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## FOREIGN POLICE EXPERIENCE IN ENSURING RIGHTS, FREEDOMS AND LEGITIMATE INTERESTS OF CITIZENS

**Abstract.** *The purpose* of the article is to analyse international standards on the activities of law enforcement officers in ensuring the rights of citizens, as well as the experience of police units of some countries in implementing them. In the article, the author studies the system of international standards for the activities of law enforcement agencies in observing the rights, freedoms and legitimate interests of citizens. **Results.** Among the key legal regulations, the article analyses the Code of Conduct for Law Enforcement Officials, the European Code of Police Ethics, the Resolution of the Parliamentary Assembly of the Council of Europe on “Declaration on the Police” and others. The work makes it possible to determine the key principles of police activity in safeguarding the rights and freedoms of citizens: the rule of law, prohibition of discrimination, limited use of coercion and firearms, presumption of innocence, prohibition of torture and other degrading punishments, the right to protection and urgent medical care, zero tolerance for corruption and the provision of adequate conditions for detainees. The experience of the Republic of Kazakhstan and the Georgia in reforming their own police systems and introducing world best practices in protecting the rights and legitimate interests of citizens is analysed. **Conclusions.** The author identifies these countries’ main developments and innovations, which are worthy to be studied and incorporated into domestic police activities, such as: the introduction of front-line police offices, and modules for the reception of citizens’ communications, equipping of offices for investigative actions with surveillance cameras, establishment of separate police units for the protection of women and children from violence, introduction of specialization of investigators in cases involving women and children, operation of specialized Inter-agency coordination bodies for the prevention of domestic violence; implementation of international projects of human rights protection; the processing of information banks on the investigation of crimes related to the fight against human trafficking and the activities of the police public safety management centres.

**Key words:** police, human rights, rule of law, law enforcement, Georgia, Kazakhstan.

### 1. Introduction

The modern mission of the Ministry of Internal Affairs of Ukraine, an integral part of which is the National Police, is based on the principles of a safe environment for human activity; a rapid and competent response to emergencies and events threatening personal or public security; public security and law enforcement, as well as minimum violations of human rights and fundamental freedoms in the activities of the Ministry of Internal Affairs; rapid access of people to effective mechanisms for the restoration of violated rights.

Therefore, ensuring the rights and freedoms of citizens by the police is a relevant and necessary condition for strengthening public confidence in state institutions and an atmosphere

of public order, the integration of the national law enforcement system into the world and Europe.

Moreover, the development of national law enforcement should be based on the best practices of the world, which have proved to be effective in strengthening the rights, freedoms and legitimate interests of natural and legal persons, consequently, their study and implementation in the work of the National Police of Ukraine becomes relevant and necessary.

V. Halai, V. Beschasnyi, K. Buhachuk, S. Zabroda, A. Sokolenko and others have contributed, to some extent, to research on the protection and observance of the rights and freedoms of citizens by the police abroad. However, it should be noted that in these and other sci-

entific works many researchers have simply stated the existence of international agreements, conventions and rules on human rights, or they considered the relevant police activities only on the basis of the provisions of the appropriate police laws. In addition, we believe that this issue requires detailed scientific research in order to highlight the specific measures applied by foreign police in the field of public relations being investigated.

The aim of the article is to analyse international standards on the activities of law enforcement officers in ensuring the rights of citizens, as well as the experience of police units of some countries in implementing them.

## 2. International standards of activity of police bodies

First of all, it should be noted that many special international instruments and recommendations by the United Nations and the Council of Europe have established standards for the performance of police bodies and units responsible for the rights and freedoms of citizens. For example, according to the Code of Conduct for Law Enforcement Officials approved by General Assembly Resolution 34/169, law enforcement officials must respect and protect human dignity, maintain and uphold the human rights of all persons while performing their duties. Law enforcement officials may use force only when it is strictly necessary and to the extent required for the performance of their duty, and they should ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required (Banchuk, 2013, pp. 9–11).

