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## INTERACTION OF THE POLICE AND CIVIL SOCIETY INSTITUTIONS IN MATTERS OF ENSURING THE PROTECTION OF HUMAN AND CIVIL RIGHTS

The article considers the interaction of the police and civil society institutions in the issues of ensuring the rights of men and citizens in the Republic of Kazakhstan. The existing approaches and mechanisms of interaction are analyzed, as well as the problems and prospects for the development of this area are determined. The article focuses on the importance of the participation of civil organizations in monitoring the legality of law enforcement actions, as well as the need to improve legal regulation in this area. Particular attention is paid to the practical aspects of the interaction of police and civilian organizations, including assistance to law enforcement agencies in their work and the organization of interaction within specific projects and activities. Because of the article, conclusions are drawn about the need to constantly improve the interaction of the police and civil organizations in the interest of ensuring the rights and freedoms of citizens in Kazakhstan.

**Key words:** Civil society, law enforcement agencies, public organizations, ensuring rights, preventing offenses, partnership, police service model.

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### Адам мен азаматтың құқықтарын қорғауды қамтамасыз ету мәселелерінде полиция және азаматтық қоғам институттарының өзара іс-қимылы

Мақала Қазақстан Республикасында адам мен азаматтың құқықтарын қамтамасыз ету мәселелерінде полиция мен азаматтық қоғам институттарының өзара іс-қимылын қарастырады. Өзара іс-қимылдың қолданыстағы тәсілдері мен тетіктері талданады, сондай-ақ осы саланың проблемалары мен даму перспективалары анықталады. Мақалада азаматтық ұйымдардың құқық қорғау органдарының іс-әрекеттерінің заңдылығын бақылауға қатысуының маңыздылығына, сондай-ақ осы саладағы құқықтық реттеуді жетілдіру қажеттілігіне назар аударылады. Полиция мен азаматтық ұйымдардың өзара іс-қимылының практикалық аспектілеріне, оның ішінде құқық қорғау органдарына олардың жұмысына көмек көрсету және нақты жобалар мен іс-шаралар шеңберінде өзара іс-қимылды ұйымдастыру мәселелеріне ерекше назар аударылады. Мақаланың қорытындысында Қазақстандағы азаматтардың құқықтары мен бостандықтарын қамтамасыз ету мүддесінде полиция мен азаматтық ұйымдардың өзара іс-қимылын үнемі жақсарту қажеттілігі туралы тұжырымдар жасалады.

**Түйін сөздер:** Азаматтық қоғам, құқық қорғау органдары, қоғамдық ұйымдар, құқықтарды қамтамасыз ету, құқық бұзушылықтардың алдын алу, серіктестік, полицияның сервистік моделі.

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### Взаимодействие полиции и институтов гражданского общества в вопросах обеспечения охраны прав человека и гражданина

Статья рассматривает взаимодействие полиции и институтов гражданского общества в вопросах обеспечения прав человека и гражданина в Республике Казахстане. Анализируются существующие подходы и механизмы взаимодействия, а также выявляются проблемы и перспективы развития данной сферы. В статье обращается внимание на значимость участия гражданских организаций в контроле законности действий правоохранительных органов, а также на необходимость совершенствования правового регулирования в данной области. Особое внимание уделяется практическим аспектам взаимодействия полиции и гражданских

организаций, в том числе на вопросах оказания помощи правоохранительным органам в их работе и организации взаимодействия в рамках конкретных проектов и мероприятий. В заключение статьи делаются выводы о необходимости постоянного улучшения взаимодействия полиции и гражданских организаций в интересах обеспечения прав и свобод граждан в Казахстане.

**Ключевые слова:** Гражданское общество, правоохранительные органы, общественные организации, обеспечение прав, профилактика правонарушений, партнерство, сервисная модель полиции.

## Introduction

According to the law of the Republic of Kazakhstan dated January 6, 2011 “On Law Enforcement Agencies”, the special principles of law enforcement agencies are as follows: the obligation to protect the rights and freedoms of man and citizen, the interests of society and the state from criminal and other unjustified attacks; cooperation with non-governmental organizations; unity of approaches to the organization of law enforcement agencies in law enforcement agencies; unity and obedience (obedience); independence from the activities of political parties and other public organizations (<https://adilet.zan.kz/rus/docs/Z1100000380>).

