PARENTAL ALIENATION SYNDROME AS A TYPE OF EMOTIONAL ABUSE OF CHILDREN OF DIVORCED PARENTS

Full Professor Ph.D. Dragana Batiĺ
Faculty of Security-Skopje

Abstract

Even though parental divorce is considered one of the most stressful situations for the child who experiences it, it does not necessarily endanger the mental health of the child if the parents continue to communicate in relation to the children and if they do not put the children in the "middle". The conflict between parents causes a conflict of loyalty and puts the children in a situation to choose one side, thus rejecting the one parent they love in order to secure the love of the "other" parent, usually the one they live with. This situation is emotionally damaging for the children and results in a loss of self-esteem and experiencing increased stress. This paper elaborates on the parental alienation syndrome, as a type of emotional abuse of children of divorced parents. An overview of the problems faced by the estranged parent is given, as well as the shortcomings of the institutions that should help. In the conclusion, we give recommendations on how to prevent this specific type of violence against children.

Keywords: *parental alienation syndrome, emotional abuse, divorce, children of divorced parents*

1. INTRODUCTION

Divorce is at the top of the list of most stressful life events, especially if we include the numerous changes that follow after it, which are stressful life events by themselves. Divorce, as the termination of the marital union, leads to numerous changes in both partners, on the legal, economic, physical, sexual, as well as on the level of family roles. Each of the family members adapts to these numerous changes in their own way. Children are especially vulnerable as they face the changes and loss of family support during the divorce. How children deal with this stressful situation largely depends on the attitude and behavior of their parents.

The lack of adequate norms, knowledge and role models for new roles can be harmful to divorced families. The probability of divorce depends on many demographic characteristics as well as social changes affecting the family. Typical of the transition period in our country is a multidimensional crisis that affects the functioning of marriage and family. In the period of the so-called transition, in North Macedonia, the divorce rate has increased almost four times. Thus, in 1991 every 30th marriage ended up with divorce, in 2000 it was every 10th marriage, in 2004 it was every 8th marriage, and in recent years almost every 6th marriage ends with divorce. The number of children living in single-parent families or in families with a stepfather/stepmother is increasing day by day in our country as well.

When there is a rivalry between both parents after the divorce, children can be used as pawns. The most common ways of using and abusing children during and after divorce are blocking, dumping and sharing. Blocking is the complete exclusion of one parent from the child's life by the other. This is known as not giving permission to the parent to see the child, which can be short-term or long-term and requires the intervention of the competent authorities (social work center and in more serious cases the court). Tossing and turning occur when a child goes from one parent to the other, being interrogated and used by one parent in order to get as much information as possible about the ex-spouse. Children are used as ñcarrier pigeonsò in parental conflict. Child sharing is when both parents are more interested in having equal rights over the child than in meeting their needs. The goal is a power struggle between former partners. Because of this, spouses often wage a relentless custody battle that can last until the child grows up.

In all these cases, it is basically an unresolved partner relationship, that is, an inability to separate it from the parental relationship and put the needs and well-being of the child first, and the result is always emotional abuse of the child. Divorce, especially at the beginning, is stressful, so negative feelings towards your ex-partner are a somewhat normal reaction. However, when conflicts become the only way of communication between partners who, normally, continue to be parents, then the child begins to suffer seriously. Thus, without the parents' conscious intention, children become victims of emotional abuse.

Forensic psychologist Richard Gardner coined the term Parental Alienation Syndrome (PAS) in 1985 to denote a disorder characterized by cognitive, emotional and behavioral symptoms that he observed in children of high-conflict (difficult) divorces. Gardner provides an excellent clinical account of the "parental alienation syndrome" (Gardner, 1987). A parent with this disorder teaches their child to become unreasonably obsessed with the other parent's negative qualities. A great effort is made to convince the child that something is seriously wrong with the other parent. Naturally, the result is profound damage to the child's relationship with the absent parent. The methods used are different and include: implicit and explicit criticism, sarcastic comments, inadequate communication and even paranoid behavior. When there is complete parental alienation, the parent and child share hostile beliefs and behaviors toward the other parent. In other words, this syndrome exists when both the parent and the child are affected. In such cases, meetings are continuously hindered because the child is trained to refuse to see the other parent.

Alienation of a child from a parent occurs exclusively in the process of the child custody battle when one parent programs the child to alienate him/her from the other parent, hoping to improve their position in court. A high-conflict divorce is one in which the parents cannot agree on child custody and are deeply embroiled in litigation. Mutual communication, as well as counselling and mediation, are generally unsuccessful. Although the diagnosis of this syndrome is based on the child's symptoms, it is a family problem, where one parent is a programmer, the second parent is alienated, and one or all children in the family manifest the symptoms.

What are the symptoms that children manifest?

- Campaign of defamation: children state that they hate one parent and deny all the positive experiences they had with him/her, even though they loved him/her before;
- Weak and absurd reasons and rationalizations for rejection;
- Lack of ambivalence towards the alienating parent: they see him/her as perfect and without flaws, and the other as absolutely bad, that is, they list only his/her flaws;

- Independent thinker phenomenon: they insist that their decisions are theirs alone and that no one has influenced them;
- Lack of guilt, remorse and empathy for the estranged parent;
- Exclusively siding with the alienating parent in parental conflicts regardless of the untenability and absurdity of his arguments;
- Presentation of the borrowed script: they use phrases like the alienating parent, phrases they do not understand, do not give details about the events;
- Rejection of the estranged parent's extended family.

The programming process, in fact, is reminiscent of the phenomenon of "brainwashing", which is used by cults to indoctrinate their followers. Programming refers to the insertion of information that contradicts what the child previously thought about the other parent.

A parental alienation syndrome is a form of emotional abuse of the child, which produces not only a long-term break in communication with the beloved parent but also long-term psychological disorders. A parent who systematically programs a child to denigrate and reject a devoted parent who loves the child shows ignorance of the importance of the role that a parent plays in the child's upbringing. In this way, the child's rights are threatened and harm is done to him. Research shows that it is not just a simple dysfunction of the parent-child relationship, but is primarily the result of the pathology of the alienating parent, and then of the parent-child relationship.

