

**INTERNATIONAL MECHANISMS FOR THE PROTECTION OF HUMAN RIGHTS IN
THE CONTEXT OF PUBLIC ORDER AND SECURITY (part 2)**

| | |
|--|---|
| Abstract: | <i>Today, the aspects related to the protection of public order and security are regulated by the norms of international law, and, over time, the international community aims to achieve certain objectives, such as to realize recommendations and to develop standards regarding the activity of police bodies from different states, as well as other public authorities with competencies in this field.</i> <i>The special merit of the international community is unanimously recognized. It resides, first, in the recognition of the legal obligation of the protection of human rights and freedoms for the activity of the police, from which considerations, at the international level, several mechanisms for the protection of human rights have been established. They constitute a complex system of regulations and specialized institutions, and states, in most cases, must take over and incorporate these mechanisms into the national legal system.</i> |
| Keywords: | International mechanisms; public order and security; human rights and freedoms; protection and respect; police |
| Contact details of the authors: | E-mail: ianuserhan@yahoo.com |
| Institutional affiliation of the authors: | Moldova State University, Faculty of Law |
| Institutions address: | Alexei Mateevici 60, Chisinau, MD-2009, Phone +37322244810, https://usm.md , institutional e-mail: rector@usm.md |

Integration of international human rights provisions into EU legislation

It is recognized that “there has been a long, slow, and sometimes reluctant development of fundamental rights protection within the European Community”¹. This situation is due to the specific architecture of the EU legal system. This system was created in certain distinct stages and aimed primarily to establish cooperative relations between the founding states to settle and develop the European communities' four fundamental freedoms: the free movement of goods, persons, capital, and services.

A noteworthy fact is the process of building European communities, as well as the system of community law, and subsequently Union, at the same time with the global and European mechanisms for guaranteeing and protecting human rights. In this regard, even if initially the legal system of the European Communities focused on other aspects much more vital for the reconciliation and economic development of the European countries destroyed by the Second World War, later it focused on the social component, as well as to determine mechanisms for the protection of human rights and freedoms.

We know that the law of the European Union constitutes a complex system of branches, sub-branches, institutions, and norms, which regulate homogeneous social relations, established at the border between international law and the national law of the member states of the European Union, which have

¹ Robert Lane, *The EU charter of fundamental rights and the subsisting commitments of EU member states under the European Convention on human rights: more variable geometry*, in “Croatian Yearbook of European Law and Policy”, Vol. 3, 2007, p. 355

distinct characteristic sources and principles. The autonomy of European Union law is also confirmed by a large number of decisions of the European Court of Justice².

But unlike the European Union, the Council of Europe since its creation has had a clear mandate to protect and promote human rights. Its main human rights treaty, ratified by all member states of this organization, is the European Convention on Human Rights³ analyzed above. “We are now witnessing the development of multi-level or triangular protection – by Strasbourg, by Luxembourg, and by national courts - for implementing and protecting fundamental rights in the Union. [...]”⁴.

Thus, the fundamental rights and democratic values are respected in the Member States of the European Union, both based on domestic law regulations, present including in the fundamental legal acts such as the constitutions, as well as in international law regulations⁵, and the Union's commitment to these values has been officially reaffirmed in the Charter of Fundamental Rights of the European Union⁶.

We will not analyze the long course and the difficult process of its adoption, but the very essence and importance of the Charter. The Charter of Fundamental Rights of the European Union establishes that “the Union is founded on the indivisible, universal values of human dignity, freedom, equality, and solidarity; it is based on the principles of democracy and the rule of law”⁷.

Although it contains and enacts rights established in the European Convention on Human Rights, such as the right to freedom and security, human dignity, the prohibition of torture and inhuman or degrading treatment or punishment or those established in other international acts, namely equality between women and men, children's rights, non-discrimination, the right to asylum, protection of personal data, the Charter expressly determines the correlation between them, as follows: “In so far as this Charter contains rights which correspond to rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the meaning and scope of those rights shall be the same as those laid down by the said Convention. This provision shall not prevent Union law providing more extensive protection and full account shall be taken of national laws and practices”⁸.