The community of citizens and the state is an integral part of the National Security Strategy. To control crime, the population must actively support the actions of the law enforcement agencies of the Republic of Kazakhstan. In the conditions of the modern world, criminology has established the following pattern: practical measures to carry out the task of preventing crimes are possible only if the level of development of society is taken into account.

The interaction between the police and civil society is an important factor in ensuring human rights. In Kazakhstan, the role of civil society institutions in protecting citizens' rights has become increasingly important, especially in the light of Republican human rights competitions.

## Material and method

Crime prevention is inherently one of the most vulnerable and imperfect elements of the State system. The police's use of only traditional methods in the fight against crime does not always give the desired result. The requirements for modern police work are growing every year. The emphasis is on close cooperation between the police and the public, as well as on working with the causes of crime in cooperation with the public and other interested departments, organizations and institutions. Our country has developed an action plan for the implementation of the Concept of Legal Policy of the Republic of Kazakhstan until 2030. In this regard, we will consider event No. 2. 2.1 Formation of a service model

of the law enforcement system, one of the tasks of this event is as follows: “Development of a service model of the police, the basic component of which will be proactive work with society and ensuring walking distance to the police”, the deadline for completing the task is December 2022-2025 ([www.gov.kz/memleket/entities/adilet/documents/details/311869?lang=ru&ysclid=lhcyj1oa6z988085094](http://www.gov.kz/memleket/entities/adilet/documents/details/311869?lang=ru&ysclid=lhcyj1oa6z988085094)).

1. On April 29, 2010, the law “On the Prevention of Offenses” came into force, which establishes the foundations of legal regulation of the prevention of offenses ([https://online.zakon.kz/Document/?doc\\_id=30657323](https://online.zakon.kz/Document/?doc_id=30657323)). The coordinating role is assigned to the Government of the country and local executive bodies.

The main directions of involving the population in the preventive activities of the police are derived from the dynamics and structure of Kazakhstani crime. The number of crimes committed while intoxicated and under the influence of drugs, as well as those committed by persons who had previously committed crimes committed by minors and committed in a group, remains stable. It is noteworthy that 73.3% of the total number of identified perpetrators of crimes are unemployed. Every seventh crime is committed in public places, and every tenth is committed on streets, squares, parks, squares ([www.procuror.kz](http://www.procuror.kz)). Accordingly, this finds its expression in the main directions of preventive work of the police of the Ministry of Internal Affairs of Kazakhstan. To date, there are more than 3 thousand law enforcement-oriented public formations in the country (Биекенов 2008). The institute of public assistants in the law enforcement sphere – “concierges”, where the protection of the territories of multi-storey buildings and their entrances is carried out, has proven itself well. Public assistance makes a significant contribution to the protection of public order, but there are problems with their financing on the ground.

With the adoption of the Law of the Republic of Kazakhstan dated July 9, 2004 “On the prevention of juvenile delinquency and the prevention of child neglect and homelessness” ([https://online.zakon.kz/Document/?doc\\_id=1049318](https://online.zakon.kz/Document/?doc_id=1049318)), it was possible to slightly reduce juvenile delinquency. The introduction of the institute of school inspectors made it possible

to concentrate the efforts of the public by reorganizing the Juvenile Affairs Inspectorate. Their main task is to prevent crimes among teenagers and prevent minors from being involved in crime. Special attention is paid to adolescents suffering from drug addiction. The main criterion of their activity is the creation of a comprehensive security system in schools.

Police officers are actively working together with crisis centers whose activities are related to the protection of women from violence. The Union of Crisis Centers of Kazakhstan has been operating since 2000. There are 40 crisis centers in Kazakhstan in total. The work is aimed at preventing gender-based violence and all forms of discrimination, forming a culture of nonviolent relations in society and creating an effective mechanism for public influence. So, together with the Girlfriends crisis Center, the Administrative Police Committee of the Ministry of Internal Affairs and the Academy of the Ministry of Internal Affairs, the law enforcement practice on the implementation of the Law of Ukraine “On the Prevention of Domestic Violence” was tested experimentally. Some of the results of which were used in the preparation of the draft Law of the Republic of Kazakhstan “On the prevention of domestic violence”, which entered into force on December 4, 2009 ([https://adilet.zan.kz/rus/docs/Z090000214\\_/z090214.htm](https://adilet.zan.kz/rus/docs/Z090000214_/z090214.htm)).

