

CONDITIONS FOR THE LEGALITY OF THE USE OF COERCIVE MEASURES IN POLICE: STANDARDS OF THE CONVENTION FOR PROTECTION OF HUMAN RIGHTS¹

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Summary

The article analyzes standards of compliance in police activities when using coercive measures (physical force, special means, firearms) under Articles 2 «Right to life» and 3 «Prohibition of torture» of the Convention for the Protection of Human Rights and Fundamental Freedoms as interpreted by the European Court of Human Rights. Based on the analysis, the conditions for the lawful use of coercive measures (physical force, special means, firearms) in police activities are defined. The article analyzes the decisions of the European Court of Human Rights concerning Ukraine regarding the main violations of Articles 2 and 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms, permissible police actions during the use of force, and proposes amendments to Ukrainian legislation. The European Court of Human Right decisions concerning the justified use of police force are classified into three types: cases of the use of lethal force during police operations, cases of the use of force, including lethal force, during the suppression of riots or uprisings, and cases of the use of force by the police during the detention of a person for committing or suspected of committing a criminal offense. The specific features of the interpretation by the European Court of Human Rights of material and procedural obligations when considering cases related to the use of force in police activities are defined. The prospects for future research on the chosen topic are outlined.

Key words: European Court of Human Rights, right to life, lethal force, prohibition of torture, the use of coercive measures by the police, effectiveness of the investigation.

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1. Introduction

The standards of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as the ECHR) regarding the conditions for the legality of the use of coercive measures (physical force, special means, firearms) by the police are considered by the European Court of Human Rights (hereinafter referred to as the ECtHR or Strasbourg Court) within the framework of Article 2 “Right to life” and Article 3 “Prohibition of torture”. Cases under the specified articles of the ECHR are conventionally classified as cases of use of force resulting in fatal consequences by representatives of the state (in the case of Article 2 of the ECHR) and cases of torture, cruel treatment or punishment, treatment or punishment

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degrading the honor and dignity of individuals applied to representatives of the state or with their assistance (in the case of Article 3 of the ECHR).

The relevance of this article is due to the fact that during the consideration of cases under Articles 2 and 3 of the ECHR, the Strasbourg Court imposes special responsibility on the state for the actions of all its officials, in particular law enforcement officers (police, prosecutor's office, security service, etc.). Therefore, for a state for which the ECHR is part of national legislation, it is important to know the basic standards of the legality of the use of coercive measures by the police in the practice of the ECtHR to avoid cases of violation of its international obligations, and, if necessary, to bring national legislation and law enforcement in line with international standards. For Ukraine, which has acquired the official status of a candidate for accession to the European Union, the study of this issue is especially important, because the implementation of international regulations of the Council of Europe means recognition of the principle of the rule of law, respect for the fundamental rights and freedoms of citizens and, ultimately, is the main condition for accession to the European Union.

The purpose of this article is to examine the standards of compliance with Articles 2 and 3 of the ECHR in the interpretation of the ECtHR in the activities of the police during the use of coercive measures (physical force, special means, firearms) and to determine the conditions for their lawful use. Furthermore, the article will analyze the ECtHR judgments concerning Ukraine regarding the main violations of Articles 2 and 3 of the ECHR permissible by the police during the use of coercive measures and, where appropriate, formulate proposals for their elimination both in domestic legislation and in law enforcement practice.

To achieve these goals, the basis of the research is the ECtHR judgments issued regarding foreign states, which set out the key principles of compliance with Articles 2 and 3 of the ECHR in the activities of the police during the use of coercive measures (both early and recent ones, to track the evolution of the ECtHR's interpretation of the provisions of the ECHR), as well as the relevant ECtHR judgments concerning Ukraine on these articles, in the official translation, published on the website of the Ministry of Justice of Ukraine. In addition, during the preparation of the article, a complex of philosophical, special-scientific and general-scientific methods of scientific knowledge was used, namely: dialectical, formal-logical, comparative, systems analysis and modeling.

Research Status: Research of legal issues defined in this article have been studied by Ukrainian legal scholars: V.I. Antipov, A.V. Stolitnyi, D.G. Kaznacheev, Yu.B. Irkha, O.I. Bochek, V.A. Matsko, D.V. Yagunov and others. However, the study of international standards to prevent the unjustified use of coercive measures in the activities of the police remains relevant.