As Robert Lane considers: “It is the fruit of long debate within the Union on the nature of fundamental rights: the rights which ought to be embraced, whether they ought to be legally binding, and if so how, whether they ought to be incorporated into Treaty texts or simply ‘declared’, and if so by whom, whether they ought to bind (if anyone) the Community/Union institutions only, the member states acting within Community/Union spheres, the member states in areas unrelated to Community law, and so on”⁹.

In this sense, Article 53 (Level of protection) expressly indicates: “Nothing in this Charter shall be interpreted as restricting or adversely affecting human rights and fundamental freedoms as recognized, in their respective fields of application, by Union law and international law and by international agreements to which the Union or all the Member States are parties, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and by the Member States' constitutions”¹⁰.

Therefore, the rights recognized by the community document, which are the subject of certain provisions provided by the treaties, are exercised under the conditions concerning the limits established by them. To the extent that they are rights that correspond to rights guaranteed by the European

² Ianuș Erhan, Teodor Cârnaț, *Drept vamal comunitar*, PrintCaro, Chisinau, 2011, p. 9

³ European Union Agency for Fundamental Rights, *Handbook on European law relating to the rights of the child*, Luxembourg 2015, pp. 26-27

⁴ Robert Lane *The EU Charter of Fundamental Rights and the subsisting Commitments of EU Member States under the European Convention on Human Rights: more variable geometry*, in “Croatian Yearbook of European Law and Policy”, Vol. 3, 2007, p. 356

⁵ Mihaela Vrabie, *Cetățenie și drepturi europene*, Tritonic, București, 2007, p. 16

⁶ Dan Niță, *Carta drepturilor fundamentale ale Uniunii Europene*, p. 3, www.studijuridice.ro, (12.08.2022)

⁷ *Charter of the Fundamental Rights of the European Union 2012/C 326/02*, in “Official Journal of the European Union”, C326/391 OF 26.10.2012, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=EN>, (12.08.2022)

⁸ *Idem*

⁹ Robert Lane, *The EU Charter of fundamental rights and the subsisting commitments of EU member states under the European Convention on human rights: more variable Geometry*, in “Croatian Yearbook of European Law and Policy”, Vol. 3, 2007, p. 367

¹⁰ Official Journal of the European Union C326/391, *EU Charter of Fundamental Rights*, 26.10.2012

Convention for the Protection of Human Rights and Fundamental Freedoms, their meaning and scope are the same as those provided by the mentioned convention¹¹.

In the given order of ideas, at the level of the Union, the minimum guarantees regarding the protection of human rights are those established in international documents. Member states can institute additional measures that exceed these guarantees in volume and consistency, and the direct application of international provisions is their commitment. On the other hand, the Charter, being a part of the EU legal system, through the provisions of the Treaty of Lisbon is binding for the member states.

Besides, it shouldn't be disregarded the role of the European Court of Justice and its case law, namely the Court has configured the features of the doctrinal theory with profound practical characteristics of the supremacy of community/union law based on the specific nature of the EU legal order, which needs to be applied uniformly by the member states.

Regarding the **procedure for implementing the international mechanisms for the protection of human rights at the national level**, it is viewed under two aspects, the general one described above, is when states ratify international acts, transpose their regulations into national legislation, undertake commitments to respect and implement, to create necessary and sufficient conditions to guarantee the persons' rights.

The principle of international law established in international treaties obliges states to respect the treaties they have concluded and, above all, to determine their application by their own legislative, executive, and judicial bodies, whose responsibility can be committed before the international judge.

At the same time, international law does not regulate the conditions under which the norms contained in the treaties are integrated into the internal legal order to be applied by the bodies and their jurisdiction. This issue is left to the discretion of each state that regulates it, therefore, in a sovereign way, depending on the conception it adopts on the relations between international and domestic law¹².

In this sense, there are mechanisms established at the national, European, and international levels that contribute to the monitoring and regulation of human rights, but the protection of human rights begins at the national level. International mechanisms to defend human rights intervene only when national systems do not function properly or fail to remedy human rights violations¹³.

Thus, at the international level, minimum standards of human rights and freedoms are drawn up, the states having the obligation to include them in their national legal systems, as well as to establish the control mechanism regarding compliance with these standards¹⁴.