The Constitution of the Republic of Kazakhstan provided women with equal opportunities with men to receive education, participate in socio-political and cultural activities, took measures aimed at protecting women’s labor and health, created conditions for combining work with motherhood, legal protection of motherhood, providing material and moral support to the family, fatherhood, motherhood and childhood ([https://adilet.zan.kz/rus/docs/K950001000\\_](https://adilet.zan.kz/rus/docs/K950001000_)).

A state in which the self-organization of society has normative bases, and law becomes the main regulator of relations between the state and the institutions of civil society can be described as legal. In a rule of law, a dialogue between society and authority is necessary. This is due not only to the declared democratic principles underlying the development of civil society and the democratic state, but also to the real need to solve many problems and problems of public and state life.

Gradually, the society increases the degree of participation of its institutions in many areas through activities in the form of social associations, organizations, and other voluntary forms of association of citizens. The field of law enforcement was no exception, in particular it concerns the functions assigned to the police, most of which are carried out with the support of civil society institutions. In the field of

internal security and law and order, civil society interacts with the police, which only with the support of the public can successfully implement the fight against crime and the protection of individual rights and freedoms. One of the main tasks of the Ministry of Internal Affairs of the Russian Federation is the strengthening and development of partnership with civil society institutions.

In addition, today the Republic of Kazakhstan has joined more than 60 international legal acts in the field of international protection of human rights and freedoms, including women’s rights, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on Human Rights Convention on the Political Rights of Women, Convention on the Prevention of All Forms of Discrimination against Women, Convention against Torture and Other Cruel, inhuman or Degrading Treatment or Punishment, the Convention on Equal Remuneration for Men and Women for Work of Equal Value, the Convention on the Nationality of a Married Woman, and other international instruments. In general, all legislation of the Republic of Kazakhstan is aimed at establishing de facto equality between men and women. Special measures are aimed at protecting motherhood, childhood, and fatherhood; protecting women in connection with pregnancy and childbirth; increasing men’s life expectancy; protection of women in criminal, criminal procedure, and penal enforcement legislation.

However, despite all the measures taken to protect women’s rights, their legal situation needs to be further improved, considering modern realities and existing problems. Kazakhstan’s legislation on the protection of women’s rights also needs to be further improved. To further democratize Kazakh society, enhance and improve the status of women, and realize their rights and opportunities, the issue of ensuring women’s rights will be of great relevance. Today, many normative legal acts have been adopted aimed at improving the status of women, such as the Law “On Equal Rights and Equal Opportunities for Women and Men”, “On domestic violence”. In addition, the Republic of Kazakhstan has joined a number of international legal acts in the field of human rights. In accordance with its obligations under the Convention on the Elimination of All Forms of Discrimination against Women, Kazakhstan undertakes to pursue a policy of eliminating discrimination against women.

According to the principles formulated in the Code of Conduct for Law Enforcement Officials dated December 17, 1979:

- like all other institutions of the criminal justice system, each law enforcement agency must represent the public as a whole, be responsible to it and be accountable to it,

- in accordance with the basic premise of any profession, each law enforcement agency should be required to exercise self-control in full accordance with the principles and norms set out in this document, and that the actions of law enforcement officials should be subject to thorough public scrutiny, which can be carried out either by the council, the ministry, the prosecutor's office, the court, the Ombudsman, the citizens' committee, or any combination of these bodies or any other supervisory body ([https://www.un.org/ru/documents/decl\\_conv/conventions/code\\_of\\_conduct.shtml](https://www.un.org/ru/documents/decl_conv/conventions/code_of_conduct.shtml)).

The police are accountable to the public.

Forms of accountability:

- 1) In the field of legislation
- 2) In the political sphere
- 3) In the economic sphere

Partnership between the police and the population is a form of police work with the population, used to improve public safety in order to ensure high—quality living and working conditions for the population. The partnership reduces the gap between the police and society by establishing a working relationship and deep interaction between them.

A partnership arises when a number of public organizations, agencies, and individuals commit themselves to working together and contributing resources to achieve a common long-term goal. For example, community organizations can collaborate with neighborhood watch groups, individual residents, religious organizations, and the local police department to address current community issues.