A second similar syndrome mentioned in the literature is the "malicious mother syndrome", where the mother not only tries to alienate the child from the father but also engages in an extensive campaign to directly hurt the father (Turkat, 1995). More recently, in 2002, the creator of this syndrome, Turkat, replaced the term "mother" with the term "parent". Examples of such extreme behavior are: leaving the child to sleep in the car to prove that the other parent has left them financially insecure, burning down the ex-spouse's house, falsely accusing the other parent of sexually abusing the child, manipulating others to harass him/her ex-husband/s, attempt to get ex-husband/s fired at work. These parents are skilled liars, manipulative, and willing to motivate others to participate in a campaign against the

other parent. They are also prone to long court cases and are ready to break the law to get revenge on their ex-spouse. This disorder is not specifically related to other psycho-pathological disorders although it may coexist with some other mental disorders.

In terms of psychological dynamics, the child accepts the process of alienation in order to preserve the emotional survival of the alienating parent, as well as the relationship with that parent, which depends on the child's rejection of the alienated parent (Dunne, Hedrik, 1994). Alienation from a parent is a survival strategy for the child, who is forced to do so in order to keep the peace and avoid emotional attacks from the parent with whom he/she lives. It is easier for him/her to internalize the perception that the alienating parent puts forth, to become part of his/her feelings. In this way, the child is freed from the unbearable situation in which he/she brings the conflict of loyalty, so that he/she completely turns to one parent, and breaks the relationship with the other. Understanding the dynamics of this process is very important, both for estranged parents and for the professionals who help them.

Bone and Walsh (1999) identified four basic criteria used to identify potential alienation syndrome in a child:

1. Obstructing access and contacts;
2. Unfounded claims of abuse;
3. Disruption of relationships during the period of separation from parents;
4. Intense fear reactions in children.

This phenomenon is also recognized in the fifth revision of the Diagnostic and Statistical Manual of Mental Disorders, DSM-5. Namely, under the heading "Problems in relationships", in the subtitle "Problems related to family upbringing", it includes two diagnostic categories. One is the "Parent-Child Relationship Problem," which is described as a problem that impairs functioning in the behavioral, cognitive, and affective spheres. That problem actually concerns children who are irrationally alienated from their parents.

The psychological consequences of the child's alienation from the parent are serious. The literature states: decrease in the child's sense of self-efficacy,

increase in the rate of depression, increase in the insecure affective attachment and decrease in the child's self-esteem. These characteristics lead to jeopardizing the ability to form and maintain healthy and secure relationships in later life (Barker, Nben-Ami, 2011). With the alienation from the parent, children become scared, lose spontaneity and creativity, develop dysfunctional relationships with others. By rejecting one parent, they reject a part of their family as well as a part of themselves. Lack of self-esteem, rigidity, anxiety, shame, guilt, intolerance in a partner and other relationships appear later in life.

Parental alienation syndrome is an important social phenomenon that affects children, parents, judges, professionals from social work centers and other professionals in the field of mental health. It is a phenomenon with which the professionals who deal with divorces both in the world and in our country find it difficult to come to an end. Dealing with alienation is never easy, but there is hope that it can be overcome if only everyone involved in the process recognizes this phenomenon and works to stop the alienation. Professionals sometimes recognize this syndrome late because they themselves have some wrong beliefs such as:

- Children never reject the parent with whom they spent most of their time without reason;
- Children never reject a mother without reason;
- Both parents contribute to alienating the child from one parent;
- Alienation is a transient, short-term child's reaction to the parents' divorce;
- Parental rejection is a short-term healthy coping mechanism;
- Young children living with the alienating parent do not need intervention;
- The expressed will of the estranged adolescents should predominantly influence the court decision;
- Children who appear to be functioning well outside the family do not need intervention;
- Alienated children are best helped with traditional therapy techniques while still living with the alienating parent;
- Separating children from an alienating parent is traumatic. (Warshak, 2015)

There is no empirical evidence to support any of these assumptions. These misconceptions sometimes make it impossible for mental health professionals and judges who decide these cases to recognize parental alienation syndrome, and thus, inadvertently support this phenomenon, harming children instead of helping them. Therefore, professionals in social work centers and judges must be more courageous in making the right decisions. Although judges usually avoid making drastic decisions, especially when it contradicts the children's statements (children regularly state that they want to live with the alienating parent), research and practice show that in cases of alienation, the only effective way is to change custody. In our country, from the legal procedures, the center for social work in these cases brings a solution for a vision that is regularly not respected. Therefore, valuable time is wasted on filing complaints, correspondence between parents, non-arrival (postponement of scheduled meetings) at the center, etc. The institutions are usually passive, they do not recognize the alienation immediately, and they do not react quickly, it takes a lot of time until the parent himself initiates the court procedure, for example, to change the court decision or initiate criminal proceedings against the parent who alienates the child and prevents contacts. The center for social work very rarely, on its own initiative, initiates a procedure to amend the trust decision or brings a trust decision, which in such situations is sometimes the only possible solution. If the court proceedings are initiated, it takes a long time, the courts are disputing, indecisive, and the proceedings drag on. Experts in the institutions complain that they do not have support from other institutions such as the prosecutor's office, court, and mental health institutions.

Despite the fact that experiences show that in the Republic of Macedonia, passing a suspended sentence is usually effective, it is passed relatively rarely. Taking all this into account, institutions are not helping to stop the emotional abuse of children. With all these procedures through the institutions of the system, a lot of time is lost, and the alienation deepens and lasts for years, sometimes decades, and sometimes the whole life of the parent who has been alienated. In this way, unfortunately, institutions support alienation, rather than prevent it.