A distinct feature, characteristic for a series of international instruments with universal and regional vocation, which in particular enshrine fundamental rights and freedoms inherent to the human being, is the direct applicability of the provisions contained therein in the legal orders of the signatory states, so that the text of the international treaty becomes an integral part of the national law system, having direct and immediate legal effects, which is conditioned exclusively by two factors: it targets specific addressees – private, natural or legal persons; to be applied in the internal legal order of the states that have accepted them, they do not require any act of implementation or transposition¹⁵.

In terms of enshrining and guaranteeing human rights, the international level of protection represents only a minimum standard, in the sense that from this level, the states cannot derogate internally, but they can ensure increased protection of human rights at the national level¹⁶.

Despite this fact, the specificity of the international guarantee of human rights and freedoms involves two aspects: on the one hand, the integration of international norms regarding human rights into domestic law and their assurance through the specific state means, and on the other hand, the possibility

¹¹ Dan Niță, *Carta drepturilor fundamentale ale Uniunii Europene*, p. 21, www.studiijuridice.ro, (12.08.2022)

¹² Ion P. Filipescu, Augustin Fuerea, *Drept instituțional comunitar european*, Actami, București, 2000, p. 53

¹³ European Union Agency for Fundamental Rights, *Fundamental rights-based police training. A handbook for police trainers*, Luxembourg, 2018, p. 35

¹⁴ Victoria Arhiliuc, *Aspectul juridic universal al drepturilor omului*, Artpoligraf, Chisinau, 2020, p. 20

¹⁵ Oleg Balan, Diana Sârcu, *Aplicarea directă a reglementărilor internaționale în materia drepturilor omului, mecanisme naționale și internaționale de protecție a drepturilor omului*, Academia de administrare publică, Chisinau, 2014, p. 11

¹⁶ Ștefan Belecciu, Albert Antoci, *Protecția juridică a drepturilor omului în activitatea poliției*, Cartea militară, Chisinau, 2019, p. 28

of guaranteeing citizen rights beyond the state borders, through international institutions.

All democratic countries have recognized international human rights instruments' priority (or equality) regarding national legislation. This means that international principles of human rights and freedoms are incorporated (included) in national law¹⁷.

For instance, regarding the non-compliance of the internal legislation with the rules for the protection of human rights, the Constitutional Court of the Republic of Moldova has established that, in case of inconsistencies between the international pacts and treaties regarding fundamental human rights and the internal laws of the Republic of Moldova, the legal bodies are obliged to apply the international regulations¹⁸.

It is established that at the national level, human rights can be expressed through values, laws, or policies. At the same time, human dignity, freedom, equality, and solidarity comprise the foundation of human rights. These concepts find their concrete expression in a series of human rights established in the Constitutions of the states.

The provisions of both international documents mentioned above constituted the starting point for national human rights regulations, particularly those inserted in most European states' Constitutions.

According to Ion Morosan, the constitutional guarantees of human rights are the constitutional regulation of fundamental human rights and freedoms; control of the constitutionality of laws; the creation and application of special constitutional guarantees regarding the harmonization of international norms with those of national legislation, having the objective to effectively defend fundamental human rights and freedoms¹⁹.

Romania is a party to a series of treaties or international conventions that enshrine human rights. According to the Constitution, articles 11 and 20, are part of domestic law and are applied with priority, except in the case where the domestic norm is more favorable than the international one²⁰.

In this order of ideas, the Romanian Constitution dedicates Chapter II of Title II to fundamental rights and freedoms, and, as a member of the United Nations Organization, Romania has signed the Universal Declaration of Human Rights, and, since 1994, it has been party to the European Convention for the Protection of Human Rights and Fundamental Freedoms and is subject to the jurisdiction of the European Court of Human Rights. Also, within the European Union, Romania signed the Treaty of Lisbon in December 2007²¹, which, in Article 6, Paragraph 1, confers the EU Charter of Fundamental Rights binding legal force, thus giving it a legal value equal to that of the Treaties²².

In turn, the Constitution of the Republic of Moldova, in the art. 4, proclaims the superiority of international human rights regulations over national ones²³. Enshrining in the Constitution the fundamental rights and freedoms, as well as the stipulation that the constitutional provisions on human rights and freedoms are interpreted by international acts and they take priority over domestic legal provisions²⁴ constitute an indisputable guarantee of the supremacy of international law over domestic law in relation with human rights.

