

## **CONCLUSIONS**

The participants of the Council of Europe High Level Conference on Eradicating Ill-Treatment in Hands of the Law Enforcement Agents held in Bečići, Montenegro, on 18 October 2019,

- stressing their attachment to democracy, rule of law and human rights as core values for good governance, cooperation and unification in Europe;
- stressing the importance of ensuring law enforcement by police and other security forces in full compliance with the requirements of the European Convention on Human Rights as interpreted by the case-law of the European Court of Human Rights;
- stressing the requirements of lawfulness and proportionate use of force and the necessity of a system of effective investigations into abuses in order to bring those responsible before justice and prevent impunity, including by ensuring adequate periods of prescription, including the abolishment of prescription for the gravest crimes such as torture;
- stressing the importance of ensuring adequate regulatory frameworks for the actions of law enforcement agents, supported by well-designed training and awareness raising activities;
- stressing the importance of exchanging experiences between Member States;

### **- welcome and support**

- the standard-setting, awareness-raising and cooperation possibilities developed by the Council of Europe;
- the work of the Council of Europe Commissioner for Human Rights, of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and of Council of Europe monitoring and consultative bodies;

### **agree**

#### **1. as regards actions of law enforcement agents that**

- any force used must be proportionate to the aim pursued;
- ill-treatment of detained persons is illegal, unprofessional and will be subject of appropriate sanctions;

- a strong message of zero tolerance towards ill-treatment in hands of the law enforcement agents must be sent at high level in all States and also reiterated at all subordinate levels at appropriate intervals;
  - every use of force by law enforcement agents should be properly documented, including descriptions of the injuries sustained;
  - it is vital to deploy all efforts that could further promote lawful and proportionate use of force, including by ensuring proper training and awareness raising of law enforcement agents supported by appropriate resource allocations, in particular to the Judicial and Police Academies;
2. as regards investigations into allegations of ill-treatment by law enforcement agents that
- such investigations must be commenced promptly, speedily carried out and made effective in each case (including through the association of victims and a sufficient element of public scrutiny) to demonstrate that criminal acts by law enforcement agents will be punished and to counter any culture of impunity;
  - such investigations must be carried out by investigators with necessary powers and who are fully independent of those being investigated and be thorough in nature, including the examination of any possibility of racial or other hate motives;
  - the efficiency of investigations must be subject to adequate review, including in more serious cases, also judicial review;
3. as regards the role of the prosecution authorities as leaders of criminal investigations that
- effective investigations must be ensured into every credible assertion of ill-treatment and all necessary measures taken for this purpose;
  - such investigations must be speedily reinitiated *ex officio* after findings of violations by the European Court of Human Rights in order to remedy as far as possible the shortcomings established by the Court and ensure as effective investigations as remain possible and that binding instructions should be developed to clarify the ensuing practical measures to be taken notably with a view to establishing:
    - (a) what investigatory steps can still be taken in the case,
    - (b) what investigatory steps can no longer be taken for practical or legal reasons,
    - (c) what means can be deployed to overcome existing obstacles, and
    - (d) what concrete results are expected to be achieved and within what time;

4. as regards the training and awareness-raising of law enforcement agents, prosecutors and judges that
  - law enforcement agents must be regularly reminded of the prohibition of ill-treatment and torture;
  - initial and continuing professional training should encompass courses highlighting the requirements of the European Convention of Human Rights as interpreted by the European Court of Human Rights as well as the standards of the CPT;
  - trainings inculcate an impartial and rigorous approach towards the investigation, prosecution and judgment of cases alleged ill-treatment by law enforcement agents;
  - avenues for setting up and/or maintaining a dedicated database in official languages of relevant European Court of Human Rights' judgments and decisions and of relevant Council of Europe Committee of Ministers' practice in supervision of execution should be explored in co-operation with the Council of Europe;
  - exchanges of good practices and other avenues of co-operation between Council of Europe Member States should be explored when designing the curriculum and the offer of available courses should be enhanced;
5. as regards independent national human rights institutions and ombudspersons that
  - these play an important role in preventing impunity for ill-treatment in hands of law-enforcement agents and should be ensured necessary institutional basis and resources to perform this role;
  - to this end, law enforcement officers must be reminded regularly of mandate of independent national human rights institutions and ombudspersons, including their right to access information, in accordance with relevant legal standards;
  - further efforts should be deployed to exchange good practices in this regard.