

INTERNATIONAL STANDARDS OF OBSERVANCE OF THE RIGHTS AND FREEDOMS OF CITIZENS IN THE ACTIVITIES OF LAW ENFORCEMENT BODIES OF UKRAINE

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Annotation. The article is devoted to the study of compliance with international standards of human and citizen rights and freedoms by law enforcement agencies and their officials. For this purpose, an analysis of foreign legal acts, in particular, such as the Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, ratified by Ukraine, the European Convention for the Protection of Human Rights and Fundamental Freedoms, domestic legislation and scientific opinions, was carried out. It was emphasized that the Universal Declaration of Human Rights defines international standards for observing the rights and freedoms of citizens and is directly related to the activities of law enforcement agencies. It is emphasized that the implementation of the constituent function requires law enforcement agencies to ensure compliance with the rights and freedoms of citizens during the performance of their daily tasks. In order to clarify the regulatory support in the field of observance of the rights and freedoms of citizens, special legislative acts regulating the activities of: the National Police, the Security Service, the State Border Guard Service, the State Criminal Enforcement Service, the Bureau of Economic Security, the State Guard, the Military Law and Order Service were analyzed, of the State Bureau of Investigation, which the author attributes to the law enforcement agencies of the state. It was established that the legislative acts regulating the activities of the Security Service, the Bureau of Economic Security, the State Guard, the Military Service of Law and Order, the State Bureau of Investigation, prescribe only fragmentary observance of human rights and freedoms by the employees of these bodies and services in the performance of their official duties, which is a shortcoming of the specified normative acts, and as a result, negatively affects the activities of law enforcement agencies in their relations with citizens, compliance by officials with international standards of law enforcement activities, which establish the rules and principles of correct and appropriate behavior of law enforcement officers during the performance of their official duties, defined by normative legal acts duties, including under martial law. However, despite the martial law regime, ensuring the observance of the rights and freedoms of citizens by law enforcement agencies, along with other functions, should become one of the main tasks of these agencies.

Key words: law, police, security, security, service, duties, protection.

1. Introduction.

Ensuring international standards of rights and freedoms of citizens, guaranteeing the safety of society and state interests is a primary task in the day-to-day activities of law enforcement agencies and their officials and is connected, in particular, with the strategic priority of the foreign policy of the Ukrainian state, which has taken a course to join European and international structures that require the borrowing of positive foreign experience of administrative and legal support for the activities of law enforcement agencies of Ukraine. The observance of the rights and freedoms of citizens acquires

special importance in the conditions of martial law, when these rights and freedoms may be limited due to objective reasons.

2. Analysis of scientific publications.

Among the significant number of works by legal scholars who touched on the issue of observing the rights and freedoms of citizens in law enforcement agencies, it is worth highlighting the works of such scientists as V. Averyanov, Yu. Vityk, Yu. Kasaraba, K. Lezhnin, O. Nalyvaiko, K. Stepanenko, D. Savchuk, O. Svitlichnyi and others. However, many issues related to the principles of ensuring compliance with the rights and freedoms of citizens by domestic law enforcement agencies in today's conditions remain unexplored, which determines the relevance of this article.

3. The purpose of the work.

The purpose of the article is to generalize scientific and theoretical approaches to the issue of compliance with international standards of rights and freedoms of citizens in the activities of law enforcement agencies, the characteristics of international standards, and the justification of the need for their implementation in the activities of law enforcement agencies of Ukraine.

The main method of scientific work is the method of legal analysis, the use of which made it possible to determine in the context of a holistic presentation of knowledge about compliance with international standards of rights and freedoms of citizens by law enforcement agencies. Emphasis is placed on the methodological importance of philosophical and theoretical provisions, the connection with the general legal doctrine of administrative law, which is based on the observance of the principles and standards of international law by public administration. It is proved that the international standards considered in the work generally correspond to the domestic administrative and legal doctrine, principles and international standards. The practical significance of the work is that the theoretical provisions and conclusions can become the basis for further scientific research on compliance with international standards of the rights and freedoms of citizens in the activities of law enforcement agencies.