The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on 27 August 1990, state that: these persons, in their relations with persons in custody or detention, shall not use force, except when it is strictly necessary for the maintenance of security and order within the institution, or when personal safety is threatened (Banchuk, 2013, p. 14).

Furthermore, Resolution 690 (1979) of the Parliamentary Assembly of the Council of Europe on the “Declaration on the Police” indicates that a police officer should fulfil the duties the law imposes upon him by protecting his fellow citizens and the community against violent and other dangerous acts, as defined by law. He shall not cooperate in the tracing, arresting, guarding or conveying of persons who, while not being suspected of having committed an illegal act, are searched for, detained or prosecuted because of their

race, religion or political belief. A police officer having the custody of a person needing medical attention shall secure such attention by medical personnel and, if necessary, take measures for the preservation of the life and health of this person (Council of Europe, 1979).

The Recommendation of the Committee of Ministers to Member States of the Council of Europe “On the European Code of Police Ethics” of 19 September 2001 established the guiding principles for police activities to respect and ensure the rights and freedoms of citizens, in particular:

- the police, and all police operations, must respect everyone’s right to life;
- the police shall not inflict, instigate or tolerate any act of torture or inhuman or degrading treatment or punishment under any circumstances;
- the police may use force only when strictly necessary and only to the extent required to obtain a legitimate objective;
- the police must always verify the lawfulness of their intended actions;
- the police shall provide the necessary support, assistance and information to victims of crime, without discrimination (Council of Europe, 2001).

*A Manual for Police Trainers* by the United Nations states that respect for human rights by law enforcement agencies actually increases their effectiveness. In units that respect human rights systematically, police officers have already learned to be effective in addressing and preventing crime-related problems. In this regard, respect for human rights by the police is not only a moral, legal and ethical imperative, but also a practical requirement for law enforcement. When police officers demonstrate respect for, encourage and protect human rights, the public’s confidence is enhanced, the positive cooperation of citizens with police bodies and units is enhanced, and the police are seen as an integral part of society, which fulfils an important social function (Office of the United Nations High Commissioner for Human Rights, 2002, p. 32).

Thus, it should be noted that international instruments basically set out the following standards of police activities: 1) respect for the rights of citizens; 2) prevention of the excessive use of force and weapons; 3) prevention of torture and other acts, degrading treatment; 4) guarantee of the right to protection; 5) provide medical and other assistance; 6) promote cooperation with civil society and build mutual trust.

The following should analyse the practical experience of individual countries in implementing the standards in their activities.

### 3. The Ministry of Internal Affairs of the Republic of Kazakhstan

The unified system of internal affairs agencies in Kazakhstan consists of the police, the penitentiary system, military investigative bodies, the National Guard and protection bodies. The Police are made up of the Criminal Police, the Administrative Police, Investigation Units, Inquests and other units.

The Local Police Service consists of units of District Police Inspectors, Juvenile Police, Protection of Women against Violence, Patrol Police, etc. It is interesting to note that the relevant law contains a provision whereby a district police inspector reports at least once every quarter to the population living in the administrative unit of the relevant administrative and territorial unit (Law of the Republic of Kazakhstan "On the Internal Affairs Bodies of the Republic of Kazakhstan" from April 23, 2014 № 199-V (Parliament of the Republic of Kazakhstan, 2014)).