2. Specificities of the ECtHR's interpretation of Articles 2 and 3 of the ECHR in decisions related to the use of coercive measures by police

General rules for interpreting Article 2 of the ECHR are that this article applies not only to cases where the intentional deprivation of a person's life is permitted, but also describes situations where the use of force is permitted, which may lead to unintentional deprivation of life. However, the use of force must not be greater than absolutely necessary to achieve one of the objectives listed in subparagraphs (a), (b), or (c) of Article 2 of the ECHR: (a) for the protection of any person from unlawful violence; (b) for the lawful arrest or prevention of the escape of a person lawfully detained; (c) for the performance of lawful actions to quell a disturbance or insurrection. In its practice, the ECtHR interprets the term absolutely necessary

in paragraph 2 of Article 2 of the ECHR more strictly compared to the criterion of necessary in a democratic society, which is applied when determining the justification for restricting rights under paragraph 2 of Articles 8-11 of the ECHR. In particular, the force used must be strictly proportionate to achieving the objectives set out in subparagraphs 2 (a), (b), and (c) of Article 2 of the ECHR. (*The case McCann and Others v. the United Kingdom, 1995: paragraphs 148, 149*). It should be noted that in each specific situation, the question of whether proportionate measures were exceeded, or, as stated in Article 2 of the ECHR, whether the use of force was absolutely necessary, and whether such use was proportionate to the aims pursued in the specific circumstances of the case, must be determined.

When interpreting Article 3 of the ECHR, it should be borne in mind that this article does not contain any limitations. When applying this article, the ECtHR distinguishes between the following types of treatment: 1) torture (treatment of the highest level of cruelty); 2) inhuman treatment or punishment; 3) degrading treatment or punishment. The difference between torture and other forms of prohibited treatment or punishment is determined by the varying degrees of cruelty and intensity of the suffering inflicted and depends on the specific circumstances of the victim. In its case-law, the ECtHR interprets torture based on the provisions of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), which, in addition to the severity of the treatment, adds the element of purposefulness, defining torture in terms of the intentional infliction of severe pain or suffering for the purpose, in particular, of obtaining information or a confession, punishing or intimidating (*Guide on Article 3 of the European Convention on Human Rights, 2024:12*).

In order for a violation of Article 3 of the ECHR to be established, such treatment must reach a «minimum level of cruelty». In its case law, the ECtHR has developed criteria for such a level of cruelty. Thus, in the event of establishing the presence of a minimum level of cruelty in the behavior of the perpetrators, the following criteria are taken into account: the nature and context of the treatment; duration, mental and physical consequences; gender, age, state of health of the victim (in some cases) (*Horpyniuk, 2020:173*). At the same time, in cases of application of Article 3 of the ECHR in the activities of the police, the ECtHR is guided by a slightly different principle: if the applicant encounters law enforcement officers, the ECtHR draws attention to proving the need for the use of force, and not to the cruelty of the treatment suffered by the applicant, in order to determine whether the impugned issue falls within the scope of Article 3 of the ECHR. If the treatment is not considered strictly necessary in view of the behaviour of the applicant himself or necessary to put an end to the riots, it constitutes ill-treatment prohibited by Article 3 ECHR (*The case «İşık v. Türkiye», 2024: paragraph 53*).

3. Positive obligations in the substantive aspect

Articles 2 and 3 of the ECHR, as interpreted by the ECtHR, provide for the Council of Europe member states to comply with positive obligations in substantive and procedural aspects. For the purposes of applying Articles 2 and 3 of the ECHR, the Strasbourg Court interprets positive obligations in the substantive aspect, first of all, as the existence of appropriate regulatory legislation that would protect against the unlawful use of coercion, torture, ill-treatment or punishment by introducing appropriate provisions, primarily criminal law, which is also effective in law enforcement.

In police activities, compliance with positive obligations in the substantive aspect under Articles 2 and 3 of the ECHR means the presence in the state of relevant national legislation

with clear principles and rules for the use of weapons by police officers. When considering cases on the use of coercive measures by the police, the ECtHR, as evidenced by the analysis of decisions, is almost always guided by the Fundamental Principles on the Use of Force and Firearms by Law Enforcement Officials, which clearly explain the conditions and rules for the use of weapons (*Fundamental Principles on the Use of Force and Firearms by Law Enforcement Officials*, 1990).

