those in power. Specialized police complaints dealing organization is a rarity in Asia.

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6. Recommendations for better co-operative relations between Asia and Europe

Many of Asian countries needs confidence in the positive effects the well structured and properly functioning civilian oversight mechanisms of the police. The experience of many European countries can be of great help if shared with their Asian friends. Europe may also be able to learn Asian traditions of harmonious, people-oriented police philosophy and unofficial community oversight mechanism from exchanges through meetings, joint-projects, visits and educations.