

**Regulating State Use of Force: A Critical Assessment of International Human Rights
Protections and Enforcement Challenges**

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ABSTRACT

The regulation of force by state authorities is a complex area of international human rights law, balancing state sovereignty, public security, and human dignity. This paper examines the legal framework governing law enforcement and security agencies, focusing on principles of legality, necessity, proportionality, precaution, and accountability as articulated in instruments such as the UN Code of Conduct for Law Enforcement Officials (1979), the UN Basic Principles on the Use of Force and Firearms (1990), and the right to life provisions of the UDHR, ICCPR, and General Comment No. 36. Leading jurisprudence from the European Court of Human Rights and the Inter-American Court of Human Rights including McCann and Others v United Kingdom, Nachova and Others v Bulgaria, Makaratzis v Greece, Armani Da Silva v United Kingdom, and Nadege Dorzema et al v Dominican Republic alongside domestic cases such as Tennessee v Garner, illustrates how these standards are applied, emphasizing operational planning, non-discrimination, effective investigation, and institutional accountability. Empirical research and reports by Amnesty International, Human Rights Watch, and the Council of Europe, complemented by academic analyses, reveal persistent gaps in practice, including inadequate training, weak oversight, discriminatory policing, militarization, and challenges in protest management. The paper concludes that while international human rights law provides a robust normative framework, structural, political, and cultural barriers continue to impede effective regulation, highlighting the need for strengthened accountability and comprehensive institutional reform.

Keywords: Use of Force; International Human Rights Law; Necessity and Proportionality; Accountability; Law Enforcement.

INTRODUCTION

The use of force by state authorities, particularly police, military and other security agencies, remains one of the most controversial and legally complex issues in international human rights law. Although states possess sovereign authority to maintain law and order, this power is constrained by binding international

legal norms designed to protect the right to life, human dignity, bodily integrity, and freedom from torture and ill-treatment (United Nations, 1948; United Nations, 1966). Central among these norms are the *United Nations Code of Conduct for Law Enforcement Officials* (UN, 1979) and the *United Nations Basic Principles on the Use of Force and Firearms* (UN, 1990), which collectively articulate the principles of legality, necessity, proportionality, precaution, and accountability. These instruments emphasize that force may be used only when strictly necessary and that lethal force must be employed solely as a last resort for the protection of life (UN, 1990; UN Human Rights Committee, 2018).

Despite the apparent clarity and robustness of these standards, extensive evidence demonstrates a persistent gap between international legal norms and state practice. Global monitoring reports document recurring patterns of excessive, arbitrary, and discriminatory use of force, including unlawful killings, misuse of less-lethal weapons, and failures to ensure effective accountability (Amnesty International, 2015; Amnesty International, 2021; Human Rights Watch, 2020). Academic scholarship similarly highlights structural and institutional barriers to compliance, noting that even democratic states with advanced legal frameworks often struggle to regulate the use of force effectively due to weak oversight mechanisms, entrenched police cultures, and political resistance to reform (Lennon and O'Hara, 2015; Bryant, Peck and Pooley, 2020; Walker and Archbold, 2019).

International and regional courts have played a critical role in clarifying the legal constraints governing the use of force. Within the European human rights system, the European Court of Human Rights (ECtHR) has developed a substantial body of jurisprudence interpreting Article 2 of the European Convention on Human Rights as imposing both substantive and procedural obligations on states. In *McCann and Others v United Kingdom* (1995), the Court held that the right to life may be violated not only by the direct use of lethal force, but also by deficiencies in the planning and control of security operations. This principle was reinforced in subsequent cases such as *Makaratzis v Greece* (2004) and *Armani Da Silva v United Kingdom* (2016), and is now firmly embedded in the Court's authoritative *Guide on Article 2* (ECtHR, 2021).