According to the Address of the President of the Republic of Kazakhstan "Growth of Welfare of Kazakhs: Increase in Income and Quality of Life" the Ministry of Internal Affairs developed "Roadmap" on modernization of Internal Affairs bodies for 2018–2021, which was subsequently approved by Decision 897 of the Government of Kazakhstan of 27 December 2018. The Roadmap provides for 9 areas of reform, including the elimination of inappropriate police functions, new formats for work with the population, new evaluation criteria, and the elimination of causes and conditions contributing to corruption (Government of the Republic of Kazakhstan, 2018). Within the framework of these tasks and with a view to improving the exercise of the rights and freedoms of citizens, the police bodies have planned the activities as follows:

1) development and implementation of a new system of evaluation criteria for the performance of the police, including indicators that objectively reflect the quality of the performance of the tasks assigned to the police and the assessment of the overall security and performance of the police by the population;

2) public outreach regarding the positive perception of the police;

3) creation of internal affairs bodies' specialized premises (front offices) for reception of citizens with convenient location and working hours; implementation of a qualitative staffing for work in front offices and regular services, providing them with special psychological training;

4) consideration of the development and introduction of a mobile application to inform the police bodies of public order viola-

tions (photo, video) by citizens with a feedback function (service model of interaction).

At the beginning of 2021, police officers of Almaty showed the first front office and the module for reception of citizens by the police. Currently, the city has 12 front offices and 5 modules for reception of citizens. According to the police, the modules for the reception of citizens are situated taking into account the crime situation. For the convenience of the applicants, a juvenile affairs inspector, a public security inspector, a duty investigator and a local police inspector are present at these facilities.

The premises have everything necessary for work and a place to eat. At night, the module goes on working. According to law enforcement officers, so far, people come to them mostly for advice. All citizens' complaints are recorded in a special register and, if necessary, the complainants are referred to the district police department.

Front offices, as well as modules, have all the conditions for a comfortable stay of visitors: an organized modern reception with consultants, transparent stalls with regular criminal and administrative police officers. Citizens can obtain competent answers to their questions, submit an application or receive legal clarifications. Front offices have a waiting room, an advisory sector, a checkpoint, toilets. The main objective of the law enforcement bodies in introducing this innovation is to reduce times of waiting and the receipt of applications, as well as to ensure the right of citizens to file complaints to the police (Abramova, 2020).

In 2020, Order 358 of the Minister of Internal Affairs of the Republic of Kazakhstan of 24 April 2020 approved "Policeman's Standard" to strengthen the image of the police and to ensure the rights and freedoms of citizens by personnel in their performance, and to strengthen the moral education and image of police bodies. According to its provisions, police service is an expression of special trust by society and the State and requires high personal and professional qualities of police officers. Police officers should always remember that every individual and citizen of the Republic of Kazakhstan must feel safe and consider a police officer as one's defendant ready to assist in need and able to protect one's life, health, rights and freedoms, honour and dignity against criminal and other unlawful attacks.

In their professional activities, police officers should: vigorously repress offences; take fair and logical actions to exclude violations of the law and oppression of the rights of citizens, including persons in custody or detention; to act honestly, impartially, to act vigorously against corruption; to respect the constitu-

tional rights of citizens to privacy; to be polite and tactful communicating with citizens, especially children, women, persons with disabilities and older persons, and to be sensitive and impartial regarding their appeals and statements; to provide necessary assistance, including first aid (Minister of Internal Affairs of the Republic of Kazakhstan, 2020).

In addition, in the Department of Economic Investigation in the city of Nur-Sultan, in order to ensure the transparency of the interrogation all investigator offices have been equipped with video surveillance cameras with wide-format monitors in the waiting rooms. In this way, the relatives and friends of the persons interviewed may observe the course of the investigation. According to the police authorities, the innovations enable to ensure the rule of law, the security of citizens, the transparency of the work of departmental staff, and the avoidance of unlawful methods of obtaining evidence, to prevent corruption and reduce complaints from participants in criminal proceedings (Official website of the President of the Republic of Kazakhstan, 2020).

In February 2021, the Ministry of Internal Affairs of Kazakhstan increased the number of internal affairs units for the protection of women and children against violence by 129, and units for minors by 448; in addition, specialized female and child investigators were introduced in the police (Multimedia information and analytical portal "Inforburo.kz", 2021).

