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LEGAL PROTECTION OF HUMAN RIGHTS WITH REFERENCE TO THE WORK OF POLICE

Summary: International documents on human rights and fundamental freedoms, and legal regulations of each nation-state determine the universal significance of human rights and freedoms, whose observance is an important factor of peace, justice and security necessary to ensure that the development of friendly relations and cooperation between states, but also a precondition for progress in establishing a lasting peace, security, justice and cooperation in Europe. One of the main objectives of the common foreign and security policy of the Member States of the European Union is the development of democracy and rule of law and respect for human rights and fundamental freedoms. International peace and security, and unity among nations depend on the respect of human rights; human rights should be protected under legislation and the rule of law is important for the protection of good policing or policing that will be effective and legal. In the process of democratization the Republic of Macedonia incorporates the recommendations of the Council of Europe and other international institutions in finding the appropriate effective mechanisms by which holders of public authority exercise their powers with respect and protect human rights. Respect and protection of human rights legislation, harmonized with international standards in this area should be the primary task of the police under any modern democratic society. In the exercise of statutory powers, where the police is state protector of life, safety and security of citizens due to the nature of its work, the police may be responsible for the violation of human rights, right through the exercise of statutory powers to use force. It is important to set the border police action in the sphere of rights and freedoms, protect the core value of every democratic system - the citizen and his dignity.

Key words: rule of law, international and national legislation on human rights, police powers, the use of means of coercion

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Introduction

Any modern democratic state seeks law to regulate all fields of social relations and security field, since a permanent and vital interest of every state is the state security and safety of its citizens. Legally regulated social relations in the field of security are a basic prerequisite for successful organizing and operating system security. In this case, the right appears as a prerequisite for the effectiveness of that system, as well as a limit for the actions of the security system. These foundations of the security system comprise the national legal acts and international documents and laws, in terms of that security systems are organized as part of the state apparatus in which each member state of the international community will respect the basic human rights and freedoms, will be denied the right to jeopardize in any way the interests of security and independence of other states. Police are a part of Ministry of Interior in which police work is performed by police officers, while a police officer is authorized officer, uniformed or in plain clothes having police powers and performing police work in accordance with law. One of the basic functions of police protection and respect for fundamental rights and freedoms of man and citizen are guaranteed by the Constitution of the Republic of Macedonia, laws and ratified international agreements. In the performance of police work, police officer used police powers and it shall be treated humanely and to respect the dignity, reputation and honour of persons and fundamental freedoms and rights of man and citizen. In the execution of police powers police officer shall be treated humanely and to respect the dignity, reputation and honour persons and basic freedoms and rights of man and citizen. Exercising police powers must be proportionate to the need for which they are applied. In pursuit of a particular policing, the police officer is obliged to apply only those police powers, with least harmful consequences will reach the goal, and in the shortest period of time. In certain situations in order to perform police work, police officer used means of coercion if the objective of the police cannot be achieved otherwise. The police officer will always use the means of coercion with the least harmful effects to achieve the goal, and they should not apply the means of coercion in order to extort a confession or statement.

International-legal protection of human rights and fundamental freedoms

At the end of the Second World War, mainly among Western allies, despite the idea of creating a universal international organization providing

the durability of world peace and security, the idea of internationalization of the protection of human rights matured. The creation of the United Nations on June 26, 1945, may mark a formal start of the process of universalization of human rights. The UN Charter expresses the conviction that effective international protection of human rights is one of the assumptions underlying the maintenance of peace and security. Preamble of the UN Charter also contains a commitment of the UN to establish "faith in fundamental human rights, dignity and worth of the individual, the equality between men and women, and small and large nations" and to promote human rights and to create incentives to protect fundamental freedoms of all people, regardless of their gender, race, language or religion.¹ Many important international instruments protect human rights² and the UN Universal Declaration of Human Rights for the first time regulates the issue of human rights and freedoms from the absolute sovereignty of states, i.e. the internal legal documents. UN General Assembly adopted the Declaration as a common ideal, which should reach all peoples and all nations, to every individual and every organ of the state to have this declaration in mind, and with learning and education contribute to compliance to these rights and freedoms, and thus gradually with national and international measures provide their universal and permanent recognition and application both among the peoples of Member States and among the peoples of those territories under their jurisdiction. The process of European cooperation in security, not only paved the way for an end of the Cold War East-West relations, but their relationship brought the problems of human rights. Given that in guaranteeing and protecting human rights on both sides were quite different concepts, attempts by Western countries in the

¹ Although the founding conference in San Francisco because of disagreement on some of the great powers, primarily the U.S., as well as for general preoccupation with issues of peace and security, and the structure of new organization does not come to define human rights or they draw a precise catalog of freedoms and rights guaranteed by the Charter. However, Charter has great significance for international legal protection of human rights, because the first time in history the need was expressed formally for internationalization of the protection of human rights, and thus a kind of taking the responsibility of the international community in that direction. Moreover, Article 56 of the UN Charter obliges all member states to cooperate individually and collectively to achieve the objectives of the UN, which themselves include protection of human rights.