Safety and quality of life. Schools can work with their local police, parents, and others to make schools and surrounding areas safer. Business organizations can work with their local police to maintain order in the business district.

Partnership is the most intensive type of working relationship and is most often required when law enforcement agencies want to be more effectively involved in solving security problems. There are differences between how the traditional police approach this issue and how it is done in the service police.

Creating and maintaining effective collaboration requires more than just deciding to work together. Effective partnerships encourage team cohesion, a sense of belonging, enthusiasm, and the creation of an environment that maximizes the chances of

success of joint partnerships. The components of an effective partnership are as follows (Jamal 2016):

1. Stakeholders who understand the importance of collaboration
2. Trusting relationship between spouses
3. Common vision and common goals
4. Competence and strength
5. Team work strategy
6. Open communication
7. Motivated partners
8. Availability of funds for the implementation and maintenance of joint efforts
9. Action Plan.

With these nine elements, partnerships can avoid the confusion and frustration that can negatively impact many problem-solving and policing partnerships.

The basic principle of interaction, at its core, implies the mutual relation of phenomena (subjects), their mutual conditioning and support, reflecting the exchange of information, planning a common strategy, organizing joint actions that allow the parties to carry out joint activities for them, and has a clear and orderly character. In the context of bilateral interaction, the parties maintain devices of legal relations in which the interests of one or another party may prevail, and both parties may be interested in interaction. It is quite natural to ask what interests the parties pursue and what results they expect from such an interaction. Thus, we came to the need to determine the goals of interaction.

Most perpetrators, by defining the goals of interaction between the police and society, make a greater bias towards the needs of the state. Regarding the need to intensify citizens' efforts to solve police duties, as well as to improve the legal framework for active citizen participation in the exchange of information and interaction.

Based on the provisions considered, it should be concluded that the police, during interaction, pursues purposes related to the possibility of implementing, with the help of civil society, the powers directly assigned to it. The development of the very foundations of civil society and its institutions shall be implemented to the extent necessary for the exercise of police powers. On the other hand, civil society, through interaction with the police, seeks to strengthen its position in the relationship between society and the state, gaining greater access to Information, different ways to monitor police activities, increasing the level of legality and the importance of democratic principles. For civil society institutions, the objective of strengthening their positions is essential. However, the goals of both sides are perfectly combined with each other

and do not contradict each other. The police are interested in helping the public, just as the public is interested in helping the police.

The process of creating and maintaining cooperation is continuous and cyclical. It begins with the development of a common vision and ends with the development, implementation, and evaluation of an action plan. Regular study of what works and what doesn't is needed to create, motivate, and nurture partnerships that can pay off. Strengthening cooperation can mobilize residents to actively participate in crime prevention actions and help realize collective responsibility for improving public safety. Examples of active engagement residents can:

- measures to strengthen public control by the population.

- creation of environmental monitoring groups.

- Development of the program "Officers of the Public Patrol Group", which allows civilians in uniform to assist police officers in actions not related to operational work.

Television commercials showing police activity in residential areas and their positive impact on the lives of local residents can have a positive and mobilizing effect (Yanbuhtin 2017).

Other trust-building measures with a strong potential impact, which demonstrate the willingness of the police to establish contact with the public, can be the introduction of "Question Hours" on radio

or television, in Internet chat rooms or newspapers, where senior police officers (police station chiefs, police units) will answer questions from the public.

### Conclusion

However, this PR activity should only be used as a tool to raise awareness among the local population. Organizational changes and improvements in the efficiency of police activities and quality of Service remain much more important areas of effort. Thus, the most important activity for building trust and exchanging opinions will remain the usual daily friendly contacts between the police and people on the streets of the district.

A model of Police Service based on close interaction with society is not a universal solution to all problems but will be one of the reliable tools for establishing a constructive dialogue with society (Abishev 2021).

In conclusion, the interaction of the police and civil society institutions is a key factor in ensuring the protection of human and civil rights in Kazakhstan in the coming years. It should be based on mutual respect and trust, as well as take into account the relevant legal regulations. Only in this case can we ensure the well-being and security of our people, and Kazakhstan will be able to continue its development and prosperity.

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