



Recommendation 2230 (2022)¹

Fighting and preventing excessive and unjustified use of force by law-enforcement officers

Parliamentary Assembly

1. Referring to its [Resolution 2435 \(2022\)](#) “Fighting and preventing excessive and unjustified use of force by law-enforcement officers”, the Parliamentary Assembly recommends that the Committee of Ministers:

1.1. adopt a recommendation to member States of the Council of Europe on the use of force in law-enforcement activities, taking due account of all international legal standards governing the use of force by law-enforcement officers, and focusing in particular on:

1.1.1. definitions of “law-enforcement officers”, “use of force”, “policing of demonstrations and protests”, “crowd control measures” and other relevant concepts;

1.1.2. principles of legality, necessity, proportionality, precaution and non-discrimination in the use of force;

1.1.3. situations when the use of force may be authorised, including the use of special equipment and weapons;

1.1.4. rights and duties of law-enforcement officers in these situations;

1.1.5. rights and remedies for the victims of excessive use of force;

1.1.6. positive obligations to prevent violence, including during demonstrations and counter-demonstrations, and clashes between participants of both sides;

1.1.7. the duty to investigate and hold to account law-enforcement agencies and individual officers in cases of excessive use of force;

1.1.8. institutional and functional independence of law-enforcement agencies and officers in taking operational decisions, while maintaining their accountability vis-à-vis the elected political authorities;

1.1.9. transparency of law-enforcement institutions and the publicising of their decision-making process on using force;

1.1.10. collection and analysis of good practices in policing, as well as the implementation of special training programmes on the use of force and respect for human rights;

1.1.11. other issues deemed relevant to the use of force in law-enforcement activities;

1.2. review and update Recommendation Rec(2001)10 on the European Code of Police Ethics and the Guidelines of the Committee of Ministers of the Council of Europe on eradicating impunity for serious human rights violations adopted by the Committee of Ministers on 30 March 2011 at the 1110th meeting of the Ministers’ Deputies;

1.3. launch the drafting process for a new Council of Europe convention on the prevention of excessive police violence, codifying the highest standards and best practices in this field, including a strong follow-up mechanism;

1. *Assembly debate* on 27 April 2022 (14th sitting) (see [Doc. 15498](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Oleksandr Merezhko). *Text adopted by the Assembly* on 27 April 2022 (14th sitting).



- 1.4. collect good policing practices and promote initiatives, including technical assistance, to help implement such practices in all Council of Europe member States;
- 1.5. prioritise the supervision of the execution of the European Court of Human Rights' judgments relating to excessive use of force by law-enforcement officers that give rise to violations of Articles 2 or 3, alone or in conjunction with Article 14, or of Article 11, of the European Convention on Human Rights (ETS No. 5);
- 1.6. continue to follow closely the work of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), particularly its public statements adopted under Article 10 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126), in line with the Assembly's [Recommendation 2146 \(2019\)](#) "Improving follow-up to CPT recommendations: enhanced role of the Parliamentary Assembly and of national parliaments", and [Recommendation 2100 \(2017\)](#) "25 years of the CPT: achievements and areas for improvement".