² Universal Declaration of Human Rights was adopted at the UN General Assembly on 10 December 1948. The content of this declaration can be found in Ljubomir Stajic, "Basic Safety," Police Academy - Belgrade, 2004, p. 339. How important it is to devote to the problem of human rights and freedoms (and for many countries, it meant trouble for their internal stability and peace) is supported by the fact that 30 introductory articles, even 18 regulate civil and political rights; 6 govern economic, social and cultural rights of people. In civil and political rights the foundation cited the right to life, liberty and security of which later performed all other rights.

early 70-ies in the programs of the Conference on European Security and Cooperation, to introduce provisions on human rights, met with strong resistance from the Communist countries. The position of Western countries was that the process of disarmament and cooperation between the two blocks is also impossible if not followed with respect to certain standards and norms concerning the exercise of fundamental human rights. As a result of these efforts, the Conference on European Security and Cooperation in 1975 (CSCE)³ Final Act was adopted in which Member States are obliged to the field of human rights and fundamental freedoms, acting in accordance with the Universal Declaration on the Rights of humans. Countries participating through the provisions of the Final Act, we recognize the universal significance of human rights and fundamental freedoms, whose observance is an important factor of peace, justice and well-being necessary for the development of friendly relations and cooperation between and among all nations. In cooperation with the UN, participating countries will constantly promote their universal and effective respect. Meaning of this Act is that the first 35 European countries agreed, and expressed in a formal act, that respect for human rights and fundamental freedoms is an essential factor of peace, security and cooperation among European countries.

The final document of the CSCE signed on January 19, 1989 in Vienna⁴, is further strengthening the process of introducing the issue of human rights at the center of European security and cooperation. This document creates an institutional mechanism for protecting human rights. In the section entitled "Human Dimension of the CSCE" participating States took the obligation to exchange information and respond to requests to provide information on all matters relating to human rights. In fact this section states participating confirm the universal significance of human rights and fundamental freedoms, whose observance is an essential factor for peace, justice and security necessary to ensure that the development of friendly relations and cooperation between them and between all countries and they express commitment to guarantee the true realization of human rights and fundamental freedoms arising from the inherent dignity of the human person and are essential for his free and full development. In Copenhagen from 5 to 29 June 1990 was held meeting of the Conference on the Human Dimension of the CSCE, in accordance with the provisions of the Conference on the Human Dimension, con-

³ First Conference on Security and Cooperation in Europe held in Helsinki on 3 July 1973 and continued its work from September 18, 1973 to July 21, 1975. The work of the Conference was fixed at 1 September 1975.

⁴ The contents of this document can be found in "Human rights - fundamental documents" (50th anniversary of the Universal Declaration of Human Rights) from 1948 to 1998, Skopje, 1998, p. 297 to 304.

tained in the Final Document of the Vienna meeting in the continuity of the CSCE⁵. States participating, concluded that the CSCE process, greatly contributed to the implementation of the provisions of the Final Document and other documents of the CSCE and they found that pluralistic democracy and the rule of law are essential for ensuring respect for all human rights and fundamental freedoms, and that their protection and promotion is based on freedom, justice and peace, the development of contacts between people, and addressing other issues like humanitarian character. The meeting in Copenhagen, the participating countries expressed their conviction that full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law are prerequisites for progress in consolidate of lasting peace, security, justice and cooperation, they seek to establish in Europe.