4. Review and discussion.

Today, our state found itself in extremely difficult conditions, experiencing external armed aggression from the Russian Federation. Under such difficult conditions, Ukraine consistently defends its fundamental values – sovereignty and independence, democracy, territorial integrity, rule of law, rights and freedoms of citizens. That is why the affirmation and provision of human rights and freedoms should not be just a slogan, but the main vector of state policy. In order to defend national interests, ensure the reliable security of the state, and therefore of every citizen, Ukraine needs dynamic economic development, as well as combat-ready Armed Forces, effective diplomacy, highly professional special services and law enforcement agencies. A prominent place among state authorities, whose direct duties include the protection of human rights and freedoms, without exaggeration, is occupied by law enforcement agencies, which is reflected in a number of legislative acts [1, p. 95–97]. At the same time, it is also worth emphasizing that in the process of Ukraine becoming a democratic state in terms of bringing citizens closer to public administration and practical implementation of European principles and standards, public service activity should play one of the leading roles [2, p. 185].

Agreeing with the above opinion, attention should also be paid to the fact that such activity cannot ensure international standards of rights and freedoms of citizens in the activities of law enforcement agencies, which are designed to guarantee not only rights and freedoms, but also the security of the state, given the effect of martial law interests, which has a primary task.

It is interesting to note that in 1998, Amnesty International, together with police officials and experts from different countries, developed «10 basic human rights standards for law enforcement agencies»

in London. These standards are based on UN law enforcement, criminal justice and human rights standards. The first standard is that everyone has the right to equal protection of the law, without discrimination on any grounds, especially against violence and threats. Particular attention should be paid to the protection of potentially vulnerable populations such as children, the elderly, women, refugees, displaced persons and members of minorities. The second standard states that all victims of crime must be treated with compassion and respect and their safety and privacy must be protected. The third standard is for law enforcement officers not to use force, except when absolutely necessary and to the minimum extent necessary under the circumstances. The fourth standard emphasizes the avoidance of the use of force against unlawful but peaceful assemblies. When dispersing violent assemblies, force should be used to a minimum. The fifth standard is that force that could cause death should not be used, except when it is absolutely necessary to protect one's life or the lives of others. The sixth standard concerns an arrest that must be made in accordance with lawful procedures and on sufficient grounds. From this standard follows the next, the seventh, according to which it is necessary to ensure that all detainees have the opportunity to contact their family and legal defender, as well as receive the necessary medical assistance. The seventh standard states that all detainees should be treated humanely. Do not oppress, incite or allow any torture, ill-treatment or refuse to comply with any order that induces such acts. The ninth standard involves not carrying out, ordering or concealing extrajudicial executions and «disappearances». The tenth standard emphasizes that all violations of these basic standards should be reported to management and the prosecutor's office. Everything should be done to ensure the investigation of such violations [3, p. 181].

The peculiarity of the relevant international legal standards lies in the particularly acute need for their further scientific and theoretical understanding under the condition of the complex political and legal situation in Ukraine. Precisely for their further objective and comprehensive research, accordingly, outlining the ways of integration into the world and European space, the direction of this analysis is also aimed at scientific substantiation and the introduction into domestic legislation of international legal standards of police activity in the field of ensuring compliance with human rights and freedoms [4, p. 41].

Taking into account the above, despite the existing problems in the activities of law enforcement agencies, they act as the main effective mechanism for guaranteeing the rights and freedoms of citizens, on a practical level, they combat crime, ensure public safety and order. Therefore, our state must not only ensure, but also implant international standards in the activities of law enforcement agencies.

In the context of our research, it should be emphasized that the concept of international standards in the field of human rights protection is often equated with human rights, with the obligations of states that are parties to certain international legal treaties, with the principles of international human rights law, etc. In the titles of scientific articles or other legal works that give legal characteristics to normative legal acts on human rights, the phrase «international standards» is often used to denote these acts, which also leads to an ambiguous understanding of the term, its identification with normative legal acts. we, rights, obligations, etc. The situation is further complicated by the fact that current international legal treaties do not contain a legal definition of the international standard of human rights, nor do they indicate the criteria and defining features of this category. International human rights organizations also do not provide an adequate statement [5, p. 413].

Legal regulation in the relevant field is carried out by a significant number of international legal acts. Among them, the Universal Declaration of Human Rights, adopted by the UN General Assembly on December 10, 1948, is one of the most important documents in the field of human rights. The Universal Declaration of Human Rights defines international standards for observing the rights and freedoms of citizens, it is directly related to the activities of law enforcement agencies covered by the provisions of Art. Art. 3-14 declarations. It should be added that with the aim of affirming and ensuring human rights and freedoms, which is the main duty of the state, Human Rights Day will be celebrated in Ukraine from December 10, 2022.