We support the opinion of the author Nicolae Osmochescu who considers that constitutional provisions regarding fundamental human rights and freedoms are nothing but fundamental human rights and freedoms, which at the time of the formation of the Republic of Moldova and the adoption of the

¹⁷ Iurie Frunză, Andrei Borșevski, Boris Sosna, *Metode proactive în educația pentru drepturile omului*, Pontos, Chisinau, 2019, p. 515

¹⁸ Oleg Balan, Diana Sârcu, *Aplicarea directă a reglementărilor internaționale în materia drepturilor omului, mecanisme naționale și internaționale de protecție a drepturilor omului*, Academia de administrare publică, Chisinau, 2014, p. 13

¹⁹ Ștefan Beleciiu, Albert Antoci, *Protecția juridică a drepturilor omului în activitatea poliției*, Cartea militară, Chisinau, 2019, p. 44

²⁰ The Association for the Defence of Human Rights in Romania, the Helsinki Committee (APADOR-CH), *Handbook of Human Rights*, București, 2008, p. 5

²¹ *Ibidem*, p. 3.

²² Official Journal of the European Union C306/1, 17.12.2007, *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon*, 13 December 2007

²³ The Constitution of the Republic of Moldova, republished in the Official Gazette, No. 78, 29.03.2016

²⁴ Anatolie Munteanu, Svetlana Rusu, Olga Vacarciuc, *Manualul funcționarului public în domeniul drepturilor omului*, Arc, Chisinau, 2015, p 29

State Constitution were unanimously recognized as a fundamental principle of public international law, being enshrined in an impressive number of universal and regional legal instruments. The Republic of Moldova did not negotiate them, without existing as a subject of international law in that period, but it adhered to them and implemented them in the national legislation, including in the Constitution of the Republic of Moldova²⁵.

Thus, the given provisions are opposed to all national authorities, especially those of law enforcement, as well as courts. For instance, the Supreme Court of Justice of the Republic of Moldova recommends to national courts, when examining cases, to check whether the law or the act which is to be applied and which regulates rights and freedoms guaranteed by the ECHR, is compatible with its provisions, and, in case of incompatibility, the court will directly apply the provisions of the ECHR, mentioning this fact in its decision. In the same spirit, if the national law does not provide for the right to an effective appeal regarding the violation of a certain right provided by the Convention, the court should receive the respective complaint and resolve the case according to the civil or criminal procedure, directly applying the provisions of the ECHR²⁶.

Beyond the guarantees indicated above, the mechanism for implementing international regulations for the protection of human rights in the context of public order and security is based on certain principles.

The principle of subsidiarity is one of the fundamental principles on which the entire mechanism of the European Convention on Human Rights is built, and subsidiarity in international legal relations is based on the interaction between the international legal order established by international acts and the internal legal order established by national regulations.

In this sense, subsidiarity assumes that the first court called to apply the Convention is the national one. Therefore, the Convention entrusts, first, each state with the task of ensuring compliance with the rights it enunciates and to the jurisdictional authorities – the national courts have the task of controlling the application of its provisions²⁷.

In turn, article 51 of the Charter of Fundamental Rights expressly states that the charter's provisions are addressed to the institutions, bodies, offices, and agencies of the Union, respecting the principle of subsidiarity and to the member states only when they implement Union law²⁸.

The next principle is legality, which presupposes that the rights and freedoms and their guarantee must take on a concrete legal form, be implemented by a competent authority, or only written and known provisions are opposable, both to states and individuals.

Another principle, of proportionality, presupposes that any limitation or restriction of the exercise of rights and freedoms recognized by international acts must be provided for by law and respect the substance of these rights and freedoms. By respecting the principle of proportionality, restrictions may be imposed only if they are necessary and only if they effectively meet the objectives of recognized general interest or the need to protect the rights and freedoms of others²⁹.

The police and human rights

For the most part, the operational components concerning public order and security are carried out by the Police, as an administrative authority, primarily invested with such powers. In the given order of ideas, today, the special merit of the international community is unanimously recognized, which resides, first, in the recognition of the legal obligation of the protection of human rights and freedoms in the activity of the police, but also of other authorities in the field of public order and security.