#### **4. The Ministry of Internal Affairs of Georgia**

Next, the experience of Georgia should be analysed, since it was one of the first post-Soviet countries to initiate a wide-ranging reform of the police and bring its activities into line with international and European standards.

The Police of Georgia is a system of law enforcement agencies within the structure of the Ministry of Internal Affairs, which, within its competence, is responsible for preventing and responding to violations of Georgian legislation and for protecting public safety and legal order. According to Article 8 of the Law "On Police", the police officer in his/her performance strictly adheres to the principles of respect for fundamental human rights and freedoms, legality, non-discrimination, proportionality, exercise of discretionary powers, political neutrality and transparency. The forms, methods and means of police action must not violate human dignity and the honour of human life, physical integrity, property rights and other fundamental rights and freedoms (Official site of the Ministry of Internal Affairs of Georgia, <https://police.ge>). The Human Rights and Investigation Quality Monitoring Depart-

ment operates within the Ministry of Internal Affairs of Georgia, which, within its competence, ensures timely response and effectiveness of the ongoing investigation of crimes in the following areas: domestic crime, violence against women, crimes motivated by discrimination and intolerance, human trafficking, crimes committed by minors, crimes against life and health.

The Department also ensures the development and implementation of a methodology for the investigation of crimes, develops proposals for the planning and implementation of preventive measures and submits them to the relevant units of the Ministry, has the right to submit proposals to the competent department of the Ministry of Internal Affairs on the introduction of legislative changes with regard to guaranteeing the rights of citizens, and ensure the study and analysis of the recommendations of the Public Defender (Ombudsman) of Georgia and non-governmental organizations working in the field of human rights protection (Official site of the Ministry of Internal Affairs of Georgia, <https://police.ge>). The structural units of the Department are:

1. Human Rights Department supervises the investigation of criminal cases, the preparation of investigation reports, procedural documents and recommendations.

2. Investigation Quality Monitoring Department prepares analysis, recommendations and tools. It also conducts research to improve the quality of the investigation and provides overall supervision of the Office of Victim and Witness Coordinator.

3. Tbilisi and Regional Investigation Quality Monitoring Departments (Official site of the Ministry of Internal Affairs of Georgia, <https://police.ge>).

Resolution 630 of the Government of Georgia of November 25, 2014 adopted the composition of the Interdepartmental Council for the Prevention of Domestic Violence. It includes, inter alia, the Deputy Minister of Internal Affairs of Georgia, the Director of the State Fund for Protection and Assistance to Victims of Trafficking of Human Beings, the Head of the Main Criminal Police Department of the MIA of Georgia, the Director of the Patrol Police Department of the MIA of Georgia, Rector of the Academy of the MIA of Georgia. The main tasks of the Interdepartmental Council are to promote and coordinate the effective implementation of the functions assigned to the relevant State bodies in the field of preventing and combating domestic violence and providing assistance to victims of domestic violence; to make proposals on the prevention of domestic violence, elimination of the causes that contribute to the commission of such

unlawful acts for further submission to the Government of Georgia; to cooperate with State bodies of Georgia and the non-governmental sector, international and local organizations working in this field, as well as to develop joint proposals for subsequent submission to the Government of Georgia.

Furthermore, according to the Law of Georgia “On Combating Trafficking in Human Beings”, the Ministry of Internal Affairs of Georgia establishes a single information bank to identify the perpetrators and systematize the information available about them, which will include information on investigative activities and full progress in the investigation of crimes, including those related to trafficking in human beings (Official site of the Ministry of Internal Affairs of Georgia, <https://police.ge>).

The police of Georgia, in cooperation with international organizations and partner countries, carries out a number of important projects and programmes in the field of observance of human rights and freedoms by the law enforcement agencies of the country, implementation of best law enforcement practices in the activities of the Ministry of Internal Affairs and its components. In particular, the following projects are ongoing:

1. “Fight against discrimination, hate crimes and hate speech in Georgia”. The aim of the project is to exchange experience in combating discrimination, hate speech and hate crimes, to increase professional competence of police officers, to bring Georgian legislation in line with European standards (DANEP).

