



Declaration on the use of force by the police

May 2023

We, the following members of the Independent Police Complaints Authorities' Network (IPCAN):

- Committee P (Belgium)
- Office of the Ombudsman (Croatia)
- Independent Police Complaints Authority (Denmark)
- Parliamentary Ombudsman (Finland)
- Défenseur des droits (France)
- Special Investigation Service (Georgia)
- Office of the Commissioner for Human Rights of the Republic of Poland
- Garda Síochána (Ireland)
- Office of the Ombudsman (Malta)
- Norwegian Bureau for the investigation of police affairs (Norway)
- Protector of the Citizens of the Serbian Republic (Serbia)
- Public Defender of Rights (Slovakia)
- Human Rights Ombudsman of the Republic of Slovenia
- Médiation de la police (Switzerland)
- Police Ombudsman for Northern Ireland
- Independent Office for Police Conduct (England and Wales)

After the 8th IPCAN meeting in Strasbourg on May 23rd, before the framework of the Annual Conference of the Network of National Correspondents of Police Authorities of the Council of Europe entitled "Police activities in a context of violence and use of force" held on the 24th and 25th 2023;

Having discussed the issue of the use of force by police services, the management of public demonstrations and law enforcement policies,

Having identified together a number of difficulties and challenges,

Recalling the Preamble of the Charter of the United Nations proclaiming the commitment of Member States to fundamental rights, dignity and value of the human person;

Recalling the European Convention on Human Rights, in particular Article 2 which protects the right to life, limits the use of lethal or potentially lethal force to a few specific situations where it is absolutely necessary, and Article 3 which prohibits torture and inhuman or degrading treatment or punishment;

Recalling the provisions of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials of the United Nations, in particular, articles 1 to 8 which recall the principles of "necessity" and "proportionality" in the use of force by law enforcement officials;

Recalling the Code of Conduct for Law Enforcement Officials, in particular Article 3 which states that "*Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty*";

Recalling also the provisions of Recommendation No. Rec (2001) 10 of the Committee of Ministers of the Council of Europe on the European Code of Police Ethics, and in particular Article 37, which emphasizes that "*The police may use force only when strictly necessary and only to the extent required to obtain a legitimate objective*";

Stressing in this regard the fundamental role of the independent oversight mechanisms of the security forces in our democracies, which ensure, in an impartial manner and within the framework of their different mandates, status and powers that the police forces respect ethical rules and fundamental rights and freedoms;

Convinced that a coordinated commitment between our different institutions favours the promotion and respect of the principles and requirements enshrined in the texts guaranteeing fundamental rights, such as the European Convention on Human Rights;

Call on the States to establish the following rules of good practice in order to ensure that their police forces only use force when strictly necessary and to a proportionate degree.

[Concerning the management of public demonstrations by law enforcement officers,](#)

Given the growing importance of the judicialization of policing, IPCAN recalls that the main mission of policing is an administrative mission of prevention of crime and supervision of the exercise of the freedom to demonstrate.

Call on the member states of IPCAN to mobilize and engage in a reflection involving all stakeholders, and implement measures to:

a) Concerning the prevention of violence in public demonstrations,

- 1) *Ensure that the principles of law enforcement action* are set out in a written and public document;
- 2) In light of the difficulties associated with non-specialised units, IPCAN recommends that national authorities *establish a common standard of doctrine and practice*, which would be integrated into the document described in recommendation n°1, as well as effective and consistent coordination for all assigned personnel;
- 3) *Refocus policing on the mission of prevention of crime and supervision* of the exercise of the

right to demonstrate in an approach of appeasement and protection of individual liberties and "de-escalation";

- 4) *Guarantee that identity checks* during events are carried out with respect for individual freedoms and in conditions that comply with ethical rules. Checks must be strictly supervised and justified by precise reasons that are explained to the persons checked. In addition, a system allowing the traceability of identity checks must be developed;
- 5) *Clarify the legal framework for the use of searches* and screenings during policing operations, distinguishing between measures taken for judicial purposes and those taken for administrative purposes. In the absence of a legal framework, or modalities for confiscation, storage or restitution, these measures infringe on property rights;
- 6) *Encourage the security forces and authorities in charge of public demonstrations to consult associations*, representatives of demonstrators and other local actors as regards public demonstration management doctrines and strategies;
- 7) *Develop the knowledge of what kind of information the forces* in charge of policing and restoring public order collect and store about the populations with whom they intervene, and in particular the demonstrators and their environment;
- 8) Taking into consideration the disparities and inadequacies in the training of some units involved in law enforcement operations, *require that initial and ongoing training for all law enforcement units* be enhanced and made effective;
- 9) With the support of the European Union and the Council of Europe, *provide for the establishment of a GODIAC II project*, the participation of security forces from countries that were unable to contribute to the results of the first project, as well as an update of the principles provided by the project;

b) Concerning the supervision and restoration of order during public demonstrations,

- 10) *Review the modalities of information on the use of force* in law enforcement operations and modernize the system of verbal warnings. More generally, IPCAN recommends strengthening communication and dialogue in the management of public order, before and during demonstrations, to make the actions of the security forces more understandable and to encourage consultation;
- 11) *Restrict the use of launchers of kinetic impact projectiles* during law enforcement operations and conduct an in-depth study of intermediate force weapons likely to cause serious physical harm to individuals. The use of intermediate force weapons in law enforcement operations raises recurrent problems related to the seriousness of the injuries they cause and the lack of transparency in their conditions of use. If they are still used, IPCAN recommends that law enforcement officers equipped with launchers of kinetic impact projectiles be equipped with pedestrian cameras and use them;

- 12) *Put in place*, in the context of mass arrests, when it is not possible to avoid them, *procedures that allow for a reduction of the duration of the detention* at the place of arrest. The time in which each person arrested is informed about the measures to which he or she is subject and his/her rights should be shortened, and measures should be taken so that supervision is ensured in places of detention;
- 13) *Ensure that each arrested person has access to his/her rights*;
- 14) *Remind police officers that the presence of underage demonstrators* should lead them to take into account the best interests of the child in the choice of the modalities of their intervention and to be more vigilant in their general obligation to strictly proportion the use of force and to ensure that they provide the necessary and specific assistance to any injured persons;
- 15) *Ensure that special vigilance is given to identifiable observers*, in particular, civilian observers from associations and journalists;
- 16) Given the difficulties linked to the identification of police officers, *take measures*, particularly concerning equipment, *to guarantee the identification of law enforcement officers* or at least to determine to which department they belong;
- 17) *Ensure that kettling* is only used where necessary and proportionate, in particular by systematically providing an exit point.

Regarding all police operations,

- 18) *IPCAN recommends that, during evacuation and dismantling operations of camps* sheltering, for example, exiled persons or vulnerable population groups, all police officers and law enforcement agents involved should be equipped with pedestrian cameras, which should be activated at the beginning of their interventions, to prevent any deviant behaviour and to remove any suspicion about the circumstances of the intervention;
- 19) *Provide for the systematic drafting*, for each use of force, of a professional document describing the actions used and make it possible for the person subject to the force to have access to a medical examination immediately after the use of force against him or her;
- 20) In custodial context or if a pedestrian camera is used, *ensure that video protection data is retained* for a reasonable period once an incident report is made;
- 21) Finally, IPCAN *recommends that statistics* on the use of force by law enforcement agencies be compiled whenever they are involved.