Simultaneously, international acts establish the need for the development of a civil society, in which citizens and the state are in interdependent relationships, can limit and control each other's actions,

²⁵ Nicolae Osmochescu, *Constituția Republicii Moldova: Comentariu*, Arc, Chisinau, 2012, p. 33

²⁶ Oleg Balan, Diana Sârcu, *Aplicarea directă a reglementărilor internaționale în materia drepturilor omului, mecanisme naționale și internaționale de protecție a drepturilor omului*, Academia de administrare publică, Chisinau, 2014, pp. 11-12

²⁷ Nicolae Osmochescu, *Constituția Republicii Moldova: Comentariu*, Arc, Chisinau, 2012, p. 448

²⁸ Dan Niță, *Carta drepturilor fundamentale ale Uniunii Europene*, p. 5, www.studiijuridice.ro, (12.08.2022)

²⁹ *Idem*

can claim their rights damaged by the state, especially by the actions of the police, as well as of other administrative authorities with powers in the field of public order and safety³⁰.

A human rights-based approach of police is considered to facilitate the establishment of a fair balance of rights that allows the state to use certain coercive powers and levers. Thus, in the case of police officers, it is considered that human rights:

- help them determine what is allowed and what is prohibited;
- contribute to shaping the internal organizational structures of the police;
- specify the duties of police officers, as representatives of the state, to respect and protect citizens;
- guarantee respect for the human values of police officers when they are holders of these rights.

Legislation in most democratic countries and international legal instruments qualify the police as a body for the protection of human rights. Thus, the regulations dedicated to the organization and operation of the National Police of Romania make direct reference to international provisions. For example, art. 31 which refers to the main rights and obligations of the police officer, in the performance of his duties, after an exhaustive exposition of them, provides that, in the exercise of the rights conferred by law, the police officer must fully respect the fundamental rights and freedoms of man, provided by law and the European Convention on Human Rights³¹.

Regarding the Republic of Moldova, the Special Law establishes that the activity of the Police is carried out exclusively based on and for the execution of the law, in the interest of the person, the community, and support of the state institutions, for the defense of fundamental rights and freedoms and human dignity, provided for in the Universal Declaration of human rights, in the European Convention for the Protection of Human Rights and Fundamental Freedoms, in the European Code of Ethics of the Police and other international acts, by the principles of legality, respect for human rights and fundamental freedoms, impartiality and non-discrimination, permanent hierarchical control, personal responsibility and professionalism, transparency, respect for state secrets and other official information with limited accessibility³².

The analysis of the given provisions implies the integration of international and national regulations in the internal procedures of activity, as well as in the training and professional training programs, aspects to be known and applied in a mandatory and categorical manner by all Police employees.

In turn, respect for the rule of law, which implies the harmonization and balancing of relations between the state and the law, in the sense of the rule of law, i.e. of its absolute supremacy, to ensure the fundamental rights and freedoms of man in the exercise of power, does not only involve concern for what has been done, but especially for how it has been done, and, in the exercise of its duties, the police must respect human freedoms and rights and avoid acting arbitrarily or illegally.

It is widely acknowledged that the central elements of human rights-based police activity in democratic societies are the following: the special role of the police, given its monopoly on the use of force, professionalism, the requirement of strict legality, internal and external accountability, transparency, and a relationship of trust with the public³³.

As Sara Pastor states, “Human rights can and should be, as a matter of principle and as a matter of practice, the guiding line that helps the police officer to discern the lines that he or she should not cross. [...]”³⁴.

At the same time, the Police are endowed with special powers (including potentially using force), to temporarily deprive people of their freedom, to limit their rights (for example, to stop, question, detain and arrest, seize property, take fingerprints, photograph and carry out body searches) and, in extreme

³⁰ Ștefan Belecciu, Albert Antoci, *Protecția juridică a drepturilor omului în activitatea Poliției*, Cartea militară, Chisinau, 2019, pp. 24-25

³¹ *Law No. 218 of 23.04.2002 (republished) on the organization and functioning of the Romanian Police*, Official Gazette of Romania, No. 170, 02.03.2020

³² *Law No. 320 of 27.12.2012 regarding the activity of the Police and the status of the policeman*, Official Gazette of the Republic of Moldova No. 42-47, 01.03.2013, art. 145

³³ European Union Agency for Fundamental Rights Luxembourg, *Fundamental rights-based police training. A handbook for police trainers*, Luxembourg, 2019, p. 49

³⁴ Sara Pastor, *Time for change in police culture, Putting human rights at the center of policing*, Queens University, Belfast, 2014/2015, p. 8

conditions, to use even force with lethal consequences. However, Police officers must always respect the principles of the rule of law, by international policies and standards as well as the norms provided for in national legislation³⁵.