The Strasbourg Court examines the relevant quality of national legislation. In particular, it is of paramount importance that the internal rules are accessible (published) and based on the principle of "exceptional necessity" and contain clear instructions in this regard, in particular to minimise the risk of unnecessary harm and to exclude the use of weapons and ammunition that may have undesirable consequences.

Police operations, in addition to being authorised by national law, must be sufficiently limited by that law within the framework of a system of adequate and effective guarantees against arbitrariness and abuse of force. Law enforcement authorities must not be left in limbo when carrying out their functions: the legal and administrative framework must define the limited conditions under which law enforcement officers may use force and firearms, taking into account international standards developed in this field (*The case «Fraisie and Others v. France»*, 2025: paragraph 106).

Based on the analysis of the ECtHR case law related to police activities, there are mainly three cases where the Strasbourg Court applies standards of compliance with the guarantees set out in Articles 2 and 3 of the ECHR: these are cases of use of lethal force during "police operations" (*The case «McCann and Others v. the United Kingdom»*, *The case «Makaratzis v. Greece»*, *The case «Celniku v. Greece»*, *The case «Machalikashvili and Others v. Georgia»*, *The case «Yukhymovych v. Ukraine»*), cases of the use of coercion, including lethal force, during the suppression of unrest or uprising (*The case «Nika v. Albania»*, *The case «Lutsenko and Verbytsky v. Ukraine»*, *The case «Shmorgunov and others v. Ukraine»*, *The case «Vyacheslavova and others v. Ukraine»*, *The case «İşik v. Türkiye»*, *The case «Geylani and Others v. Türkiye»*, *The case «Fraisie and Others v. France»*), as well as cases of use of coercion by the police, during the detention of a person during the commission of a criminal offense or on suspicion of committing a criminal offense (*The case «Kaverzin v. Ukraine»*, *The case «Kozlovska v. Ukraine»*, *The case «Pulnyev and Gvaliya v. Ukraine»*, *The case «Petrakovskyy and Leontyev v. Ukraine»*, *The case «Storozhuk and Kononov v. Ukraine»*, *The case of «Khrus and others v. Ukraine»*, *The case «Klimov and Slyvotskyy v. Ukraine»*).

In the judgment in the case of «Nika v. Albania» in which a member of the applicants' family died as a result of a gunshot wound to the head received during a protest in front of the building where the office of the Prime Minister of Albania was located, the ECtHR made a significant reservation regarding Article 2 of the ECHR. According to the ECtHR, Article 2 of the ECHR does not allow the use of lethal force to protect property as such. Since it cannot be completely ruled out that the use of lethal force to protect property may be justified in certain exceptional circumstances, such circumstances must be clearly defined (*The case «Nika v. Albania»*, 2023: paragraph. 151).

In the same case, the ECtHR also stated that warning shots must be fired into the air, with the gun almost vertical, to ensure that the target is not hit. This is all the more important in the present case, since the demonstration involved a large number of people and any careless action on the part of the National Guard officers in using firearms could have led to a fatal outcome. Accordingly, it is difficult to imagine that a shot fired into the air at a reasonable angle could

have hit the victim in the head, who was standing at street level, even as a result of a ricochet (*The case «Nika v. Albania», 2023: paragraph. 162*).

In another case, «Geylani and Others v. Türkiye», the applicant suffered serious bodily injury (a fracture of the femoral neck that could not be cured by simple medical procedures) as a result of the use of a water cannon by the police during the dispersal of a demonstration. In examining this case, the ECtHR drew attention to the shortcomings of the legislative regulation regarding the procedure and conditions for the use of water cannons and found a violation of Article 3 of the ECHR. The ECtHR noted that although a water cannon is classified as a “less lethal weapon”, its use without appropriate precautions may cause serious harm, depending on factors such as the distance from which the water is sprayed and the level of water pressure (*«Geylani and Others v. Türkiye», 2023: paragraph 84*). Apart from listing water cannons as one of the means that may be used by police officers as part of “material force”, the domestic legal framework did not contain any specific provisions on the use of water cannons during demonstrations, nor did it contain instructions for their use (*«Geylani and Others v. Türkiye», 2023: paragraph 85*).