Furthermore Countries participating are determined to support and advance those principles of justice which form the basis of the rule of law. They believe that the rule of law means not only a formal legality which ensures fairness and consistency in implementation and enforcement of democratic order, but justice based on the recognition and full acceptance of the human person, as the largest value guaranteed by institutions which provide the framework for its full expression. They again confirmed that democracy is inherent part of the rule of law. They recognize the importance of pluralism with regard to political organizations. They confirm each other, to respect the rights of each free to choose and develop their political, social, economic and cultural systems in accordance with international human rights standards. In exercising this right, they will ensure that their laws, regulations, practices and policies comply with their obligations under international law to comply with the provisions of the Declaration on the Principles and other obligations within the CSCE. With this document, the participating countries and confirm their commitment to prohibit torture or other violent, inhuman or degrading treatment or punishment, to take effective legislative, administrative, judicial and other measures to prevent and punish such acts, to protect individuals from any psychiatric or other medical practices that violate human rights and fundamental freedoms and take effective measures to prevent and punish such practices. They will also encourage existing institutions such as organizations of the UN and Council of Europe to continue and extend work that started in the field.

⁵ First Conference on Security and Cooperation in Europe held in Helsinki on 3 July 1973 and continued his work from September 18, 1973 to July 21, 1975. The work of the Conference was fixed at 1 September 1975.

Another very important international instrument for the protection of human rights is the Paris Charter for New Europe (1990) ⁶ and this section relating to human rights, democracy and the rule of law. With this document, States Parties undertake to build, reinforce and strengthen democracy as the only system of government in their national states. And with this document states that: Human rights and fundamental freedoms are rights of all human beings are born, they are inalienable and guaranteed by law. Their protection and promotion are the first responsibility of government and their observance is an important protection against powerful state, as well as their enjoyment and full realization of the foundation of freedom, justice and peace. Democratic government is based on the will of the people as expressed regularly through free and fair elections. The basis of democracy respects human personality and the rule of law. Democracy is the best safeguard of freedom of expression, tolerance of all social groups and equal opportunities for every individual.

The Declaration adopted at the Budapest Summit of 6 December 1994, despite the general commitment to strengthening the process of the CSCE/OSCE declaration gives important place to the human dimension of the CSCE/OSCE. Specifically in Section VII of the document containing commitments to promote cooperation and dialogue within the human dimension by promoting the implementation of the commitments of participating States, through further strengthening the role of the Office for Democratic Institutions and Human Rights (ODIHR), and the role of NGOs in the realization and protection of human rights. A special section is dedicated to commitment to cooperation where as priorities to be achieved particularly the following are defined: the rule of law, abolishing the death penalty, prevention of torture, protection of national minorities, the protection of ethnic minorities (especially Roma), tolerance and discrimination, protection of migrant workers, freedom of expression and media freedom, freedom of movement and protection of cultural heritage.

In the realization of human rights protection, of great significance is also the Universal Declaration of Human Rights and European Convention on Human Rights. The Universal Declaration of Human Rights adopted Resolution 217 A (III) of the General Assembly of the United Nations on December 10, 1948. The adoption of this declaration was the first step taken at the UN to promote human rights through the expression of rights and freedoms of a

⁶The contents of this document can be found in "Human rights - fundamental documents" (50th anniversary of the Universal Declaration of Human Rights) from 1948 to 1998, Skopje, 1998, p. 331 to 334.

human rights instrument. The European Convention on Human Rights⁷, known as the European Convention on Human Rights and Fundamental Freedoms, created by the Council of Europe, was newly established after the war, in order to ensure means of implementing the UN Declaration on Human Rights.

The Preamble of the Universal Declaration of Human Rights and the European Convention on Human Rights establish the connection between justice and peace in the world and respect for fundamental freedoms and each invokes the rule of law. In the third paragraph of the Preamble of the Universal Declaration it is stated that it is essential that the human rights are protected by the rule of law. The last paragraph of the Preamble of the European Convention refers to the common European heritage composed of political traditions, ideals, freedom and rule of law, asserting that the governments of European countries are resolute in implementing the rights set out in the Universal Declaration. The reference in these texts of justice and peace in the world, indicates that both are "creations" of institutions - a global (United Nations) and other regional (Council of Europe), formed after World War II. The United Nations has set as one of its main goals to maintain international peace and security, and one of the main goals of the Council of Europe is to achieve greater unity between its members. The Universal Declaration of Human Rights protects civil, political, economic, social and cultural rights, while the European Convention protects the system of the Council of Europe through the European Social Charter.