The ECtHR has also emphasised the importance of non-discrimination and effective investigation in cases involving the use of force. In *Nachova and Others v Bulgaria* (2005), the Court found that the fatal shooting of unarmed fugitives constituted a violation of Article 2 and that the authorities' failure to investigate potential racial motivations represented an additional breach. This judgment underscored the obligation of states to justify the use of force according to particularly strict standards of necessity and proportionality, while also addressing systemic bias within law enforcement practices.

Beyond Europe, both domestic and regional jurisprudence has significantly influenced global standards. In *Tennessee v Garner* (1985), the United States Supreme Court ruled that police may not use deadly force against a fleeing suspect unless the individual poses an immediate threat of death or serious physical harm. Although not binding internationally, the decision has been widely cited in comparative legal scholarship and policing reforms as an articulation of proportionality in the use of lethal force (McLean, 2020; Jones and Newburn, 2021). Similarly, the Inter-American Court of Human Rights has consistently condemned excessive force by state agents. In *Nadege Dorzema et al. v Dominican Republic* (2012), the Court held that the shooting of unarmed migrants violated the right to life under the American Convention on Human Rights, emphasising the duty to apply force in a non-discriminatory manner and to conduct prompt, impartial, and effective investigations.

Recent scholarship further highlights emerging and evolving challenges in regulating the use of force. The policing of protests and public assemblies has become a particularly contentious area, raising complex tensions between public order objectives and the protection of freedoms of expression and assembly (Smith, 2019; Dodd and O'Boyle, 2021; Garcia and Vermeulen, 2023; Waddington, Jones and Critcher, 2023). Concerns have also been raised regarding the increasing militarisation of policing, the

deployment of less-lethal weapons, and the use of new technologies, all of which may lower thresholds for force and undermine accountability (Neild, 2001; OHCHR, 2022; Alston, 2019). Empirical studies further demonstrate that legitimacy, public trust, and perceptions of fairness are closely linked to how force is regulated and applied in practice (Dijk, Hoogewoning and Punch, 2019; Bayley and Weisburd, 2022).

Taken together, these legal instruments, judicial decisions, and empirical studies demonstrate that while international human rights frameworks governing the use of force are well developed in principle, their domestic implementation remains uneven and often ineffective. This persistent gap raises critical questions regarding the adequacy of existing accountability mechanisms and the structural, political, and cultural barriers that impede compliance. Accordingly, this paper critically examines international human rights instruments, regional and domestic jurisprudence, and contemporary empirical research to assess whether current legal protections are sufficient to regulate the use of force by state authorities. By identifying both achievements and shortcomings, the study seeks to evaluate whether stronger enforcement mechanisms and more comprehensive reforms are required to safeguard fundamental rights in contemporary policing and security contexts.

HISTORY & BACKGROUND

The regulation of the use of force by state authorities has undergone significant transformation over the past century, shaped by historical abuses of state power, post-war human rights movements, and the progressive development of international legal institutions. Prior to the emergence of modern international human rights law, the use of force by police and military actors was largely regarded as a matter of internal governance falling within the exclusive domain of state sovereignty. Domestic legal systems typically afforded wide discretion to law enforcement authorities, prioritising public order, crime control, and state security over individual rights, often with limited external oversight (Neild, 2001).

The widespread atrocities committed during the Second World War marked a decisive turning point in international attitudes towards state violence. In response, the adoption of the Universal Declaration of Human Rights (UDHR) in 1948 established, for the first time, a global normative framework recognising the inherent dignity and equal rights of all individuals, including the right to life and the prohibition of torture and cruel, inhuman, or degrading treatment (United Nations, 1948). Although not legally binding, the UDHR laid the foundational principles for subsequent binding treaties that would directly constrain the use of force by state authorities and subject it to international scrutiny.