2. WHAT SHOULD THE ESTRANGED PARENT DO IN THIS SITUATION?

First and most important, the parent must never forget that children are victims, that they are manipulated and that they serve the other parent as a means of revenge. The parents should know that their behavior can be decisive for the further course of the situation. They must not allow themselves to lose their temper and make a physical or verbal outburst at the behavior of the child who is repulsive or inconsiderate, because in this way they will only reinforce the rejection of the child. On the other hand, passivity not only leads to no resolution but leaves children at the mercy of the alienating parent. In this situation, in fact, the children need someone to help them, but the competent institutions are not doing their best. They are often advised to "wait until the time is right", as a result of which parents become passive, or not knowing what to do, they only worsen an already complex situation.

Warshak recommends parents to persist in maintaining contact with the child and demonstrate an active relationship. It implies the following: "parents must control their emotions, they must not behave aggressively, lose their temper or harshly criticize their children, push them away saying that if they (the children) do not want to see them, then and they (the parents) do not want to see them, etc.; they must not passively allow their children and ex-partner to dictate their contacts. These parents later realize that they made a mistake by waiting too long; time with children should be organized to be a pleasant interaction, not criticizing their negative attitudes; children should be shown understanding of what they feel, their feelings should not be devalued; even if the parent does not agree with them, criticism only shows the child that it is not understoodé . in all this, we should not vilify the alienating parentò (Warshak, 2008). On the other hand, they should not be silent about the vilification of the other parent; they should skilfully help the child to understand what is happening in order to resist alienation. A good therapist can help them in this, with whom they will develop a strategy for approaching the child.

2.1. Case from our practice: Preventing alienation of a child from a parent

An interesting case from practice is an illustration of the emotional abuse of a child during divorce proceedings. It is about a child of preschool age. The parents, intellectuals, immediately after the divorce have made such an arrangement that the child spends almost equal time with both parents. As the divorce process progresses, the mother begins to sabotage contact using various excuses. Parents fighting for custody are present almost every day at the Center for Social Work in Skopje, fighting for supremacy over the child. The mother falsely accuses the father of sexual abuse, subjecting the child to unnecessary tests, in order to damage the father's reputation. What sets this father apart from other parents in a similar situation is his exceptional persistence and willingness to use all the institutions of the system. Due to the assessment that the child suffers emotional abuse from the mother and her family and due to the complete termination of the child's contact with the father, and manipulation of the child, the center brings a solution by which the child is taken away from the mother and entrusted to the father for care and upbringing and in addition to being judicially entrusted to the mother. This whole process takes several years, but it ends with the father getting custody of the child. In doing so, the father does not fall into the temptation of alienating the child from the mother but enables normal and frequent visits. This is one of the rare cases of practice, which, although it lasted for a long time, still protected the child from permanent alienation from the parent, that is, the institutions of the system helped the child to maintain the relationship with both parents. It is evident the expertise and professional courage of the team and the service that worked with the family, to take measures that were not usual, which was influenced by the engagement and intense pressure on the father's institutions. This is a good example of the initiative and activity of the alienated parent, where the institutions of the system are connected, and the competence of everyone who participated in the process gave a positive result.

3. CONCLUSION

In order to intervene successfully, professionals and parents must understand that children's perception of reality is skilfully manipulated. Some of the common strategies Warshak lists are: repeating false thoughts until the child accepts them as true, selectively focusing the child's attention on the negative aspects of the other parent while ignoring the positive, lying about the parent, encouraging the child to take advantage of the other parent, bribing the child, instructing the child to keep secrets from the other parent, spying on them and lying to them. All these strategies are used in order to manipulate the child and lead to the so-called "brainwashing". That is why lies and manipulations should be reacted to as early as possible because the repetition of lies creates false memories in children that are difficult to erase. Such situations require psychotherapeutic interventions. A good therapist can bring a neutral perspective to family conflict. Children should be taught to make it clear to their parents that they do not want to be at the center of conflict and that they do not want to hear their parents talk badly about each other. "When a child learns to assert himself in this way, it has been my experience that the alienating parent, as well as the alienated siblings, will accept the child's neutrality" (Warshak, 2008).

Conflict relations between parents represent emotional abuse, which is not a specific event, but a long-term and continuous attack on the child's personality, with the absence of emotional support. Parents are often not aware that they are emotionally abusing the child with their behavior and that the consequences can be more severe than other forms of abuse (physical for example). This type of emotional abuse leads to the formation of a negative self-image and impaired self-esteem, which ultimately affects the mental health of the child, now and in the future. The result of all these manipulations with the children after the divorce is a conflict of divided loyalty, which represents the greatest stress for the children, because the child, who needs a good relationship with both parents, is put in a situation of choosing a side that automatically excludes one of the parents. The

conflict of loyalty has numerous negative effects on children: strong anxiety, reduced self-esteem, and suppressed anger, which makes it difficult to adapt to divorce, and the child has far-reaching consequences.

All this emphasizes the importance of early interventions that could prevent serious disturbances in the relationship between parents. The psycho-social development of their child/children depends on the way the spouses treat the divorce, the relationship between themselves and the child. Preventative action and early intervention are crucial to preventing the long-term consequences that divorce may (or may not) have. Unfortunately, professionals and the court, for the sake of prudence, sometimes help alienation because they cannot believe that children can be programmed to turn on the other parent. Signs of manipulation can be subtle and go unnoticed; as opposed to established manipulation, so the court can consider that the parent's behavior is the reason for rejecting the child. Considering the serious consequences on children, this problem requires much more attention, education and cooperation of competent institutions, as well as scientific research.