In another case, «Fraisie and Others v. France», the applicant died as a result of an explosion of a fragmentation impact weapon, an offensive OF-F1 grenade, thrown during a public order maintenance operation by Sergeant Major J., which accidentally fell between his neck and the backpack he was carrying. The ECtHR identified deficiencies in the legal framework, specifically the provisions of the Internal Security Code, which the police officers followed during the demonstration. The Strasbourg Court noted that if the use of the OF-F1 grenade had a legal basis, and if law enforcement officers were obliged to resort to it observing the principles of absolute necessity and strict proportionality of force, the Court considers that the presence of this type of weapon in their arsenal was problematic due to the lack of clear and protective frameworks for its use, which imply at least training on its dangers, informing about possible consequences, prohibiting ricochet fire, firing by a team or pair, and maintaining a safe distance (*«Fraisie and Others v. France», 2025: paragraph. 126*). This case also highlighted the need to improve the gradation in the use of force by classifying weapons according to their effects and developing instructions for the use of ammunition and weapons during public order maintenance (*«Fraisie and Others v. France», 2025: paragraph. 126*).

Analyzing the observance of the guarantees «Right to Life» (Article 2) and «Prohibition of Torture» (Article 3), the ECtHR in all cases related to the activities of the police considers the issue of training law enforcement officers, the availability of proper equipment, conducting appropriate instructions with them, if necessary, training on the handling and use of weapons and special means. It is noteworthy that Article 2 of the ECHR also applies to cases where the unlawful use of lethal force occurs by a law enforcement officer who was not in the service at the time of the incident, but who used a service weapon to carry which he was entitled in connection with his official activities (*The case «Horovenky and Buhara v. Ukraine», 2012*). States should ensure a high level of competence of law enforcement officers and ensure that they meet the established criteria. In particular, law enforcement officers who can carry firearms must not only undergo the necessary technical training, but must also be selected with special care (*Guide on Article 2 of the European Convention on Human Rights, 2024: 24*).

4. Positive obligations in the procedural aspect

Articles 2 and 3 of the ECHR also provide for an obligation to conduct an effective investigation in cases of unlawful use of force by State agents, torture and ill-treatment or punishment of persons who were under the control of public authorities, in particular law enforcement agencies. This obligation generally falls under the procedural aspect according to the case-law of the ECtHR. The criteria for an effective investigation are the same for both articles: independence, propriety and thoroughness, efficiency and reasonable speed, public scrutiny and the participation of close relatives (*The case «Andrejeva v. Ukraine»*, 2019).

Specifically, the independence of the investigation primarily means hierarchical and institutional independence. An effective investigation, among other things, means the independence of the persons and bodies conducting the investigation from those directly involved in the operations that resulted in fatalities, as well as the preservation of evidence in the case. In its practice, the ECtHR particularly carefully examines the effectiveness of investigations into the deprivation of life resulting from the actions of state representatives (including law enforcement). Under these circumstances, the ECtHR applies its established practice regarding compliance with Article 2 of the ECHR in cases of fatalities of victims under state control. In such cases, the ECtHR may find a violation of Article 2 of the ECHR even when it is established that private individuals were involved in the victim's death, but they acted on the instructions and/or under the control of law enforcement agencies, or at least with their tacit consent or without hindrance (*The case «Lutsenko and Verbytsky v. Ukraine»*, 2021). It is important to note that compensation for damages by the state in connection with the death of victims, such as payments under the 2014 Law of Ukraine «On Assistance to Victims of Public Protests» in the case «Lutsenko and Verbytsky v. Ukraine» is not considered sufficient without a comprehensive, independent, and effective investigation into the fatal consequences. Similar conclusions regarding compensation were made by the ECtHR in the case of «Fraisie and Others v. France». The state's arguments about the exhaustion of national legal protection measures, if the investigation is still ongoing at the time of the application to the ECtHR, may not be accepted by the ECtHR when there is sufficient information about the excessive duration, negligence of law enforcement agencies in conducting the investigation, which ultimately means that existing legal remedies in the state will not lead to a result (*the case «Vyacheslavova and others v. Ukraine»*, 2025).

The ECtHR finds investigations ineffective in cases of excessive proceedings duration. Prolonged investigative checks without the opening of criminal proceedings do not comply with the principles of an effective legal remedy, demonstrating the ineffectiveness of the investigation, as the investigator can only take a limited range of actions, and the victim has no official status, meaning their effective participation in the procedure is excluded. Furthermore, repeated decisions to return the case for further investigation indicate serious deficiencies in the criminal proceedings (*The case «Yukhymovych v. Ukraine»*, 2020).