2. “Promotion of an integrated approach to preventing violence against women and strengthening gender equality in Georgia”. The aim of the project is to strengthen the capacity of parties concerned, including the Georgian police, involved in preventing violence against women and combating domestic violence, as well as in protecting the rights of victims. Project duration is 2020–2022, with funding provided by the Council of Europe.

3. “Support of juveniles in pre-trial investigation (JADES)”. The aim of the project is to train police officers and investigators to work with juvenile victims and offenders, to promote better conditions in temporary detention facilities in accordance with European standards, to monitor the observance of the rights and freedoms of persons in the activities of the police. Project duration is 2019–2021, with funding provided by the Council of Europe.

A system for referral and protection of children has been introduced into the practice of the Georgian police, which provides for the implementation of procedures to protect children from any form of violence, inten-

tional or unintentional harm. On 31 May 2010, the Minister of Labour, Health and Social Affairs of Georgia, the Minister of Internal Affairs of Georgia and the Minister of Education and Science of Georgia issued a joint order approving the procedures for the referral and protection of children. The actors participating in these procedures are the Patrol Police Department and the district directorates of the territorial bodies of the MIA of Georgia, institutions, schools, specialized children’s institutions, day-care centres, medical institutions and the like.

The powers of the patrol police and district services in these procedures are to detect violence against children, prevent offences and protect victims of violence. When informed of such offences, the patrol police will arrive to the scene immediately. In territorial subdivisions where the areas of activity of the structural subdivisions of the Patrol Police Department of the MIA of Georgia are not defined, local police administrations perform this function.

Upon arrival at the scene, the patrol police or the neighbourhood police apply this algorithm: to examine and assess the situation, to interview potential victims, offenders, family members, witnesses, neighbours; to decide on the condition of the child (these actions should be primarily related to the safety and health of the child); call an ambulance or, at least, take the child to a medical institution for emergency medical treatment; take the child to a safe environment with parents or family members or alone and issue a prohibition document in cases provided for by law (Official site of the Ministry of Internal Affairs of Georgia, <https://police.ge>).

The Public Safety Management Centre “112” has proved to be a very effective institution in the field of provision of public services. It combines three emergency management centres in Georgia: patrol police, fire and rescue service and emergency medical assistance ([www.112.gov.ge](http://www.112.gov.ge)). Service 112 receives emergency calls from all over Georgia 24 hours a day and serves the population in six languages (Georgian, Russian, English, Armenian, Azerbaijani and Turkish). In addition, sign language interpreters can answer video calls (Koshkenova, Tabliashvili, 2019, pp. 18–19). In 2018, mobile applications were launched in Georgia with functions such as secret sending of the alarm signal to Service 112 (SOS) and correspondence with the operator (“chat”). Thus, a person in danger can secretly call a rescue service or inform the operator of the situation. The application itself establishes the location of the person, which significantly reduces the response time of the rescue service or police. This app is free, accessible in Georgian, English and Russian (Koshkenova, Tabliashvili, 2019, p. 22).

### 5. Conclusions

The study permits making *the following conclusions and overviews* reflecting current trends in this field:

1. The United Nations and Council of Europe's legal instruments establish the basic standards for the work of police officers in a democratic society. The basic principles and rules for police officers to exercise their powers may include:

- in the performance of their duties, the police must respect and ensure the rights of citizens, must respect and protect human dignity and must avoid any discrimination in their activities;
- police officers must use coercive measures, including firearms, only in exceptional cases and to the minimum extent required;
- in their relations with persons detained, the police must ensure that their health is protected and that they are given the necessary assistance;
- ill-treatment, torture and other forms of inhuman or degrading treatment or punishment are prohibited in the police;
- police officers must treat a detained or suspected person in accordance with the principle of presumption of innocence, and that every suspect of a criminal offence has certain rights.