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FREEDOM OF ASSEMBLY AND THE EUROPEAN COURT OF HUMAN RIGHTS: JUDGMENTS CONCERNING MACEDONIANS IN BULGARIA

Marija Milenkovska,
Faculty of Security ï Skopje
marijamilenkovska@yahoo.com

Abstract

The paper analyses the judgments of the European Court of Human Rights finding a violation of the right to freedom to peaceful assembly of Macedonians in Bulgaria in order to explain the principles flowing from these judgments that other states parties to the European Convention on Human Rights (ECHR) should take into account when dealing with similar issues. It particularly focuses on the question of whether the states parties to the Convention can prohibit or prevent assembly to commemorate the historical event to which participants attach a significance different than that which is accepted or recommended by the state authorities. The paper identifies the stateôs obligations under the ECHR concerning the right to freedom of assembly and provides a negative answer to this question based on the analysis of judgments of the Court in Strasbourg finding a violation of the right to assembly of Macedonians in Bulgaria. In addition, it briefly discusses the grounds on which Bulgaria relied to justify its measures which amount to a violation of Article 11 of the ECHR (right to assembly), and suggests that these measures can be explained by using the concept of the securitization, thus providing a foundation for future research.

Keywords: *right to freedom of assembly, European Court of Human Rights, Bulgaria, Macedonians*

1. INTRODUCTION

The paper analyses the judgments of the European Court of Human Rights (ECtHR) against Bulgaria finding a violation of the right to freedom of assembly of Macedonians in Bulgaria (*Stankov and the United Macedonian Organisation Ilinden v Bulgaria* (2001); *The United Macedonian Organisation Ilinden and Ivanov v Bulgaria* (2005); *Ivanov and others v Bulgaria* (2005); *The United Macedonian Organisation Ilinden and Ivanov v Bulgaria No.2* (2011)).

Researching the judgments of the European Court of Human Rights can significantly contribute to the revealing the position of the Court on different issues, such as identity (see Ringelheim, 2002), but also to the understanding of the stateôs obligations under the European Convention on Human Rights (ECHR) in different circumstances. The judgments of the ECtHR ñserve not only to decide those cases brought before it but, more generally, to elucidate, safeguard and develop the rules instituted by the Convention, thereby contributing to the observance by the States of the engagements undertaken by them as Contracting Partiesò (*Rantsev v. Cyprus and Russia*, 2010, para. 197). The High Contracting Parties to the ECHR are duty-bound (based on Articles 1, 19 and 32 of the ECHR) ñto take into account the Courtôs interpretative authority (*res interpretata*) in respect of judgments concerning other Statesò (Drzemczewski, 2018, p. 123; Giannopoulos, 2019; Arnardottir, 2017). States authorities are obliged to ñcomply with the Convention as it is explained by the Courtò (Gerards, 2018). The Court considers ñwhether the national authorities have sufficiently taken into account the principles flowing from its judgments on similar issues, even when they concern other Statesò (*Opuz v. Turkey*, 2009, para. 163) when deciding a case. As Gerards (2019) argues ñ*de facto* the Courtôs well-established interpretations, that is, the general principles it has defined in its judgments can be considered to be binding on the Statesò (p. 45).

Therefore, the paper analyses four judgments of the ECtHR finding almost identical interferences (not necessary in a democratic society) by the state with the right to peaceful assembly of Macedonians in Bulgaria in order to explain the principles flowing from these judgments that other states should take into account when dealing similar issues. In this context, it particularly focuses on the question of whether states parties to the ECHR can prohibit or prevent assembly to commemorate the historical event to which participants attach a significance different than that which is accepted or recommended by the state authorities (to be considered as part of common history with another country).

The paper is divided into three parts, including the conclusion which contains the main findings of the paper and future research challenges. Using the case law of the European Court of Human Rights Part I of the paper examines the

scope of the right to freedom of peaceful assembly and argues that a meeting organized in commemoration of a certain historical event falls within the notion of assembly. Part II of the paper analyses the judgments of the European Court of Human Rights finding a violation of the right to freedom of peaceful assembly of Macedonians in Bulgaria. It shows that the measures taken by the Bulgarian authorities in these cases were not necessary in a democratic society and identifies the principles that other states should take into account when dealing with similar issues, in order to avoid a violation of Article 11 of the ECHR. In addition, Part II of the paper provides certain directions for future research by suggesting that the measures taken by Bulgaria which amount to a violation of freedom of assembly can be explained by using the concept of securitization.

2. RIGHT TO FREEDOM OF ASSEMBLY UNDER THE ECHR

Article 11 of the ECHR provides that ñeveryone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.ò (ECHR, 1950, Art. 11). Right to freedom of peaceful assembly is ñclosely related to freedom of expressionò (Ļerný, 2020, p. 232). It is ña fundamental right in a democratic society and, like the right to freedom of expression, is one of the foundations of such a societyò (*Kudrevičius and others v. Lithuania*, 2015, para. 91; *Taranenko v Russia*, 2014, para. 65; *Barraco v France*, 2009, para. 41), and therefore it ñshould not be interpreted restrictivelyò (*Kudrevičius and others v. Lithuania*, 2015, para. 91).

The case law of the European Court of Human Rights on freedom of assembly as OôConnell (2020) rightly argues ñshows a general and arguably increasing level of protection for peaceful assemblyò (p. 122). The concept of assembly is autonomous one, which means that it enjoys ña status of semantic independence.ò (Bjorge, 2015, p. 202). It is ñto be defined autonomously, independent of the content of equivalent concepts in national lawò (Bjorge, 2015, p.