Implementation of the constituent function requires law enforcement agencies to ensure compliance with the rights and freedoms of citizens when they perform their tasks. Ensuring compliance with the rights and freedoms of citizens during the performance of their tasks is indicated by Art. 7 of the Law of Ukraine «On the National Police» dated 02.07. 2015 No. 580-VIII, Chapter V of the Law (Art. 29-46-

1) regulates in detail police measures carried out with the purpose of preventive or coercive nature, which limit certain human rights and freedoms and are applied by police officers in accordance with the law for ensuring the fulfillment of the powers entrusted to the police, Art. 5, Art. 21–21-7 of the Law of Ukraine «On the State Border Service of Ukraine» dated April 3. 2003 No. 661-IV, regulate the conditions and procedure for the use and application of coercive measures, Art. 4, Clause 2 of Part 1 of Art. 18 of the Law of Ukraine «On the State Criminal Enforcement Service» dated June 23. No. 2713-IV of 2005, regulate the activities of the State Criminal Enforcement Service of Ukraine in the most detailed manner to ensure the rights and freedoms of man and citizen, in turn, the norms of the articles of the Criminal Enforcement Code of Ukraine dated 11.07. 2003 No. 1129-IV, determine guarantees for the protection of the rights and legitimate interests of convicts.

In contrast to the above-mentioned legislative acts, in the special legislative acts of Ukraine regulating the activities of law enforcement agencies: «On the Security Service of Ukraine» dated 25.03. 1992 No. 2229-XII, «About the Bureau of Economic Security of Ukraine» dated January 28. 2021 No. 1150-IX, «On State Protection of Ukrainian State Authorities and Officials» dated March 4, 1998. No. 160/98-BP, «On the Military Service of Law and Order in the Armed Forces of Ukraine» dated 07.03. No. 3099-III of 2002, «On the State Bureau of Investigation» dated November 12, 2015 No. 794-VIII, these are only about fragmentary observance of human rights and freedoms by employees of these services in the performance of their official duties, at the same time in Clause 6 of Part 4 of Art. 13 «About the State Bureau of Investigations» contains the instruction that the Director of the bureau is responsible for the work of the unit (body), in particular, for the legality of operational investigative measures and pre-trial investigations, observance of human and citizen rights and freedoms.

Of course, ensuring compliance with the rights and freedoms of citizens by law enforcement agencies is also regulated by other legislative acts, at the same time, the protection of the rights and freedoms of citizens, guaranteeing their protection, is one of the main tasks of law enforcement agencies, and therefore the standards and principles of compliance with the rights and freedoms of citizens by officials of law enforcement agencies should be spelled out with a red thread in every legislative act regulating the activities of a law enforcement agency.

In this context, Y. Kasaraba notes that the mechanism of legal protection is closely related to legal protection, which is implemented in case of violation of human rights and freedoms, if their protection did not give the proper result. Human rights in Ukraine must be implemented into the constitutional law of the member states of the European Union on the basis of the ratified European Convention on the Protection of Human Rights and Fundamental Freedoms. The ratification of the European Convention on the Protection of Human Rights and Fundamental Freedoms and Ukraine's recognition of the jurisdiction of the European Court of Human Rights on its territory in all matters related to the interpretation and application of the Convention raised the urgent problem of ensuring the direct application of the Convention by courts of general jurisdiction and other subjects in the state [6, p. 13]. In the field of international protection of human rights, international standards play a huge role, given that the fulfillment of obligations to promote universal respect, respect and protection of human rights and fundamental freedoms is the duty of all UN member states. The very concept of «international standard» is often encountered in the theory of international law, it applies to various spheres of interstate relations, therefore the definition of a standard has different semantic nuances. This term refers to both general convention provisions and rules of conduct fixed in technical documents. A comparative analysis of various scientific approaches to standardization allowed to determine a differentiated approach to clarifying the legal nature of international standards in various spheres of social relations. This fact forms the theoretical basis for the further study of all the diversity of the manifestation of international standards in various fields of international law [7, p. 8-9].

5. Conclusions.

Thus, the conducted research indicates that international standards, which regulate the activities of law enforcement officers in their relations with citizens, play a significant role in the sphere of functioning of law enforcement agencies. International standards of law enforcement activities establish the rules and principles of correct and appropriate behavior of law enforcement officers during the performance

of their official duties, in particular, in conditions of martial law, defined by normative legal acts. We believe that despite the martial law regime, ensuring compliance with the rights and freedoms of citizens by law enforcement bodies, along with other functions, is one of the main tasks of these bodies, and therefore compliance with standards in the field of rights and freedoms of citizens, their implementation in legislation regulating the activity of law enforcement agencies should be spelled out with a red thread.

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