There are two important global agreements, which are also common under many different Human Rights, the International Charter on Economic, Social and Cultural Rights and the International Charter on Civil and Political Rights. These two agreements, together with the Universal Declaration of Human Rights, constitute International list of human rights. They are adopted by the UN General Assembly in 1966 to give legal force to human rights stipulated in the Universal Declaration of Human Rights. A separate and especially important agreement is the Council of Europe's Convention for the prevention of torture and inhuman or degrading treatment or punishment. This Convention differs from the European Convention on Human Rights, in that the latter instrument allows individuals to engage the state

⁷ European Convention on Human Rights was signed in Rome on November 04, 1950. The draft was prepared by the Council of Europe - formed by ten democratic leaders in May 1949 as the first European political institution after the war. The objectives of the Council are "achieving greater unity between its members for the preservation and realization of ideas and principles which are their common heritage and facilitating their social and economic progress."

machinery for enforcement by requiring compensation in case of breach. The Convention for the prevention of torture, on the other hand, enables the Committee, established by the Convention, to review the conditions of detention in police station and treatment of detainees, with the sole aim to better prevent abuse than to provide compensation when abuse is committed. For police officers it is important to know that members of this Committee may visit the police station, they have unlimited access to any place where persons are deprived of their liberty, including the right to move inside such places without restriction.

Pertaining to the work of police officers the following texts which are not legally binding, but reinforce the provisions of contracts and support compliance with these requirements by establishing detailed standards for that purpose are also important: the Code of UN officials who enforce the law; the Declaration on the Police Council of Europe, the UN Basic Principles on the use of force and firearms by officers who enforce the law, and the list of principles for the protection of all persons who are under any form of detention or imprisonment.

The Treaty on European Union, which entered into force on November 1, 1993, marks a new phase in the EU policy towards human rights and democracy. The document addresses the problems of human rights principle of obligation, imposed by the preamble of the above documents and it is specifically and strictly defined obligation of the institutions of the Union, imposed by the text of the Treaty of Maastricht. Similar to the Council of Europe, respect for human rights is one of the main prerequisites for the membership in the European Union. Article 2 of the Maastricht Treaty stipulates that the guarantees of human rights established and guaranteed by the European Convention on Human Rights are respected by the Union as general principles of Union law.

Protection of human rights and application of police powers by police officers

Dependence on international peace and security, and unity among nations in terms of respecting human rights, protection of human rights law and the importance of the rule of law for the protection, are also indicators of good policing. Good policing means policing that is effective and legal. It is imperative for the police as a law enforcer to observe law, including the legal norms that protect human rights.

The Republic of Macedonia in the process of democratization incorporates the recommendations of the Council of Europe and other international institutions in finding the appropriate effective legal mechanisms by which holders of public authority exercise their powers with respect and protect human rights. The decision of the Council of the European Union from January 30, 2006 on the principles, priorities and conditions contained in the Accession Partnership with the Republic of Macedonia and repealing Decision 2004/518/EC⁸ in point 3.1 sets short-term priorities⁹; the main priorities set out the Law on Police, and immediately afterwards as a political priority they determine the principle of "Democracy and the rule of law" which seeks to consolidate the rule of law throughout the country, particularly through the implementation of reforms in enforcement of the law."

Respect for human rights is one of the main prerequisites for membership in the European Union. It is actually guaranteed by international documents that recognize the universal significance of human rights and fundamental freedoms and respect which has established as an essential factor for peace, justice, security and cooperation in Europe, respected by the European Union as general principles the right of the Union.

The police of the Republic of Macedonia, as a segment of the public executive in the country, also guarantee obligations undertaken within the legislative powers that will protect the rights and freedoms of man and citizen in Macedonia and allow peaceful enjoyment of them, thus strengthen public trust in the police as an institution. Respect and protection of human rights legislation, harmonized with international standards in this area should be the primary task of the police in any democratic society.

In any democratic society it is necessary to establish a compromise between freedom and security on the one hand and respect for human rights on the other hand, as a framework in which freedom exists. However, democracy is dependent on the police level that would help police maintain order. The question of balance leads to the common interest of the community to protect them from crime and individual interest to protect the ability of police to start working its damage. The request to limit the power of police to respect the rights of citizens, imposed through law and public opinion must not be experienced by police as an obstacle in its function-

⁸ Source: website of the Secretariat for European Affairs Government <http://www.sei.gov.mk>.