202). To prevent the risk of a restrictive interpretation of this concept the European Court of Human Rights ñrefrained from formulating the notion of an assemblyò (*Navalnyy v Russia*, 2018, para. 98) or ñexhaustively listing the criteria which would define itò (*Navalnyy v Russia*, 2018, para. 98). At the same time, it provided useful guidelines for one to answer the question of whether a gathering falls within the notion of assembly. As the case law of the Court reveals Article 11 of the ECHR ñcovers both private meetings and meetings in public places, whether static or in the form of a processionò (*Kudrevičius and others v. Lithuania*, 2015, para. 91) and ñcan be exercised by individual participants and by the persons organizing the gathering.ò (*Kudrevičius and others v. Lithuania*, 2015, para, 91). Freedom of assembly as enshrined in Article 11 of the Convention ñprotects a demonstration that may annoy or give offence to persons opposed to the ideas or claims that it is seeking to promoteò (*Stankov and the United Macedonian Organisation Ilinden v Bulgaria*, 2001, para. 86). It even protects unlawful demonstrations (see OôConnell, 2020). However, the guarantees of Article 11 of the ECHR do not apply to those gatherings ñwhere the organisers and participants have violent intentions, incite violence or otherwise reject the foundations of a democratic societyò (*Navalnyy v Russia*, 2018, para. 98). This article ñonly protects the right to ñpeaceful assemblyò (*Navalnyy v Russia*, 2018, para. 98). Also, Article 11 of the ECHR does not apply to ñrandom agglomeration of individuals each pursuing their own cause, such as a queue to enter a public buildingò (*Navalnyy v Russia*, 2018, para. 110). The common cause which brought the participants to the place of gathering is a particularly important element for a gathering to be defined as an assembly.

It follows from above that a meeting organised in commemoration of certain historical events (as the gatherings of Macedonians in Bulgaria under discussion in this paper) falls within the notion of assembly. In this kind of situation, the state party to the ECHR is obliged to comply with the requirements under the Convention concerning the right to freedom of peaceful assembly. It is obliged to secure effective enjoyment of freedom of assembly ï a positive obligation ñof particular importance for persons holding unpopular views or belonging to minoritiesò (see *Kudrevičius and others v. Lithuania*, 2015, para. 158;

Baczkowski and Others v Poland, 2007, para. 64). At the same time, the state is obliged ñto protect the individual against arbitrary interference by public authorities with the exercise of the rights protectedò (*Kudrevičius and others v. Lithuania*, 2015, para. 158) because this is the essential object of Article 11 of the ECHR. Interference with the right to peaceful assembly will not constitute a breach of Article 11 of the ECHR only if it is prescribed by law and is necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others (ECHR, 1950, Art. 11). The expression ñnecessary in a democratic society, as the European Court of Human Rights reiterates many times, ñimplies that the interference corresponds to a ñpressing social needò and, in particular, that it is proportionate to the legitimate aim pursuedò (*Stankov and the United Macedonian Organisation Ilinden v Bulgaria*, 2001, para. 87).

It is well established that ñthe interference does not need to amount to an outright ban, legal or *de facto*, but can consist in various other measures taken by the authoritiesò (*The United Macedonian Organisation and Ivanov v Bulgaria (No.2)*, 2011, para. 128). The term ñrestrictionsò in Article 11 of the ECHR ñmust be interpreted as including both measures taken before or during a gathering and those, such as punitive measures, taken afterwardsò (*The United Macedonian Organisation and Ivanov v Bulgaria (No.2)*, 2011, para. 128; *Kudrevičius and others v. Lithuania*, 2015, para. 100). The case law of the European Court of Human Rights shows that the prohibition on speeches, slogans or posters may also constitute an interference with the right to freedom of peaceful assembly (see *Stankov and the United Macedonian Organisation Ilinden v Bulgaria*, 2001), as does an order to the participants to change the place and time of assembly in cases where the place and time of the assembly are apparently crucial to them (see *The United Macedonian Organisation Ilinden and Ivanov v. Bulgaria*, 2005).

The Courtôs decisions in the cases concerning the assemblies of Macedonians in Bulgaria organised in commemoration of certain historical events are particularly illustrative of its position that interference with the right to peaceful

assembly can consist of various measures taken by the authorities (the prohibition on speeches, slogans or posters; imposing fine on participants; order to the participants to change the place and time of assembly) not only in an outright ban of the assembly. In all of them the Court found that there has been an interference with the applicantsô freedom of assembly and decided that such interference is not justified within the meaning of Article 11 of the ECHR.

3. RESTRICTIONS ON THE RIGHT TO FREEDOM OF ASSEMBLY: NOT NECESSARY IN A DEMOCRATIC SOCIETY

The Government of Bulgaria claimed that the restrictions on freedom of assembly (to commemorate historical events) of the Macedonians in Bulgaria pursue legitimate aims. In the first case *Stankov and the United Macedonian Organisation Ilinden* the Government claimed that ñthe measures complained of pursued a number of legitimate aims: the protection of national security and territorial integrity, the protection of the rights and freedoms of others, guaranteeing public order in the local community and the prevention of disorder and crimeò (*Stankov and the United Macedonian Organisation Ilinden v Bulgaria,* 2001, para, 70). The same arguments regarding the aims of interference with the right to freedom of peaceful assembly were advanced by Bulgaria in the case *The United Macedonian Organisation Ilinden and Ivanov v Bulgaria* (2005) and in the case *Ivanov and others v Bulgaria* (2005). The analysis of the judgement of the European Court of Human Rights in the case *the United Macedonian Organisation Ilinden and Ivanov v Bulgaria No.2* (2011) also reveals that national authorities explained that the measures taken by them (which according to the ECtHR amount to a violation of Article 11 of the ECHR) aimed to prevent a situation endangering public order, protect the rights and freedoms of others or prevent propaganda against the countryôs sovereignty and territorial integrity.

However, the European Court of Human Rights found that the measures taken by the Bulgarian authorities were not necessary in a democratic society, within the meaning of Article 11 of the ECHR. The Court accepted that national authorities have a certain margin of appreciation in assessing whether a pressing social need exists for the interference with the freedom of assembly and whether such interference is proportionate to the legitimate aim pursued, but it concluded that authorities overstepped their margin of appreciation (see *Stankov and the United Macedonian Organisation Ilinden v Bulgaria* (2001); *The United Macedonian Organisation Ilinden and Ivanov v Bulgaria* (2005); *Ivanov and others v Bulgaria* (2005); *The United Macedonian Organisation Ilinden and Ivanov v Bulgaria No.2* (2011)).

