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LEGAL CHALLENGES OF THE GLOBALISED WORLD: How should the law protect and realise rights?:

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Editorial Board

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Human dignity, police and policing

Human dignity is a unique feature of human nature that separates humans from other living beings and endows them with the ability to realize their value as human beings. Dignity determines that every individual is a personality who deserves to be treated with respect, honor and protection. Dignity is inextricably linked to the human being. It belongs equally to every person, and its content and scope do not depend on a person's legal or social status, physical or mental health, origin, achievements, intellectual abilities or other factors.

Dignity is the fundamental moral and ethical basis of human existence; it determines axiological and normative requirements for a person's worldview, quality and way of life, relationships with others, as well as the functioning of society and the state, the construction of the political and legal system, and the regulation of social relations. In addition, human dignity is a key source of human rights and freedoms, their development and protection. Dignity is a value that cannot be limited, violated or devalued by anyone and under any circumstances.

Respect for human dignity is one of the universally recognized duties of the state, enshrined in the provisions of numerous international documents, as well as in the constitutions and legislation of countries governed by the rule of law. Every democratic state must create effective economic, social and legal mechanisms to ensure everyone's sense of dignity. All people should be protected from treatment or punishment that is degrading to their dignity and should have access to justice to preserve and protect their dignity.

In the performance of their official duties, employees of public authorities must respect and protect human dignity. They may never commit, encourage or tolerate any actions that degrade human dignity. This is especially relevant to police officers who have a monopoly on the use of force to protect and defend the rights and freedoms of citizens, maintain public order and security, and combat crime.

When carrying out police activities, police officers must act not only within the law, but also apply its provisions impartially, with integrity, fairly, reasonably and with respect for citizens, their dignity, rights and freedoms. Only under these conditions society will trust, support and cooperate with the police and police officers.

There are numerous cases in police work when a police officer not only has the right but also the obligation to use force. At the same time, police officers should be aware that any use of force against a person that was not strictly necessary as a result of their own behavior degrades human dignity. This violates the absolute prohibition of torture or inhuman or degrading treatment or punishment, which is defined, inter alia, in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention for the Protection of Human Rights and Fundamental Freedoms.

Neither international law nor national legislation allows derogations from this prohibition. Police officers may not refer to exceptional circumstances, such as a state of war, political instability, the fight against terrorism or organized crime, as a justification for their degradation of human dignity.

When conducting document checks, searches or interrogations, police officers cannot humiliate a person in order to obtain information, documents or things they need from him or her. Police officers shall never incite torture or other cruel, inhuman or degrading treatment or punishment. They cannot refer to an order from a superior officer as a justification for such actions. In a state governed by the rule of law, democracy and human rights, there can be no rational justification for the use of such methods of policing.

Persons who are subjected to police use of force, as well as persons who are stopped on the street, taken to or summoned to a police station, arrested, serving a sentence or otherwise are under police control, are in a vulnerable position, and therefore police officers must exercise their duties responsibly, with respect for the dignity of these persons, and act in accordance to international standards of human rights and policing.

The prohibition of humiliation of human dignity applies not only to actions that cause physical pain, but also to actions that cause mental suffering to the victim. If such suffering is intended to break a person's moral or physical resistance, it can be characterized as degrading. Police officers should not treat a person as an object, humiliate or insult them, show disrespect or diminish their human dignity, or cause them to feel fear, pain or inferiority. It is sufficient for a victim to be humiliated in his or her own eyes, even if not in the eyes of others, in order to speak about a violation of his or her right to respect for his or her dignity.

Every day, police officers risk their lives and health for the safety of citizens and the common welfare. They work in an atmosphere of high tension and emotion, physical and psychological fatigue. Despite the challenges and threats that exist in the work of a police officer, they must treat citizens with respect. If police officers do not respect human dignity and use excessive force, citizens may conclude that the police do not share the values of the society they are supposed to serve and are separated from them. In such circumstances, police-citizen conflicts are inevitable, resulting in casualties on both sides and undermining democratic gains.

In my opinion, ensuring the right to respect human dignity in policing can be achieved by

- training police officers to respect human dignity and the absolute inadmissibility of its violation;
- development of high-quality legislation that would define ethical behavior of police officers; police procedures in different life situations; prevent arbitrary arrests, detention, use of force and other degrading treatment;
- conducting thorough planning and control over police operations;
- conducting independent and effective investigations into cases of degrading treatment by the police.