⁹ The decision under paragraph 3. Priorities outlined: "The priorities in this European Partnership have been selected based on realistic expectations that the country can complete them or take them substantially forward over the coming years. A distinction is made between short-term priorities, which are expected to be accomplished within one to two years and medium term priorities, which are expected to be accomplished within three to four years."

ning. Imbalance between human rights and actions of the police is actually a warning sign for violations of human rights and confronting the police policing across the range of human civil, political, economic, social, cultural and other rights. Speaking in police terminology, it would mean danger, protection, risk, careful necessary and proportionate use of force and the like. Police and other agencies with police powers in a democratic society must act under the rule of law, to respect and protect human rights, to be fair and independent and service oriented. This is the framework through which to measure the responsibility of the police and other agencies with police powers in the delivery of security services to the community they serve. Democracy is basically dependent on the police level, which will hold the order to contribute to the society being kept as real and free. Granting special authority of the police is justified by the need to establish the necessary compromise between freedom and security as a framework in which freedom exists. If you accept this compromise that imposes as necessary, but it must set limits on government that is assigned to the police.

Indeed, the power of police preserve through it:

- ♣ How much it infringes on the citizen and his rights and freedoms
- ♣ How this power increases our freedom from crime.

The issue of achieving balance indicates the common interest community and the individual or the community to protect them from crime, while individual interest is to protect against the possibility of police work for its damage. Limiting the power of the police account of citizens' rights must not be perceived as an obstacle in its functioning.

Some authors use the term "doctrine of minimum force"; according to this doctrine police force should draw from cooperation with the public, it serves as an alternative to use maximum force in crime prevention. Indeed, this doctrine has emphasized the issue of balance to the relationship of police and public relationship that can be set as follows: "The strength of the police in its action is inversely proportional to the public support of its action. Therefore the use of force must move within the balance of evil which should be removed with it." This doctrine is a guarantee that power will be abused for the purpose and scope out the needs of police action.

Namely, the Police Law and Law on Internal Affairs, particularly with the Criminal Procedure and the Rules for the execution of the MI, determine precisely not only the basics, but also the conditions for their application. Furthermore, the Rules for the execution of the Ministry of Interior set out in detail the application of police powers. The overall legal framework which deals with this issue is necessary because on one hand it establishes

the framework in which a police officer can act, on the other hand it provides legal security of the citizen not to be left to the will of the people who can apply police powers.

Given the above stated, the term "police powers" means a legitimate opportunity to persons authorized by law to take legal measures, methods and means, and to prevent the execution of criminal acts or discover and capture the perpetrators of such crimes¹⁰, i.e., law and measures undertaken by police officers in the performance of police work, and which are now in the sphere of rights and freedoms guaranteed by the Constitution of the Republic of Macedonia, as a right and duty to be taken by police officers in order to protect public order from incriminating forms of threat, and to catch or discover their accomplices.¹¹

Police and use of funds for coercion

In the performance of police work, based on provisions of the Law on Police¹² and provisions of the Regulation on the use of coercion and firearms, police officers have the right to overcome resistance of any person using prescribed coercive means¹³. Despite the implications that may cause the use of force in all organized societies, which means in ours, it is allowed, but within the manner prescribed by law¹⁴, in order to protect the constitutional order, safety citizens, their lives and property and to protect public order and peace.

¹⁰ See more at Kalajdziev Gordan : "The Police and Human Rights": Handbook for police training, Helsinki Committee for Human Rights of the Republic of Macedonia, Skopje, 2003, pg. 35th Similarly, Pavlov, Turpen: "Police in a democratic society", Skopje, 1997, pg. 208; Milosavljevic Bogoljub; "Police Science", Belgrade, 1997, p. 20

¹¹ "Detention in police procedures" (conditions, experiences and problems), Macedonian Review of Penal Law and Criminology, Year. 9, no. 1-2, Skopje, 2002, p. 116.

¹² Law on Police, Official Gazette of the Republic of Macedonia, no. 114/2006, 148/2008 I 6 / 2009; Article 40

¹³ In Article 31 of the Police Law, Official Gazette of the Republic of Macedonia no.15/2005, 114/2006, 148/2008, 6/2009, it is stipulated that a police officer is authorized to carry weapons and other means of coercion. In Article 1 of the Regulation on the use of means of force and firearms ("Official Gazette of the Republic of Macedonia" no. 22/1998, 17/2004), it is established that this Decree determines the means of coercion, the manner of their use and regulates the use of firearms in cases specified by law by the authorized officials of the Ministry of Interior.

¹⁴ According to basic principles for the use of force and firearms by police officers of UN police officers should be equipped with different kinds of weapons and Sponsor, which will allow separation of the application of force and firearms. Also, you should be prepared and use dangerous weapons or weapons only for disable, because that way you will reduce the use of funds to cause death or injury.