In its judgments, the Court provided useful guidelines when interference with the right to freedom of assembly is necessary in a democratic society. When dealing with similar issues concerning assemblies organized in commemoration of a certain historical event, other states (depending on the circumstances of each case) should take into account, in particular, the following:

1) ñthe risk of minor incidents did not call for a ban of meetingsò (*Stankov and the United Macedonian Organisation Ilinden v Bulgaria*, 2001, para. 94), but meetings should not be ña platform for the propagation of violence and rejection of democracy with a potentially damaging impact that warranted their prohibition.ò (*Stankov and the United Macedonian Organisation Ilinden v Bulgaria*, 2001, para. 103). Interference with the right to freedom of assembly is justified under paragraph 2 of Article 11 of the Convention only if ñreal foreseeable risk of violent action or of incitement to violence or any other form of rejection of democratic principlesò (*Stankov and the United Macedonian Organisation Ilinden v Bulgaria*, 2001, para. 111) exists.

2) the fact that certain issue touches on national symbols and national identity cannot be seen in itself as calling for a wider margin of appreciation to be left to the authorities (see *Stankov and the United Macedonian Organisation Ilinden v Bulgaria*, 2001). The national authorities ñmust display particular vigilance to ensure that national public opinion is not protected at the expense of the assertion of

minority views, no matter how unpopular they may beò. (*Stankov and the United Macedonian Organisation Ilinden v Bulgaria*, 2001, para. 107).

3) the fact that a group of people ñseeks to commemorate historical events, to which they attached a significance different from that which was generally accepted in the countryò (*Stankov and the United Macedonian Organisation Ilinden v Bulgaria*, 2001, para. 106), cannot automatically justify a ban of its peaceful assemblies. The judgment in the case *Stankov and the United Macedonian Organisation Ilinden* shows that ñthe applicant's intention to commemorate certain historical events as ôMacedonian' ones, while the State and the majority population consider them as moments of the Bulgarian history, did not constitute a sufficient ground for prohibiting this celebration.ò (Ringelheim, 2002)

4) ñthe fact that a group of persons calls for autonomy or even requests secession of part of the countryôs territory ï thus demanding fundamental constitutional and territorial changes ï cannot automatically justify a prohibition of its assemblies. Demanding territorial changes in speeches and demonstrations does not automatically amount to a threat to the countryôs territorial integrity and national securityò (*Stankov and the United Macedonian Organisation Ilinden v Bulgaria,* 2001, para, 97). The European Court of Human Rights stated that ñin a democratic society based on the rule of law, political ideas which challenge the existing order and whose realization is advocated by peaceful means must be afforded a proper opportunity of expression through the exercise of the right of assembly as well as by other lawful meansò (*Stankov and the United Macedonian Organisation Ilinden v Bulgaria,* 2001, para, 97).

5) ñthe mere fact that a message read out at a commemorative ceremony to a group of peopleé contained words such as ñresistanceò, ñstruggleò and ñliberationò é not necessarily mean that it constituted an incitement to violence, armed resistance or an uprisingò (*Stankov and the United Macedonian Organisation Ilinden v Bulgaria,* 2001, para. 102).

6) state parties to the ECHR are obliged to refrain from arbitrary interference with the right to freedom of assembly and secure effective enjoyment of this right (of both demonstrating groups) even in the case of counter-

demonstrations. As the European Court of Human Rights noted ñif every probability of tension and heated exchange between opposing groups during a demonstration were to warrant its prohibition, society would be faced with being deprived of the opportunity of hearing differing views on any question which offends the sensitivity of the majority opinion.ò (*Stankov and the United Macedonian Organisation Ilinden v Bulgaria*, 2001, para. 107). The analysis of the judgment in the case *The United Macedonian Organisation Ilinden and Ivanov v Bulgaria No.2* (2011) shows that even if there is a risk of clashes between the two groups it is the ñtask of the police to stand between the two groups and to ensure public orderò (*The United Macedonian Organisation Ilinden and Ivanov v Bulgaria No.2*, 2011, para. 134). The ECtHR has made clear that ñeffective freedom of peaceful assembly cannot be reduced to a mere duty on the part of the State not to interfere; it is the duty of Contracting States to take reasonable and appropriate measures to enable lawful demonstrations to proceed peacefullyò (*The United Macedonian Organisation Ilinden and Ivanov v Bulgaria*, 2005, para. 115).

Two issues need to be addressed based on the analysis provided above. The first issue concerns the main focus of this paper: can a state party to the ECHR prohibit or prevent assembly to commemorate historical events to which participants attach a significance different than that which is accepted or recommended by the state authorities (to be considered as part of common history with another country). The interpretations of the European Court of Human Rights in the cases involving a violation of the right to freedom to peaceful assembly of Macedonians in Bulgaria speak in favor of a negative answer to this question. For instance, in the case *Stankov and the United Macedonian Organisation Ilinden v Bulgaria* (2001) the Court did not accept the fact that Macedonians in Bulgaria (applicants) aimed to celebrate certain historical personalities as Macedonian national heroes while they ñwere commonly and officially celebrated in the country as Bulgarian national heroesò (para. 106) justify the measures (prohibition of celebrations) taken by Bulgarian authorities. It concluded that the state cannot prohibit a meeting of a group of people that ñseeks to commemorate historical events, to which they attached a significance different from that which was

generally accepted in the countryò (*Stankov and the United Macedonian Organisation Ilinden v Bulgaria*, 2001, para. 106). This implies that neither it can take measures that will result in a prohibition of assemblies to commemorate historical events to which participants attach a significance different than that which is accepted or recommended by the state authorities (to be considered as part of common history with another country). National authorities are not allowed to adopt legislation or laid down conditions that *de jure* or *de facto* prevent such gatherings, nor to take any measure before, during, or after these gatherings (such as to impose penalties for the participants) that will amount to a violation of the right to freedom of assembly as protected by Article 11 of the ECHR. Also, national authorities cannot oblige individuals under its jurisdiction to celebrate a certain historical event as part of common history with another country, that is, to participate in an assembly organised to commemorate a certain historical event as part of common history with another country. As the European Court of Human Rights in its Guide on Article 11 of the ECHR stated ñalthough there has been no case to-date concerning a negative right to freedom of assembly, the right not to be compelled to participate in an assembly may be inferred from its case-lawò (ECtHR, 2022, p. 9/57).