These normative developments were consolidated through the adoption of legally binding instruments such as the International Covenant on Civil and Political Rights (ICCPR) in 1966. Articles 6 and 7 of the ICCPR enshrine the right to life and the absolute prohibition of torture, forming the cornerstone of international legal regulation of state violence. The UN Human Rights Committee has since clarified, most notably in General Comment No. 36, that any use of lethal force by state agents must be strictly necessary and proportionate, used only as a last resort to protect life, and accompanied by effective accountability and investigative mechanisms (UN Human Rights Committee, 2018). This jurisprudential interpretation reflects a fundamental shift from viewing the use of force as a discretionary policing tool to recognising it as a matter of international human rights obligation.

During the late twentieth century, growing concern over police brutality, extrajudicial killings, and excessive force—particularly in contexts of political unrest, counter-terrorism operations, and internal conflict—prompted the United Nations to develop more detailed and operational standards for law enforcement conduct. This resulted in the adoption of the UN Code of Conduct for Law Enforcement Officials (1979), which articulated ethical duties of restraint, respect for human rights, and accountability. These principles were further elaborated in the UN Basic Principles on the Use of Force and Firearms by

Law Enforcement Officials (1990), which provided concrete guidance on the application of necessity, proportionality, precaution, and accountability in operational contexts (United Nations, 1979; United Nations, 1990). Together, these instruments represent a significant milestone in the codification of international standards governing the use of force by state agents.

Parallel to these normative developments, regional human rights systems emerged as critical mechanisms for enforcing standards on the use of force through judicial interpretation. Within Europe, the European Court of Human Rights (ECtHR) has developed an extensive body of jurisprudence under Article 2 of the European Convention on Human Rights. In *McCann and Others v United Kingdom* (1995), the Court established that the legality of lethal force must be assessed not only at the moment it is used but also in light of the planning and control of the operation as a whole. This doctrinal approach was reinforced in subsequent cases such as *Makaratzis v Greece* (2004) and *Armani Da Silva v United Kingdom* (2016), and further developed in *Nachova and Others v Bulgaria* (2005), where the Court emphasised states' obligations to prevent discriminatory violence and to investigate potential racist motives effectively. These cases collectively underscore the Court's insistence on both substantive and procedural safeguards in the regulation of force.

Comparable developments have occurred within the Inter-American human rights system, which has been particularly influential in addressing militarised policing, migration control, and violence against marginalised groups. The Inter-American Court of Human Rights has consistently held that the use of lethal force by state agents must be exceptional and strictly regulated. In *Nadege Dorzema et al v Dominican Republic* (2012), the Court held that the shooting of unarmed migrants constituted a violation of the right to life, reaffirming the principles of non-discrimination, necessity, and proportionality, as well as the duty to conduct prompt, impartial, and effective investigations, particularly where vulnerable populations are affected.

Domestic jurisprudence has also contributed to the historical development of international standards. In the United States, *Tennessee v Garner* (1985) marked a critical shift by rejecting the common-law rule permitting the use of deadly force against fleeing suspects irrespective of threat. While grounded in constitutional law rather than international human rights law, the decision has had broader comparative influence and has been widely cited in discussions of proportionality and necessity in police use of force across jurisdictions.

Despite the expansion of legal norms and judicial oversight, empirical research consistently demonstrates that implementation remains uneven. Reports by Amnesty International and Human Rights Watch document persistent patterns of excessive force, unlawful killings, discriminatory practices, and weak accountability mechanisms in both democratic and transitional contexts (Amnesty International, 2015; Amnesty International, 2021; Human Rights Watch, 2020). Academic scholarship further highlights how institutional culture, inadequate training, political pressures, protest policing, technological developments, and the increasing militarisation of law enforcement undermine compliance with human rights standards, even in states with sophisticated legal frameworks (Lennon and O'Hara, 2015; Bryant, Peck and Pooley, 2020; Smith, 2019; Alston, 2019).

In this historical context, the regulation of the use of force has evolved from a matter of domestic discretion to one of binding international legal obligation. Nevertheless, the persistent gap between law and practice underscores the need for stronger enforcement mechanisms, enhanced oversight, and sustained political commitment. This historical and legal background provides the foundation for the present research, which critically assesses whether existing international human rights protections are sufficient to regulate the use of force effectively in contemporary policing and security environments.