According to Article 3 of Regulations, in the performance of duties within its jurisdiction, authorized officials of the Interior will primarily apply nonviolent means (such as identification, warning, orders and other relevant means and measures) and the means of coercion shall be applied only if the desired goal could not otherwise be achieved. According to Article 4 of the Regulations, when there are opportunities to use more forceful means, the police officer is obliged to use this means of coercion that regardless of the situation it will not cause harm and the damage will be minimal. Coercion¹⁵ is used only in exceptional cases to people who with their actions, consciously or unconsciously violate regulations governing relations in society. Also, specifically for the use of coercion and coercive means it is precisely defined by law and other regulations governing the legal foundations, methods, conditions and framework that can move their applications. In the legislation coercion is treated solely as a means to perform police work and in any case it does not have to be and cannot be objective. Coercion as a means and method to manage the internal affairs is not a rule but an exception. The application of coercion and coercive means is not and cannot be a system or style of work, but indispensable necessity in some specific cases, as in any other way cannot be resolved and are of such nature that cannot be delayed.¹⁶

According to the Law on Police coercion¹⁷ means use of legitimate, appropriate and proportionate physical or mechanical pressure by a police officer using means and manner prescribed by law, that pressure is directed towards a certain person. But police officer can do this just in case police work cannot otherwise be performed.¹⁸

¹⁵ Coercion can be defined as legally permitted activities of officials of the state administrative authority to coerce citizens and other social entities, such behaviors are necessary for law enforcement. Quote by: Milosavljevic, Bogoljub: Science of Police, Beograd, 1997, p. 207

¹⁶ For these reasons, the Eighth Congress of the United Nations Crime Prevention and Treatment of Offenders held in Havana from August 08 to September 07, 1990, adopted General rules for use of force and firearms weapon by the legally authorized persons. With these basic rules, the international community attempts to unify the legal right to use force and firearms, in the sense of coercion to be used only as an exception and under precisely determined conditions for each country with appropriate legislation for that Congress has enacted special provisions, which in principle determines the basic rights and duties of police officers in cases when you apply any of the prescribed obligatory funds. Our positive legal regulations, we can freely say, fully undertake the obligations arising from these basic rules that best indicate the provisions of the Criminal Procedure Act and Police Act, the Interior and the Rules for the execution of the Ministry Interior, which regulates this matter.

¹⁷ Police Law, Official Gazette of the Republic of Macedonia no. 15/2005, 114/2006, 148/2008, 6/2009, Article 80th

¹⁸ Before each use of means of coercion, police officer should provide that the conditions are legitimate and clearly warn the person of the use of funds. When the conditions for use of

It is important to note that it is the legal obligation of the police officer to pursue without coercion or by applying the lightest forceful means to overcome the resistance of the person and thus to perform police work. But it is not easy, much less simple because almost without exception the time to decide on the type and intensity of intervention is measured by seconds, and the decision is influenced by many factors such as type of resistance to be overcome, its intensity, the conditions to be met for application of certain types of coercive means, and certainly the most significant factor appears to be the competence and psycho-physical preparedness of a police officer, where probably lies the key to the determination and the choice of means for intervention. Although there is no universal rule for the selection of forced asset, the decision requires a police officer to manage and to respect the following principles:

- Coercion may be used solely to overcome the resistance of a person while performing certain police work;
- The use of coercion may be used only by law prescribed coercive means;
- The use of force is possible only when you need to overcome resistance to a person who otherwise cannot be overcome, and this case does not tolerate delay;
- Involuntary tool used in the intervention may only be used in a manner and under conditions determined by law; and
- The use of coercion can last only as long as the reasons which led to intervention last, and any further action would mean exceeding police powers, which the statistics speak most vividly of - most of the exceeded police powers seem exactly the use of force.

