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ETHICAL AND LEGAL LIMITS OF THE USE OF POLYGRAPHS DURING INTERROGATIONS: GUARANTEES OF HUMAN RIGHTS

The use of polygraphs in criminal proceedings in Ukraine is a complex and controversial issue that combines legal, ethical and psychological aspects. On the one hand, polygraph testing can help obtain additional information during an investigation, but on the other hand, it can create risks of violating fundamental human rights, in particular the right to a fair trial and privacy [2].

A polygraph (lie detector) is a technical device that records a person's psychophysiological reactions while answering questions. Its purpose is to detect possible signs of dishonesty or concealment of information. In law enforcement practice, polygraphs are used during official checks, personnel selection, and criminal investigations. However, Ukraine lacks clear legislative regulation of the use of polygraphs in criminal proceedings, which leads to ambiguity in the interpretation of their results [2, p. 142].

Currently, the Criminal Procedure Code of Ukraine (hereinafter referred to as the CPC) does not provide for the use of polygraphs as a procedural action or source of evidence. According to Article 84 of the CPC, evidence in criminal proceedings is factual data obtained in accordance with the procedure established by law. Since polygraph testing is not regulated by law, its results cannot be recognised as evidence in court [1, p. 469]. Despite this, judicial practice shows that some pre-trial investigation bodies use polygraphs as an auxiliary means of guidance when verifying testimony or versions. This approach does not contradict the law only if the person voluntarily agrees to participate in the examination and if a professional polygraph examiner is present. The use of polygraphs during interrogations affects fundamental constitutional human rights. Article 28 of the Constitution of Ukraine guarantees everyone the right to respect for dignity and

prohibits subjecting a person to torture or other cruel, inhuman or degrading treatment. Article 63 provides for the right of a person not to testify against themselves or their close relatives. Therefore, any coercion to undergo a polygraph test without consent may be considered a violation of these guarantees [ibid.].

The provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms (Articles 6 and 8) also emphasise the right of everyone to a fair trial and respect for private life. The European Court of Human Rights (hereinafter referred to as the ECHR) has repeatedly emphasised in its practice that the use of coercive psychophysiological methods may be contrary to the principle of fair trial. In its judgment in the case of *Yalloh v. Germany*, the Court emphasised that even indirect coercion to incriminate oneself is contrary to Article 6 of the Convention.

Thus, polygraph testing may only be used on a voluntary basis, without coercion or deception, and with the individual's right to legal assistance and confidentiality of the test results guaranteed. Otherwise, its use violates the principles of criminal procedure and respect for human rights.

The question of the ethics of polygraph use is closely linked to the moral and legal limits of interference in a person's inner world. During polygraph testing, physiological indicators are recorded that relate not only to behaviour but also to the emotional sphere of the individual. Such interference can affect the mental state of the person being questioned, creating a feeling of control and pressure that is incompatible with the principle of respect for dignity. Scientists emphasise that a polygraph cannot be considered an objective tool for establishing the truth, as physiological reactions do not always indicate that statements are untrue. For example, anxiety, fear or stress can distort the results of the examination. Thus, the uncritical perception of the polygraph as a 'truth machine' creates the risk of technological reductionism, where complex psychological processes are reduced to physical indicators of the body [3].

The ethical problem also lies in the fact that a polygraph can be used not to seek the truth, but to exert psychological pressure on the suspect. This practice contradicts the fundamental principles of criminal justice, in particular the principles of presumption of innocence, adversarial proceedings and the inadmissibility of coercion

to testify against oneself (Articles 17 and 22 of the Criminal Procedure Code of Ukraine).

At the legislative level, the issue of polygraph use in Ukraine remains open. In 2020, the Ministry of Justice developed a draft law that would define the legal basis for the use of polygraphs in criminal proceedings, but it has not yet been adopted. This creates conflicts in law enforcement, as the results of polygraph tests can be interpreted differently by courts — from complete disregard to consideration as additional information.

Court practice shows that attitudes towards polygraphs are ambiguous. Some judges refuse to accept such data due to its questionable reliability and the possibility of manipulating the results, while others consider it as supporting evidence that can confirm or refute a particular version of events. However, no court ruling recognises polygraphs as independent evidence of guilt.

The use of polygraphs during interrogations requires compliance with clear legal and ethical boundaries. The main conditions are the voluntary consent of the person, awareness of the purpose and consequences of the procedure, and the participation of a qualified specialist [3, p. 121]. Any form of coercion or pressure that could violate the rights guaranteed by the Constitution of Ukraine and international treaties must be avoided. At the same time, the state must develop clear regulatory guidelines for the use of polygraphs in criminal proceedings, determine the status of their results, and establish requirements for polygraph examiners. This approach will promote a balance between the interests of justice and human rights guarantees, ensuring the principles of legality, fairness, and humanism.

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TRAINING OF SPECIAL POLICE UNIT *GIGN*

GIGN (National Gendarmerie Intervention Group) is the elite police tactical unit of the French National Gendarmerie. Among its missions are counterterrorism, hostage rescue, surveillance of national threats, protection of government officials, critical site protection, and targeting organized crime. Established in 1973 and becoming operational in 1974, the *GIGN* was initially created as a relatively small tactical unit specialized in sensitive hostage situations, but has since grown into a larger force with expanded responsibilities and capabilities.

Special training is the most important part of preparing special police unit officers of *GIGN*. There is a strict selection process for this unit, which has many requirements. Selection stages are:

1. Requirements and documents screening: French nationality, several years of prior service in the National Police or Gendarmerie, clean disciplinary record, and an age range usually around 24–34, verification of service history, medical certificates, professional references.

2. Pre-selection and initial tests: Intense physical fitness events running, swimming, obstacle courses, long marches with heavy packs.