The second issue concerns the fact that Bulgaria refers to the protection of national security and territorial integrity to justify its measures which according to the European Court of Human Rights amount to a violation of Article 11 of the ECHR. Such a position raises the question of whether the right to assembly of Macedonians in Bulgaria is a matter of security politics. The right to freedom of peaceful assembly is ñclosely related to freedom of expressionò (Ļerný, 2020, p. 232) and ñsuch a link is particularly relevant where the authoritiesô intervention against an assembly or an association was, at least in part, in reaction to views held or statements made by participants or members.ò (*Stankov and the United Macedonian Organisation Ilinden v Bulgaria*, 2001, para. 85) Freedom of expression is crucial for an individual or group of people to challenge the national narrative in the country or express its identity.

Macedonians in Bulgaria were subjected to assimilation (see, for instance, Shea, 2016; Daskalovski, 2002) and as Daskalovski (2002) showed (using the model developed by Kymlika) Bulgaria pursued an illiberal nation-building policy. ñEven human rights activists, who advocate granting minority rights to the ethnic Macedonians, have been over again harassed by the Bulgarian state officialsò (Daskalovski, 2002, p. 160). Bulgaria in front of the European Court of Human Rights presented the assemblies of Macedonians to commemorate certain historical events as threats. Thus, one may suggest that the rights of Macedonians in Bulgaria are securitized. Securitized issues ï issues presented as a threat to a certain object, for example, state or citizens) ï are shifted from normal politics to security politics and as Huysmans observed ñjustify emergency measures that might not be normally acceptable in democratic systemsò (Jutila, 2006, p. 173). The European Court of Human Rights in the cases involving Macedonians in Bulgaria (cases under discussion in this paper) found that the measures taken by the Bulgarian authorities were not necessary for a democratic society, within the meaning of Article 11 of the ECHR. Can these measures be explained by using the concept of securitization bearing in mind, in particular, the fact that Bulgaria referred to the protection of national security and territorial integrity to justify their necessity?

Securitization theory ñis a conceptual framework explaining the process through which certain issues come to be perceived and treated as security threatsò (Baele & Thomson, 2022, p. 174). The concept of securitization refers to the ñshifting of public perceptions about a particular issue towards a belief that it constitutes an important security threat in need of urgent attention, away from understanding that it is a merely one political question among othersò (Baele & Thomson, 2022, p. 174). This concept has been used to explain the creation of security concerns in a wide variety of areas, stemming from immigration and minority rights, to political dissidence and even healthò (Vukoviĺ, 2022, p. 145). One may assume that this concept can also be used to explain that certain measures are taken by the state because certain issues are securitized.

4. CONCLUSION

The paper explained the principles flowing from the judgments of the European Court of Human Rights finding a violation of the right to freedom of peaceful assembly of Macedonians in Bulgaria that other states should take into account when dealing with similar issues. Using the case law of the Court it showed that a meeting organised by an association in commemoration of certain historical events falls within the notion of assembly as enshrined in Article 11 of the ECHR. In addition, the paper identified the stateôs obligations under the ECHR in such context by referring to the *res interpretata* of the judgments of the European Court of Human Rights. It particularly focused to show that state parties to the ECHR cannot oblige individuals under its jurisdiction to participate in an assembly to commemorate a certain historical event as part of common history with another country or take measures that will result in the prohibition (*de jure* or *de facto*) of assemblies to commemorate historical events to which participants attach a significance different than that which is accepted or recommended by the state authorities (to be considered as part of common history with another country).

The paper, also, offered some directions for future research. Underling the fact that Bulgaria refers to the protection of national security and territorial integrity to justify its measures which according to the ECtHR amount to a violation of Article 11 of the ECHR, it suggests that these measures can be explained by using the concept of securitization. The paper did not provide a final conclusion on this issue, neither did it consider all aspects (including weaknesses) of applying such an approach, but it provided a foundation for future research by suggesting that this approach should be taken into consideration.

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25. *The United Macedonian Organisation Ilinden and Ivanov v Bulgaria* (2005) App. no. 44079/98, ECtHR.
26. *The United Macedonian Organisation Ilinden and Ivanov v Bulgaria No.2* (2011) App. no. 37586/04, ECtHR.

CHARACTERISTICS OF TRADITIONAL AND PROACTIVE POLICING

Associate Professor Bogdancho Gogov PhD

Abstract:

As for many issues in the social sciences, the practical success of different models of policing and policing strategies also has more interpretations of how appropriate they are to respond to citizens' demands for greater security. In the text, through a review of the literature, an attempt is made to determine the basic characteristics of the traditional and proactive models of policing in order to reveal the advantages and weaknesses of these models. These models do not contradict each other, therefore a traditional model of policing with constant modernization will continue to be a part of police work, but proactive police work opens new opportunities for greater efficiency of police work.

Keywords: *police, community, models of policing*

1. INTRODUCTION

The traditional model of policing starts from the assumption that the main task of the police is to maintain order and detect and solve crimes. In this model, the results and successes of the police are evaluated through statistical indicators for the number of submitted criminal charges and other documents and reports submitted to the public prosecutor's office, the number of undertaken regular and extraordinary tasks, and operational and tactical police actions, the number of persons found and detained, etc.