In police activity, there is a whole list of instruments of international law with direct and unconditional applicability, and apart from those described and analyzed above, we consider that the most important ones would be: the International Convention on the Elimination of All Forms of Racial Discrimination (1965), International Covenant on Civil and Political Rights (1966), International Covenant on Economic, Social and Cultural Rights (1966), UN Convention on the Elimination of All Forms of Discrimination against Women (1979), The UN Convention on the Rights of the Child (1989), the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the International Convention for the Protection of All Persons from Enforced Disappearance (2006).

For instance, the Convention on the Elimination of All Forms of Racial Discrimination (1965) states that “the term “racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”³⁶.

In this sense, it is known that police officers, like society in general, are not without racist opinions and prejudices. Such attitudes and perceptions are sometimes manifested through insufficient police activity, such as failing to provide sufficient support and protection, or through excessive police activity, such as paying excessive attention to crimes allegedly committed by members of certain ethnic minority communities and/or by using excessive force against people from these communities³⁷.

The Police do not apply, encourage or tolerate torture, inhuman or degrading treatment, and the use of physical force, special means, and firearms is only allowed in strict accordance with the law, and if non-violent methods do not ensure the fulfillment of the Police's duties³⁸.

For example, the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (1984) determines those principles of police activity for non-admission of various acts of torture by employees, and the dedicated regulations are the basis of the police operating procedures that apply from the moment of detention of the person to his management at the police headquarters, to the person in state custody, as well as ensuring the procedural safeguards at its disposal at each of these stages.

On the other hand, “States also need to establish some restrictions on certain rights and freedoms for the sake of public order and security”, taking into account that “the police is granted certain powers that are recognized as necessary in a democratic society”³⁹.

“Police have the power to both protect and breach human rights. The purpose of international standards for policing is to leverage the positive connections between policing and human rights, and to minimize potential negative clashes between the two concepts [...]”⁴⁰, respectively, on the one hand, the abuse of power, discriminatory or arbitrary treatment is not allowed, and on the other hand, the protection and respect for human rights are achieved.

³⁵ *Manual de Instruire privind Integritatea Poliției, publicat de Centrul din Geneva pentru Controlul Democratic al Forțelor Armate (DCAF), Geneva, 2015, p. 44*

³⁶ International Convention on the Elimination of All Forms of Racial Discrimination. Adopted by UN General Assembly Resolution 2106 (XX), on December 21, 1965, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>, (12.08.2022)

³⁷ The case of Velikova v. Bulgaria, Application No. 41488/98, Decision the European Court of Human Rights of 18.05.2000, and The case of Anguelova v. Bulgaria, Application No. 38361/97, Decision the European Court of Human Rights of 13.06.2002, Strasbourg

³⁸ *Law No. 320 of 27.12.2012 regarding the activity of the Police and the status of the police officer*, Official Gazette of the Republic of Moldova, No. 42-47, 01.03.2013, art. 1455

³⁹ Sara Pastor, *Time for change in police culture, Putting human rights at the center of policing*, Queens University, Belfast, 2014/2015, p. 17-18

⁴⁰ *Ibidem*, p. 1

Conclusions

In the context in which threats to human rights, including those guaranteed in the framework of public order and security, are becoming more and more current, pressure is put on the international community, which has the obligation, but also the commitment, to come up with a reaction, to find a response to the social, economic, political transformations that take place permanently, in the sense that the cadence with which the processes and phenomena with a direct impact on human rights and freedoms change are ever greater, and the response must be immediate.

The mechanism for the protection of human rights is implemented in stages, consistently and dedicatedly, thus, initially, the international community is the one that accepts and formalizes human rights. Subsequently, the latitude of the state determines the incorporation and adjudication of the given provisions in the national legal system. At the same time, their guarantee at the state level needs to be not only declarative but assumed and responsible.

