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

Reply to Recommendation¹: Recommendation 2230 (2022)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly [Recommendation 2230 \(2022\)](#) “Fighting and preventing excessive and unjustified use of force by law enforcement officers”. It forwarded it to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the Steering Committee for Human Rights (CDDH) for information and possible comments.

2. The Committee of Ministers shares the concern of the Assembly, as set out in accompanying [Resolution 2435 \(2022\)](#), over cases of excessive use of force by law-enforcement officers in member States of the Council of Europe.

3. The Committee agrees that the European Convention on Human Rights and its case law, in conjunction with other relevant specialised treaties of the Council of Europe and the United Nations, form a solid normative and institutional basis providing clear standards and principles governing the use of force by law-enforcement officers. These standards have been enhanced by non-binding recommendations of the Committee of Ministers and the CPT in particular, providing an extensive framework for understanding the human rights obligations applicable to the use of force by law enforcement officers in member States. However, the Committee recognises that despite the existence of these standards and the detailed provisions enacted in many member States, the European Court of Human Rights, the Commissioner for Human Rights and the CPT, among others, continue to find that the practical implementation, or lack of implementation, remains a major problem.

4. The Committee notes the Assembly's proposal to adopt a new recommendation on the use of force in law-enforcement activities (paragraph 1.1 of the recommendation) and to launch the drafting process for a new Council of Europe convention on the prevention of excessive police violence (paragraph 1.3), with the aim of bringing the relevant standards together in a consolidated form and codifying the highest standards and best practices.

5. In this context, the Committee underlines that key requirements to combating and preventing police ill-treatment are firstly the promotion of a professional culture within law enforcement agencies and strengthening accountability. Consequently, the Committee acknowledges the added value of reviewing and, if appropriate, updating existing relevant non-binding instruments, such as the European Code of Police Ethics of 2001 and the Guidelines on eradicating impunity for serious human rights violations of 2011 (paragraph 1.2 of the Assembly's recommendation), prior to embarking on any possible new instruments. It will bear the Assembly's recommendations in mind when considering future activities in this domain.

6. As concerns the Assembly's recommendation in paragraph 1.4, attention is drawn to the new Council of Europe Network of national correspondents of police authorities of member States, endorsed by the Committee of Ministers on 11 May 2022. The Network was officially launched at the end of June 2022 and will

1. Adopted at the 1449th meeting of the Ministers' Deputies (23 November 2022).



start operating by the end of the year. The Committee considers it the appropriate framework to collect good policing practices and promote initiatives, including technical assistance, and help implement such practices in all Council of Europe member States.

7. Regarding the supervision of the execution of the European Court's judgments (paragraph 1.5), it is recalled that this is carried out in a continuous manner; all cases remain pending on the agenda of the Committee of Ministers' meetings until the supervision of their execution is closed. According to the Committee's working methods, cases prioritised for supervision in the enhanced procedure, and so for examination at the Committee's quarterly Human Rights meetings, are those which require urgent individual measures; pilot judgments; judgments disclosing major structural and/or complex problems as identified by the Court and/or the Committee of Ministers; and inter-State cases. Where the Court has found violations of the Convention relating to excessive and unjustified use of force by law enforcement officers, those judgments may be classified in the enhanced procedure if they respond to the criteria set out in the working methods. The Committee has examined, and continues to examine, many cases on this topic² on which it has developed an extensive acquis.

8. The Committee further informs the Assembly that it follows closely the work of the CPT (paragraph 1.6), including its public statements. As the Committee has recalled in its replies to previous Assembly recommendations, including [Recommendation 2146 \(2019\)](#) "Improving follow-up to CPT recommendations: enhanced role for the Parliamentary Assembly and of national parliaments", it is now a practice to discuss CPT statements in the Deputies' meetings. Such a meeting took place at the Deputies' 1423rd meeting on 2 February 2022 regarding the CPT's public statement on Bulgaria of 4 November 2021. The Committee also holds an annual exchange of views with the President of the CPT on the occasion of the publication of its general report on the CPT's activities, the last one being held on 20 April 2022.

2. For recent statistics, see the 15th annual report of the Committee of Ministers on the supervision of the execution of judgments and decisions of the European Court of Human Rights, 2021.