Scope of this research

The scope of this research is deliberately interdisciplinary and comparative, encompassing international human rights law, regional human rights jurisprudence, and selected domestic legal frameworks regulating the use of force by state authorities. Conceptually, the study focuses on the use of force by police, military, and other security agencies in law enforcement and public security contexts, rather than conduct of hostilities governed exclusively by international humanitarian law. Particular attention is given to the principles of necessity, proportionality, precaution, and accountability, which constitute the core normative standards governing state use of force under international human rights law (UN, 1990; UN Human Rights Committee, 2018).

From a legal perspective, the research primarily examines international and regional human rights instruments, including the International Covenant on Civil and Political Rights, the European Convention on Human Rights, and the American Convention on Human Rights. The study analyses jurisprudence from key judicial bodies such as the European Court of Human Rights and the Inter-American Court of Human Rights, with a focus on cases addressing lethal force, discriminatory policing, and failures to conduct effective investigations. While landmark decisions such as *McCann and Others v. United Kingdom* (1995) and *Nachova and Others v. Bulgaria* (2005) provide the doctrinal foundation, the research also considers more recent developments, including cases addressing protest policing and systemic accountability failures, such as *Armani Da Silva v. United Kingdom* (2016) and *Makaratzis v. Greece* (2004), which continue to shape contemporary interpretations of Article 2 obligations (ECtHR, 2016).

Geographically, the research adopts a comparative approach, drawing on case law and practice from Europe, the Americas, and selected domestic jurisdictions, particularly the United States. Although domestic legal systems differ in structure and constitutional traditions, cases such as *Tennessee v. Garner* (1985) remain relevant to the global discourse on policing standards and the permissible use of lethal force. The research does not aim to provide an exhaustive global survey but instead focuses on jurisdictions that have significantly influenced international norms and comparative legal debates.

Temporally, the research concentrates on developments from the late twentieth century to the present, reflecting the period during which international standards on the use of force have been most clearly articulated and judicially enforced. Recent academic literature and human rights reports are incorporated to assess contemporary challenges, including the militarization of policing, the use of force during public protests, and the impact of counter-terrorism and migration-control policies (Amnesty International, 2020; OHCHR, 2022). Studies by scholars such as Dodd and O'Boyle (2021) and Smith (2019) are used to evaluate whether existing legal frameworks adequately respond to modern policing realities, including technological surveillance, crowd-control weapons, and systemic discrimination.

The scope of this research is also limited by its focus on legal norms and accountability mechanisms rather than operational policing tactics or criminological analysis. While empirical data and human rights reports are used to contextualize legal findings, the primary objective is normative and doctrinal: to assess whether current international human rights protections are sufficient to regulate the use of force and to identify gaps in enforcement and accountability. By doing so, the research aims to contribute to ongoing scholarly and policy debates on reforming oversight mechanisms and strengthening compliance with human rights standards in contemporary policing and security contexts.

RESEARCH METHODOLOGY

This research adopts a qualitative, doctrinal, and comparative methodology to examine the regulation of the use of force by state authorities under international human rights law. The approach is designed to

evaluate both the normative content of legal standards and their practical implementation across diverse jurisdictions. Given the legal nature of the research question, primary emphasis is placed on binding and non-binding legal instruments, judicial decisions, and authoritative interpretative guidance, supported by secondary academic literature and empirical human rights reports.

At the core of the study is doctrinal legal analysis, which systematically examines international treaties, soft-law instruments, and judicial interpretations governing the use of force. Primary sources include binding instruments such as the International Covenant on Civil and Political Rights (1966) (United Nations, 1966), the European Convention on Human Rights (1950), and the American Convention on Human Rights (1969). These are analysed alongside soft-law standards, including the UN Code of Conduct for Law Enforcement Officials (1979) (United Nations, 1979) and the UN Basic Principles on the Use of Force and Firearms (1990) (United Nations, 1990). This doctrinal analysis identifies and evaluates core principles regulating state use of force, notably necessity, proportionality, precaution, and accountability, as further clarified by the UN Human Rights Committee (2018) and OHCHR guidance (OHCHR, 2022; OHCHR, 2023).