If significant deficiencies in the investigation, negligence of law enforcement agencies, and even the involvement of law enforcement officers in violating the applicants' rights are found, the ECtHR may consider the conclusions of international human rights organizations conducting independent investigations as confirmation of the violation of the applicants' rights guaranteed by the ECHR. (For example, the conclusions of the Council of Europe's International Advisory Group (hereinafter – IAG) and the UN Human Rights Monitoring Mission in Ukraine in the case «Lutsenko and Verbytsky v. Ukraine», as well as the reports of the International Advisory Group in the case «Vyacheslavova and others v. Ukraine»).

5. Conditions for the lawful use of coercive measures (physical force, special means, firearms) by police, considering ECHR standards as interpreted by the ECtHR

Based on the research conducted, the following conditions for the lawful use of coercive measures (physical force, special means, firearms) by police, considering ECHR standards as interpreted by the ECtHR, can be formulated:

1. In their activities, police officers, while performing their duties, must primarily use non-violent measures before resorting to force (physical force, special means, firearms).
2. The use of absolutely necessary lethal force will be justified if measures to detain suspects are planned and carried out in a way that minimizes the use of force with fatal consequences. In cases of lethal force, there must be a satisfactory and convincing explanation or substantial evidence to justify its use. Such circumstances must be clarified in each case.
3. The use of force must be strictly regulated by law, so that police officers are not uncertain during the performance of their duties. The relevant legal provisions must be accessible (published) and contain clear instructions and limitations within the framework of adequate and effective guarantees against arbitrariness and abuse of force, in particular, minimizing the risk of causing unnecessary harm and excluding the use of weapons and ammunition that may have undesirable consequences.
4. Internal rules for the use of special means and weapons must comply with international standards, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth UN Congress on Crime Prevention and the Treatment of Offenders, August 27 – September 7, 1990.
5. When using firearms, warning shots must be fired into the air with the pistol held almost vertically to ensure that the target is not hit.
6. The use of lethal force that endangers human life to protect property is prohibited without any additional details about exceptional cases, as damage to property alone cannot be considered greater than the risk to human life.
7. Legal provisions must include clear instructions on the use of special means, including specific provisions on the list of water cannons and the procedure for their use during dispersal of demonstrations.
8. National legislation should provide for a certain gradation in the use of force by classifying weapons according to their effects and including instructions on the use of ammunition and weapons during the maintenance of public order.
9. The training, level of equipment provision, and selection of police officers play a crucial role. Violations of ECHR guarantees are possible in cases of unlawful use of weapons assigned to a police officer, even if he is not performing official duties at the time of the incident.

6. Peculiarities of the interpretation of Articles 2 and 3 of the ECHR by the ECtHR in decisions adopted regarding Ukraine and related to the use of coercive measures in police activities

Based on the analysis of the ECtHR decisions concerning Ukraine, relating to the observance of guarantees provided by Articles 2 and 3 of the ECHR in the activities of the police, it can be concluded that the Strasbourg Court most frequently finds violations during the analysis of compliance with obligations in the procedural aspect. In most of the analyzed decisions, the ineffectiveness of investigations into cases of torture or ill-treatment by law enforcement officers was recognized, which is linked to the imperfection of the evidence base and the

excessive duration of the investigation. (For example, case of «Petrakovskyy and Leontyev v. Ukraine», 2024; case of «Klimov and Slyvotskyy v. Ukraine», 2023).

Regarding violations of obligations in the material aspect, such violations mainly concerned the illegal use of physical force by law enforcement officers and illegal investigation methods aimed at obtaining information and forcing confessions (for example, the cases: «Kaverzin v. Ukraine», 2015; «Pulnyev and Gvaliya v. Ukraine», 2023).

At the same time, it can be noted that the situation with the use of torture and ill-treatment by police officers in Ukraine, which was a systemic and structural problem, has significantly improved after the adoption of the Criminal Procedure Code of Ukraine in 2012, which practically takes into account most safeguards against illegal methods of treatment and punishment violating Article 3 of the ECHR. All existing violations identified by the ECtHR occurred under legislation that has already lost its force.

As for the conditions for the legality of the use of coercive means in the activities of the police, taking into account the standards of the ECHR, a significant step forward should be called the adoption in 2015 of the Law of Ukraine «On the National Police» (*the Law of Ukraine «On the National Police, 2015*), which can be called quite progressive, compared to the previous legislation and which mostly meets international standards. During the performance of official duties, police officers also take into account the Order of the Ministry of Internal Affairs of 01.02.2016 №. 70 "On approval of the Instruction on safety measures when handling weapons" (*the Order of the Ministry of Internal Affairs, 2016*).