Legislation in most democratic countries and international legal instruments qualifies the police as a human rights protection authority, a fact that requires the integration of international and national regulations into internal activity procedures, as well as in training and professional training programs, so that relevant aspects be known and mandatory and categorically applied by all Police employees.

This is why the understanding, implementation, and exact observance of the international mechanisms for the protection of human rights is a guarantee and a primary obligation of the state, as well as an indisputable model of activity for all those responsible for the implementation of legal provisions, in the first row, the Police, but also other authorities with competencies in the field of public order and security.

Bibliography

Books

1. Arhiliuc, Victoria, *Aspectul juridic universal al drepturilor omului*, Editura Artpoligraf, Chisinau, 2020
2. Belecciu, Ștefan; Antoci, Albert, *Protecția juridică a drepturilor omului în activitatea poliției*, Cartea militară, Chisinau, 2019
3. Erhan, Ianuș; Cârnaț, Teodor, *Drept vamal comunitar*, PrintCaro, Chisinau, 2011
4. Filipescu, Ion, P.; Fuerea, Augustin, *Drept instituțional comunitar european*, Actami, București, 2000
5. Frunză, Iurie; Borșevski, Andrei; Sosna, Boris, *Metode proactive în educația pentru drepturile omului*, Pontos, Chisinau, 2019
6. Munteanu, Anatolie; Svetlana, Rusu; Vacarciuc, Olga, *Manualul funcționarului public în domeniul drepturilor omului*, Arc, Chisinau, 2015
7. Osmochescu, Nicolae, *Constituția Republicii Moldova: Comentariu*, Arc, Chisinau, 2012
8. Pastor, Sara, *Time for change in police culture, Putting human rights at the center of policing*, Queens University, Belfast, 2014/2015
9. Vrabie, Mihaela, *Cetățenie și drepturi europene*, Tritonic, București, 2007

Studies and Articles

1. Balan, Oleg; Sârcu, Diana, *Aplicarea directă a reglementărilor internaționale în materia drepturilor omului, mecanisme naționale și internaționale de protecție a drepturilor omului*, Academia de administrare publică, Chisinau, 2014
2. Lane, Robert, *The EU Charter of Fundamental Rights and the Subsisting Commitments of EU Member States under the European Convention on Human Rights: More Variable Geometry*, in "Croatian Yearbook of European Law and Policy", Vol. 3, 2007

Documents

1. *Charter of the Fundamental Rights of the European Union* 2012/C 326/02, in "Official Journal of the European Union", C326/391 OF 26.10.2012. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=EN>
2. DCAF Geneva Centre for Security Sector Governance, *The Training Manual on Police Integrity*, Geneva, 2015
3. EU Charter of Fundamental Rights, Official Journal of the European Union C326/391 of 26.10.2012
4. European Union Agency for Fundamental Rights, *Fundamental rights-based police training. A handbook for police trainers*, Luxembourg, 2019
5. European Union Agency for Fundamental Rights, *Handbook on European law relating to the rights of the child*, Luxembourg, 2015
6. *International Convention on the Elimination of All Forms of Racial Discrimination*, adopted by UN General Assembly Resolution 2106 (XX), on December 21, 1965
7. UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination, Resolution 2106 (XX)*, on December 21, 1965, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>
8. *Law No. 218 of 23.04.2002 (republished) on the organization and functioning of the Romanian Police*, Official Gazette of Romania, No. 170, 02.03.2020
9. *Law No. 320 of 27.12.2012 regarding the activity of the Police and the status of the police officer*, Official Gazette of the Republic of Moldova, No. 42-47 of 01.03.2013, art. 145
10. Official Journal of the European Union C306/1, *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community*, Lisbon, 13 December 2007
11. The Association for the Defence of Human Rights in Romania, the Helsinki Committee (APADOR-CH), *Handbook of Human Rights*, Bucharest, 2008
12. *The Constitution of the Republic of Moldova, republished Official Gazette, No. 78, 29.03.2016*

Websites

1. <https://guide-humanitarian-law.org/>
2. <https://www.echr.coe.int/>
3. www.studijuridice.ro/