Judicial interpretation constitutes a central component of the analysis. The research examines case law from international and regional human rights courts, particularly the European Court of Human Rights (ECtHR) and the Inter-American Court of Human Rights (IACtHR). Landmark judgments, including *McCann and Others v United Kingdom* (1995) (ECtHR, 1995), *Nachova and Others v Bulgaria* (2005) (ECtHR, 2005; 2005 42 EHRR 43), and *Nadege Dorzema et al. v Dominican Republic* (2012) (IACtHR, 2012), are analysed to assess how abstract human rights norms are applied in concrete cases involving lethal force. More recent decisions, such as *Armani Da Silva v United Kingdom* (2016) (ECtHR, 2016) and *Makaratzis v Greece* (2004) (ECtHR, 2004), illustrate evolving judicial expectations regarding operational planning, investigative obligations, systemic failures, and institutional accountability. These cases collectively demonstrate judicial emphasis on operational control, non-discrimination, and the duty to conduct effective investigations in the regulation of state force (McLean, 2020; Méndez, 2019).

The research also employs a comparative legal methodology, evaluating how different jurisdictions interpret and implement international standards. Comparative analysis spans regional human rights systems and selected domestic jurisdictions, with particular focus on the United States. Although domestic cases are not binding under international law, decisions such as *Tennessee v Garner* (1985) (US Supreme Court, 1985) are influential in shaping international debates on policing and the permissible use of lethal force, providing useful comparative insights into operational standards, necessity, and proportionality.

Doctrinal and comparative analyses are complemented by secondary literature and empirical human rights research. Peer-reviewed articles, monographs, and scholarly studies contextualize legal findings and critically engage with issues of accountability, institutional reform, militarization, and protest policing (Neild, 2001; Lennon and O'Hara, 2015; Bryant, Peck and Pooley, 2020; Smith, 2019; Alston, 2019; Jones and Newburn, 2021; Bayley and Weisburd, 2022; Barak-Erez and Perez, 2020; Kaldor and Selchow, 2022; Garcia and Vermeulen, 2023). Reports by Amnesty International (2015; 2021), Human Rights Watch (2020), the Council of Europe (2020; ECtHR, 2021), OSCE (2021), and OHCHR (2022; 2023) provide empirical evidence of systemic patterns of excessive force, inadequate oversight, and gaps between normative standards and practice. Further scholarship highlights how political pressures, institutional culture, technological developments, and the militarization of policing undermine compliance even in advanced democracies (Skolnick and Fyfe, 2022; Walker and Archbold, 2019; Dodd and O'Boyle, 2021; Waddington, Jones and Critcher, 2023; Reicher, Stott and Drury, 2020; Dijk, Hoogewoning and Punch, 2019; Greene and Gabbidon, 2020).

The research is guided by a normative analytical framework, assessing state practice against international human rights obligations rather than domestic policy or security objectives. While empirical material illustrates enforcement challenges, the study does not involve original fieldwork or quantitative analysis, instead relying on documented cases, authoritative reports, and peer-reviewed scholarship. This approach is appropriate for examining legal norms, judicial interpretation, and accountability mechanisms.

Through this integrated methodology, the study provides a critical, comparative, and doctrinal assessment of international human rights protections governing the use of force and contributes to scholarly and policy debates on reforming oversight mechanisms, strengthening accountability, and improving compliance in contemporary policing and security contexts.

KEY FINDINGS

This study reveals several significant findings concerning the regulation of the use of force by state authorities under international human rights law. Collectively, these findings demonstrate that while the normative legal framework governing the use of force is well-developed, substantial deficiencies persist in implementation, accountability, and systemic compliance.