Whenever the legal use of force and firearms is unavoidable and inevitable, police officers in the intervention and in connection with it, shall do the following:

- Restrict such an activity in proportion to the seriousness of the tort for which the force is used in order to achieve the statutory purposes;
- Ensure respect and protection of human life, taking care not to cause greater damage;
- In the shortest possible time provide adequate medical assistance to any injured or affected person, regardless of their status before and during the intervention;
- Inform their superiors about the event, and
- Provide accurate and timely notification of relatives of the injured or affected person.

means of coercion against those who will apply these funds will be warned if the warning would jeopardize the performance of police work. The police officer is obliged to cease the use of means of coercion, as soon as the reasons which led to their use stops. The police officer is obliged to provide assistance and medical care to the injured person against whom a means of coercion is used in the shortest possible time, if necessary and if circumstances allow. Decree on the Use of Coercion and Firearms

Coercion and coercive means to overcome resistance can be different in each specific case according to type and intensity, and accordingly under the existing Regulations on the use of coercion and firearms any of following means of force¹⁹ can be applied: firearms, baton, physical strength, chemical and gas assets (tear gas), water jets, special vehicles, means for forced stopping of motor vehicles, dogs and cavalry officers.²⁰

Article 91 of the Law on Police determines using the means of coercion against a particular group, in restoring public order and peace in a larger scale. In this case, the police officer is authorized to order a group of people to disperse. If the group does not disperse, the police officer may use the following means of coercion:

- 1) physical force;
- 2) baton;
- 3) chemical;
- 4) water jets
- 5) official dogs.

Funds under paragraph 2 of this Article may be used only by order of police officer in charge of the action.

Conclusion

International documents as instruments for the protection of human rights establish connection between justice and peace in the world, and respect for human rights and fundamental freedoms, and every international document refers to the principle of rule of law. It is actually essential that the human rights be protected by the rule of law. Democracy is typical part of the rule of law and its basis is respect for the personality of the man, his dignity and rights. Respect for human rights is one of the main prerequisites for membership in the European Union. Agreement for the EU, which entered into force on November 1, 1993, marks a new phase in the EU policy towards human rights and democracy. This agreement establishes that the guarantees of human rights established and guaranteed by the European Convention on Human Rights are respected by the Union as general principles of the Union law. Respect and protection of human rights legislation, harmonized with the

¹⁹ Decree on the Use of Coercion and Firearms ("Official Gazette of the Republic of Macedonia" no. 22/1998, 17/2004), no. Article.2

²⁰ Both the Serbian and Slovenian police officers have these means of coercion available. Match: Miletic, Slobodan: Police Law, Beograd, 2003, p. 235-246, Babovic, Budimir: Police Human Rights, Federal Ministry of Internal Affairs, Belgrade, 2000, pp. 56-66; Zaberl, Police-shielding School, Ljubljana, 2001, pp. 185-238.

international standards in this area should be a primary task of the police in any democratic society. For the purpose of protection of human rights, as a very important principle in the work of police officers legal application of police powers in the performance of police work occurs. It requires constant education and training of police officers about the application of legislation which deals with police powers and the use of means of coercion, because the legislation on the one hand sets out the framework in which a police officer can act, and on the other hand provides legal certainty to the citizens that they will not be left to the arbitrariness of the officials who use police powers in the performance their work.

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Правна заштита људских права с освртом на рад полиције

Сажетак: Међународни документи о људским правима и основним слободама и законски прописи сваке националне државе одређују универзални значај људских права и слобода, чије је поштовање важан фактор мира, правде и сигурности, неопходан да обезбеди развој пријатељских односа и сарадње између држава, али и предуслов за напредак у успостављању трајног мира, безбедности, правде и сарадње у Европи. Један од главних циљева заједничке спољне и безбедносне политике земаља чланица Европске уније је развијање демократије и владавине права и поштовање људских права и основних слобода. Међународни мир и безбедност, и јединство међу народима зависи од поштовања људских права; људска права треба да буду заштићена на основу закона и владавина права је важна за заштиту рада полиције који ће бити ефикасан и легалан. У процесу демократизације, Република Македонија усваја препоруке Савета Европе и других међународних институција у проналажењу одговарајућих ефикасних механизма на основу којих носиоци јавних овлашћења врше своја овлашћења у погледу заштите људских права. Поштовање и заштита законодавства усклађеног са међународним стандардима у овој области треба да буде примарни задатак полиције сваког модерног демократског друштва. Приликом вршења својих законских овлашћења у заштити живота, безбедности и сигурности грађана, због природе свог рада полиција може бити одговорна за кршење људских права управо кроз остваривање статутарних овлашћења да користи силу. Важно је поставити границу раду полиције у сфери права и слобода и заштити суштинску вредност сваког демократског система - грађанина и његово достојанство.

Кључне речи: владавина права, међународно и национално законодавство у области људских права, полицијска овлашћења, употреба средстава принуде