The Ukrainian Law «On the National Police» contains sufficiently clear grounds and conditions for the use of police coercive measures (physical force, special means, firearms) (Articles 44-46-1). However, according to paragraph 4, clause 4, Article 46 of this Law, a police officer is authorized in exceptional cases to use firearms to repel an attack on protected objects, convoys, residential and non-residential premises, as well as to release such objects in case of their capture» (*the Law of Ukraine «On the National Police, 2015*). This clause effectively allows the use of the most severe measure of force: firearms for the protection of property, and does not contain any caveats regarding threats to the life and health of people and/or the police officer, which does not entirely comply with the standards of the ECHR as interpreted by the ECtHR, as the research in this article shows. Therefore, a caveat as a condition for the legality of the use of firearms by the police should be included in this part of Article 46. Furthermore, the Instructions on safety measures when handling weapons, which provides safety measures for handling firearms during service, safety measures during shooting from a hand-held anti-tank grenade launcher, when shooting from an under-barrel grenade launcher, and during exercises with a combat hand grenade, appears somewhat general and does not contain safety measures for the use of various special means and weapons precisely during the maintenance of public order, during rallies and demonstrations. Defining such clear rules and conditions today is highly advisable and should be provided for in the legislation.

7. Conclusions

Therefore, based on the study of the ECtHR practice, the article analyzes the standards of police compliance with Articles 2 and 3 of the ECHR as interpreted by the ECtHR during the use of coercive measures (physical force, special means, firearms) and formulates the conditions for their lawful use. The ECtHR decisions concerning the justified use of police force are classified into three types: cases of the use of lethal force during police operations, cases of the use of force, including lethal force, during the suppression of riots or uprisings,

and cases of the use of force by the police during the detention of a person for committing or suspected of committing a criminal offense. In each of the identified cases, the ECtHR's examination of compliance with ECHR standards may have its own specifics depending on the circumstances of the case. However, in all cases, the issue of training law enforcement officers, their availability of appropriate equipment, conducting relevant briefings, and, if necessary, training on the handling and use of weapons and special equipment is considered. Notably, Article 2 of the ECHR also applies to cases where the unlawful use of lethal force is committed by a law enforcement officer who, at the time of the incident, was not on duty, but used a service weapon, the carrying of which he had the right to due to his official duties.

It is established that Articles 2 and 3 of the ECHR provide obligations in both material and procedural aspects. Compliance with material obligations in decisions related to police activities, the ECtHR primarily interprets as the presence in the state of appropriate national legislation with clear principles and rules for the use of weapons by law enforcement officers. Compliance with procedural obligations involves conducting an effective investigation into all cases of the use of lethal force or torture, or cruel treatment or punishment. The criteria for an effective investigation, according to ECtHR practice, are: independence, due process and thoroughness, timeliness and reasonable speed, public control and participation of close relatives. If physical harm, fatal consequences were inflicted on a person who was under the control of the state, the ECtHR pays particular attention to the effectiveness of the investigation. Moreover, the ECtHR may recognize a violation of Article 2 of the ECHR even in cases where it is established that private individuals are involved in the death of the victim, but they acted on the instructions and/or under the control of law enforcement agencies, or at least with their tacit consent or without hindrance.

In the ECtHR decisions adopted regarding Ukraine, violations related to the inefficiency of investigations into cases of cruel treatment or torture by police officers, and related to the imperfection of the evidence base and excessive duration of the investigation, are most frequent. At the same time, it is worth considering that all analyzed ECtHR decisions were adopted before the adoption of the Criminal Procedure Code of Ukraine (2012), which takes into account most safeguards to avoid unlawful methods of treatment and punishment that violate Article 3 of the ECHR.

During the analysis of ECtHR decisions related to the use of police force, certain shortcomings of domestic legislation were identified, and amendments to paragraph 4 of part 4 of Article 46 of the Law of Ukraine «On the National Police» were proposed, and the following was formulated: to repel an attack that threatens the life and health of people and/or a police officer, on objects under protection, convoys, residential and non-residential premises, as well as the liberation of such objects in case of their capture.

Further research into international standards for security measures when using various special means, firearms, precisely during the maintenance of public order, during rallies and demonstrations, also appears promising for improving current legislation and law enforcement practice.

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