Strength and Clarity of the International Normative Framework

The research finds that international human rights law provides a clear and robust normative framework regulating the use of force by state authorities. Core principles necessity, proportionality, precaution, and accountability—are consistently articulated across binding treaties, soft-law instruments, and authoritative interpretations. Instruments such as the ICCPR, the UN Basic Principles on the Use of Force and Firearms, and General Comment No. 36 of the UN Human Rights Committee establish that lethal force may only be used as a last resort to protect life and must always be subject to strict scrutiny (UN, 1990; UN Human Rights Committee, 2018). This legal clarity undermines claims that excessive force results from normative ambiguity rather than failures of compliance.

Expansion of State Obligations Through Judicial Interpretation

A key finding of the study is the expansive interpretation of state obligations by international and regional courts. Jurisprudence from the European Court of Human Rights demonstrates that responsibility for unlawful force extends beyond the immediate actions of individual officers to encompass planning, command structures, training, and oversight. Cases such as *McCann and Others v. United Kingdom* (1995), *Makaratzis v. Greece* (2004), and *Armani Da Silva v. United Kingdom* (2016) confirm that failures in operational planning and investigation can independently constitute violations of the right to life (ECtHR, 2016). Similarly, the Inter-American Court has emphasized preventative duties and structural reform obligations in cases involving militarized policing (*Nadege Dorzema et al. v. Dominican Republic*, 2012).

Persistent Gap Between Law and Practice

Despite the strength of legal standards, the research identifies a persistent and global gap between law and practice. Empirical reports indicate widespread patterns of excessive force, unlawful killings, and ineffective investigations, even in states with advanced legal systems. Amnesty International (2020) and OHCHR (2022) document repeated failures to ensure accountability, particularly in protest policing, migration control, and counter-terrorism contexts. This finding confirms that the primary challenge lies not in norm creation but in enforcement and institutional compliance.

Discriminatory and Militarized Policing as Structural Drivers of Excessive Force

The study finds that discriminatory practices and the increasing militarization of policing significantly heighten the risk of unlawful force. Judicial findings in *Nachova and Others v. Bulgaria* (2005) and recent ECtHR protest-related cases highlight the intersection between excessive force and racial or ethnic discrimination. Contemporary research further demonstrates that militarized equipment, military-style tactics, and counter-terrorism frameworks normalize high levels of force and weaken civilian accountability structures (Bryant, Peck and Pooley, 2020; Dodd and O'Boyle, 2021). These dynamics disproportionately affect marginalized communities, migrants, and political protesters.

Inadequacy of Accountability Mechanisms

Another central finding is the systemic weakness of accountability mechanisms at the domestic level. International courts repeatedly identify failures to conduct prompt, independent, and effective investigations into deaths caused by state agents. Studies show that internal police investigations often lack independence, while prosecutorial reluctance and political pressure further undermine accountability (Lennon and O'Hara, 2015; Smith, 2019). The research confirms that accountability deficits, rather than lack of legal standards, are a primary cause of continued violations.

Limited Deterrent Effect of International Adjudication Alone

While international and regional courts play a crucial role in articulating standards and providing remedies, the study finds that judicial condemnation alone has a limited deterrent effect in the absence of domestic implementation. Compliance with judgments remains uneven, and structural reforms ordered by courts are often delayed or partially implemented (OHCHR, 2022). This finding suggests that international adjudication must be complemented by stronger domestic oversight institutions, legislative reform, and sustained political commitment.

Need for Structural and Preventative Reforms

Finally, the research concludes that effective regulation of the use of force requires a shift from reactive accountability to preventative governance. Best practices identified in recent scholarship emphasize independent oversight bodies, human-rights-based training, data transparency, and restrictions on militarized policing models (Amnesty International, 2020; Dodd and O'Boyle, 2021). Without such structural reforms, international human rights protections risk remaining largely symbolic rather than transformative.