2. Since 2018, the authorities and the MIA of Kazakhstan have been systematically implementing reforms of the law enforcement system, implementing both regulatory and organizational measures. The most significant achievements of Kazakhstan include:

- approval of Policeman's Standard;
- introduction of front-line police offices and modules for the reception of citizens' communications;

- equipping of offices for investigative actions with surveillance cameras;
- reactivation of the internal affairs units for the protection of women and children against violence and introduction of specialization of investigators in cases involving women and children.

3. Georgia was one of the first countries of the former post-Soviet area to initiate systemic reforms in the law enforcement, the basic idea of which was to bring police activities closer to recognized world standards. Among the experiences of the Georgian police that need to be studied for their introduction into national practice are:

- establishment of an independent Human Rights and Investigation Quality Monitoring Department;
- functioning of the Interdepartmental Council for the Prevention of Domestic Violence;
- establishment of a single data bank on the investigation of crimes related to combating trafficking in human beings;
- implementation of the projects "Fight against discrimination, hate crimes and hate speech", "Promotion of an integrated approach to preventing violence against women and strengthening gender equality", "Support of juveniles in pre-trial investigation (JADES)";
- implementation of a national mechanism for the referral and protection of children;
- creation of a single Public Safety Management Centre "112".

The promising areas for further research may be the analysis of criteria for the effectiveness of police activities in ensuring the rights and freedoms of citizens.

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## ЗАРУБІЖНИЙ ДОСВІД ДІЯЛЬНОСТІ ОРГАНІВ ПОЛІЦІЇ ЩОДО ЗАБЕЗПЕЧЕННЯ ПРАВ, СВОБОД ТА ЗАКОННИХ ІНТЕРЕСІВ ГРОМАДЯН

**Анотація. Метою** статті є здійснення аналізу міжнародних стандартів діяльності співробітників правоохоронних органів у сфері забезпечення прав громадян, а також розгляд досвіду підрозділів поліції деяких країн щодо їх практичної реалізації. У статті автором досліджено систему міжнародних стандартів діяльності правоохоронних органів стосовно дотримання прав, свобод і законних інтересів громадян. **Результати.** З-поміж основоположних нормативних актів із зазначеної тематики у статті проаналізовані Кодекс поведінки службовців органів правопорядку, Європейський кодекс поліцейської етики, Резолюція Парламентської Асамблеї Ради Європи «Про Декларацію про поліцію» тощо. На підставі проведеної роботи визначені ключові принципи діяльності поліції щодо забезпечення прав і свобод громадян, зокрема: верховенство права, заборона дискримінації, обмежене застосування примусу та вогнепальної зброї, презумпція невинуватості, заборона катувань та інших покарань, що принижують гідність людини, право особи на захист та невідкладну медичну допомогу, нульова толерантність до корупції, забезпечення належних умов тримання затриманих осіб. Проведено аналіз досвіду Республіки Казахстан і Грузії щодо реформування систем органів поліції та запровадження передового світового досвіду захисту прав і законних інтересів громадян.

**Висновки.** Серед основних напрацювань і нововведень зазначених країн, що заслуговують на вивчення й упровадження в національну поліцейську діяльність, автором виділені такі заходи: запровадження роботи фронт-офісів поліції та модулів прийому звернень громадян; обладнання кабінетів для проведення слідчих дій камерами спостереження; створення окремих підрозділів поліції щодо захисту жінок і дітей від насильства, запровадження спеціалізації слідчих у справах щодо жінок та дітей; функціонування спеціалізованих міжвідомчих координаційних органів із питань запобігання домашньому насильству; реалізацію міжнародних проектів у сфері захисту прав людини; введення інформаційних банків даних щодо розслідування злочинів у сфері протидії торгівлі людьми, сприяння діяльності центрів оперативного управління поліції.

**Ключові слова:** поліція, права людини, законність, правопорядок, Грузія, Казахстан.

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