RECOMMENDATIONS

Based on the findings of this study, several normative, institutional, and structural reforms are recommended to strengthen the regulation of the use of force by state authorities under international human rights law. These recommendations respond directly to the identified gaps between legal standards and their practical implementation and are informed by contemporary jurisprudence, international reports, and recent academic research.

Strengthening Domestic Implementation of International Standards

The study recommends that states incorporate international human rights standards on the use of force more explicitly into domestic legislation, operational policies, and policing guidelines. While international norms such as the UN Basic Principles on the Use of Force and Firearms provide clear guidance, their impact remains limited where domestic legal frameworks fail to reflect these principles in binding and enforceable terms. Legislative alignment should explicitly codify the principles of necessity,

proportionality, precaution, and accountability, including strict limitations on the use of lethal force (UN, 1990; UN Human Rights Committee, 2018).

Comparative jurisprudence demonstrates that domestic legal reform can significantly influence policing practices. For example, the principles articulated in *Tennessee v. Garner* (1985) illustrate how constitutional limitations on lethal force can recalibrate police conduct when clearly embedded in domestic law. States should therefore move beyond policy guidance and adopt statutory frameworks that provide clear legal thresholds and sanctions for unlawful force.

Enhancing Independent and Effective Accountability Mechanisms

Given the persistent failure of internal police investigations identified by international courts, the study recommends the establishment or strengthening of independent civilian oversight bodies with the authority to investigate, prosecute, and sanction unlawful uses of force. The European Court of Human Rights has consistently emphasized that investigations into deaths caused by state agents must be independent, prompt, transparent, and capable of leading to accountability (*McCann and Others v. United Kingdom*, 1995; *Armani Da Silva v. United Kingdom*, 2016).

Recent research confirms that accountability mechanisms lacking institutional independence are unlikely to deter future violations (Lennon and O'Hara, 2015; Smith, 2019). Accordingly, states should ensure that oversight bodies are structurally and operationally separate from law enforcement agencies and equipped with adequate resources, investigative powers, and public reporting obligations.

Addressing Discriminatory and Militarized Policing Practices

The findings indicate that discriminatory policing and militarization are key structural drivers of excessive force. The study therefore recommends targeted reforms to address racial, ethnic, and socio-political biases in law enforcement. Judicial findings in *Nachova and Others v. Bulgaria* (2005) and *Nadege Dorzema et al. v. Dominican Republic* (2012) highlight the obligation of states not only to refrain from discriminatory violence but also to actively prevent and investigate it.

Recent scholarship demonstrates that militarized policing models, particularly in protest, counter-terrorism, and migration-control contexts, normalize high levels of force and weaken civilian accountability (Bryant, Peck and Pooley, 2020; Dodd and O'Boyle, 2021). States should therefore restrict the deployment of military-grade equipment in civilian policing and ensure that public order operations are governed by human-rights-based frameworks rather than security-driven paradigms.

Prioritizing Preventative Measures and Human Rights-Based Training

The study recommends a shift from reactive accountability toward preventative governance of the use of force. Human rights-based training should be mandatory, continuous, and operationally embedded at all levels of law enforcement, including command and strategic planning roles. The ECtHR has repeatedly stressed that inadequate training and planning can themselves give rise to violations of the right to life (*Makaratzis v. Greece*, 2004).

International reports further emphasize that training must go beyond abstract legal instruction and focus on de-escalation, risk assessment, crowd management, and the protection of vulnerable groups (Amnesty International, 2020; OHCHR, 2022). Preventative approaches also require clear operational protocols governing protest policing, migration enforcement, and counter-terrorism operations.

Improving Data Collection, Transparency, and Public Scrutiny

Another key recommendation is the systematic collection and publication of disaggregated data on the use of force by state authorities. Transparency is essential to identifying patterns of abuse, discriminatory practices, and institutional failures. The lack of reliable data has been identified as a major obstacle to accountability and reform (OHCHR, 2022).

States should therefore establish mandatory reporting systems for all incidents involving lethal and less-lethal force, with data disaggregated by race, ethnicity, gender, and context. Public access to such data enhances democratic oversight and supports evidence-based reform (Smith, 2019).

Strengthening Compliance with International and Regional Judgments

Finally, the study recommends improved mechanisms to ensure domestic compliance with judgments of international and regional human rights courts. While courts such as the ECtHR and the Inter-American Court play a critical role in articulating standards, their deterrent effect remains limited where judgments are not fully implemented. States should establish dedicated domestic mechanisms to monitor execution of judgments, including legislative review, institutional reform, and follow-up reporting (OHCHR, 2022).

International adjudication should thus be understood not as an end in itself but as part of a broader compliance ecosystem requiring political commitment, institutional reform, and sustained civil society engagement.

CONCLUSION

This study demonstrates that while international human rights law provides a robust normative framework for regulating the use of force by state authorities, substantial gaps remain in practical implementation, accountability, and structural compliance. Core principles necessity, proportionality, precaution, and accountability are consistently articulated across binding treaties such as the International Covenant on Civil and Political Rights (1966), regional instruments like the European Convention on Human Rights (1950) and the American Convention on Human Rights (1969), and soft-law standards including the UN Code of Conduct for Law Enforcement Officials (1979) and the UN Basic Principles on the Use of Force and Firearms (1990). These instruments clearly limit the use of lethal force to circumstances where it is strictly necessary to protect life (UN, 1990; UN Human Rights Committee, 2018).

Judicial interpretation has expanded state obligations beyond the immediate actions of individual officers to encompass operational planning, training, oversight, and accountability structures. Landmark cases including *McCann and Others v. United Kingdom* (1995), *Nachova and Others v. Bulgaria* (2005), and *Nadege Dorzema et al. v. Dominican Republic* (2012) illustrate that unlawful use of force, failures to prevent discriminatory practices, and inadequate investigations constitute violations of the right to life and other human rights. Domestic jurisprudence, such as *Tennessee v. Garner* (1985), has similarly influenced international debates on lethal force and policing standards, demonstrating the comparative significance of national frameworks in shaping global norms.

Despite this legal clarity, empirical evidence indicates a persistent gap between law and practice. Reports from Amnesty International (2015, 2020) and the Office of the UN High Commissioner for Human Rights (OHCHR, 2022) document widespread instances of excessive or arbitrary force, weak internal accountability mechanisms, and discriminatory policing. Structural drivers including militarization, operational doctrines prioritizing security over human rights, and entrenched institutional cultures further exacerbate the risk of violations (Bryant, Peck and Pooley, 2020; Dodd and O'Boyle, 2021). International and regional court judgments, while essential for normative development, have limited deterrent effect

without strong domestic compliance, independent oversight, and sustained political commitment (Lennon and O'Hara, 2015; Smith, 2019).

To address these challenges, this study recommends a comprehensive approach combining legal, institutional, and preventative reforms. These include: codifying international standards into domestic law; establishing independent civilian oversight bodies with investigatory and prosecutorial powers; limiting militarized policing and discriminatory practices; embedding human rights-based training across law enforcement hierarchies; systematically collecting and publishing disaggregated data on the use of force; and strengthening mechanisms to ensure domestic compliance with international and regional judgments. Together, these reforms shift the focus from reactive accountability to preventative governance, increasing the likelihood that human rights protections will meaningfully regulate state use of force.

In conclusion, while the international legal framework governing the use of force is conceptually strong and reinforced by judicial interpretation, its effectiveness depends critically on domestic implementation, structural reform, and proactive oversight. Without sustained efforts to bridge the persistent gap between law and practice, international human rights protections risk remaining largely symbolic. Meaningful compliance requires not only legal codification but also institutional transformation, operational accountability, and ongoing vigilance to ensure that the right to life, human dignity, and freedom from abuse are consistently upheld in contemporary policing and security contexts.

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