On the other hand, the proactive model includes the use of existing operational and analytical activities in order to predict a future situation and to make assessments of the trends of security phenomena on the basis of which the activity of the police will be planned and directed in order to eliminate the factors that can affect the negative development of the security situation as much as possible. Such an approach allows appropriate actions to be taken even before negative security phenomena occur. A proactive model is aimed at eliminating the causes of the security threat, and if this is not possible in certain specific circumstances, the

proactive model allows for reducing the harmful consequences of the emergence of a security threat. Some authors, when describing the difference between the traditional reactive and proactive model of police response, argue that in the reactive model, the police come to the call of citizens, while in the proactive model the police are at the source of security threat in advance.

Today, the police are expected to be extremely efficient, proactive in dealing with potential security risks, and to be rational in terms of using resources at the same time. In order to achieve the demands that modern society imposes on the police, it is not enough to simply implement the proactive model, but a traditional police model based on reactive work needs to be reformed and adapted to new methodologies in order to be successfully used together with a proactive approach.

2. TRADITIONAL MODEL OF POLICING

The roots of the traditional model of policing originate from the first half of the 19th century, when police units were formed with permanent and professional police officers in major cities in Europe (London, Paris and others). The main feature of this model, which in many countries is still used in policing, is the policeôs reactive and repressive response to crime, breaches of order and other deviant phenomena that affect the safety of citizens. This means that the police act after a security event occurs, aiming to establish the facts of the event, to discover the perpetrator and the objects they acquired and to report it to the judicial authorities. In undertaking such actions, the police usually have to use repressive means, such as the use of force during the deprivation of liberty of the perpetrator, searches of facilities (private or business), temporary seizure of objects and other property of the perpetrator and persons related to them, bans on movement in the space where the crime has been committed and others.[1]

[1] Bittner, E. (1970). The functions of the police in modern society: A review of background factors, current practices, and possible role models.

This model relies on several assumptions presented as necessary for it to be considered successful: 1. *Constant increase in the number of police officers, 2. Rapid reaction, i.e., reducing the reaction time after the event (which requires a constant increase of police's resources: vehicles, telecommunications, protective equipment, etc.) 3. routine preventive surveillance and patrol activities, 4. vigorous response to law enforcement and events of lesser importance in terms of consequences for victims and property damage, and 5. generalized investigations on more serious criminal phenomena.*

One of the most frequently cited myths about traditional and repressive policing is: more police officers means fewer crimes. Many governments in Europe and beyond point to the need to increase the employment of police officers, which proves that they are "strict" on crime and take the safety of citizens and the community seriously. However, this conventional wisdom about the relationship between the number of police officers and crime has been seriously questioned by many police scientists and their research. Bayley, for example, who is a prominent criminologist, has long argued that the increase in the number of street police officers has little to no effect on crime rates. According to Bayley, research confirms that the scale and trend of crime in urban areas is not related to the relative size of the police. It has been found that many cities with a high number of police officers have higher crime rates than cities with a relatively small number of police forces. He found empirical data that there is no statistically significant relationship between the number of police officers and the number of registered crimes, which can be explained by the fact that the underlying causes and conditions of crime have almost nothing to do with policing.[2] In other words, the increase in the number of police officers without addressing the reasons and conditions for committing crimes has little impact on the volume, type and dynamics of crime in a particular urban or rural environment.

Sherman and Weisburd also bring to question the link between the number of police officers and crime. They explain that this myth is a result of the situation

[2] Bayley, D. H. (1990). Patterns of policing: A comparative international analysis. Rutgers University Press.

in the 19th century when crime decreased and the number of police officers in the United Kingdom, the United States and other Western countries increased. Thus, these historical data are still used today to support the alleged argument that the reduction in crime is the result of an increased police presence on field.[3] At the same time, these authors warn that the police may not be able to reduce crime if they are not focused on "specific goals, tasks, places, times and people."

Rapid response in reaction to a criminal event is based on the same assumptions as the increased number of police officers. Thus, a "rapid response" is achieved with a larger number of police, and with a 24-hour emergency service. According to supporters of the "rapid reaction", crime will be reduced because the rapid reaction a) acts as an obstacle for potential perpetrators, b) reduces the harm on victims during the crime event and c) results in more arrests (more perpetrators are caught "on the spotò). This seems reasonable, but a large number of investigations have come to the conclusion that the speed of the police response "does not affect the arrest rate" and "rarely prevents further injury or recidivism"[4].

Routine preventive surveillance and patrol activities can be described as the visual presence of police officers in a particular territory in an urban or rural environment. The need for this is based on the premise that the physical presence itself acts preventively and deters possible perpetrators from undertaking illegal activities. During the patrol and surveillance activity, the police undertake routine activities such as traffic control, identity checks to detect persons wanted on a warrant, reaction to current breaches of public order and peace, and the like. However, with this work, the police do not increase their efficiency and do not reduce crime. In recent decades, the police have transformed the patrol service into a motor patrol, which has further alienated them from the citizens, as the possibility of communication and contacts between the citizens and the police has decreased with the motor patrols.

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[3] Sherman, L. W., & Weisburd, D. (1995). General deterrent effects of police patrol in crime ñhot spotsò: A randomized, controlled trial. Justice quarterly, 12(4), 625-648.

[4] Bayley, D. H., & Worden, R. E. (1998). Police overtime: An examination of key issues. US Department of Justice, Office of Justice Programs, National Institute of Justice.

An energetic response for law enforcement and events of lesser importance in terms of consequences for victims and property damage is an attempt to upgrade the traditional model of aggressive policing against any deviant behaviour, such as drinking alcohol in public, drawing graffiti on the facades of residential buildings, walking pets without a protective mask, taking them to the police station for each offense, imposing mandatory fines for non-compliance with any offense in traffic etc. The expectation from this aggressive action of the police is that it will have a preventive effect on more serious crimes. However, the results of several empirical studies have shown that, for example, traffic controls produce results (such as measures to prevent drunk driving which leads to a reduction in the number of traffic offenses), but for other more serious offenses they produce short-term or no results at all.

Conducting generalized police investigations of more serious crimes is a police activity in which large resources are invested, great knowledge is required (for example, the existence of forensic laboratories to identify traces and objects), complete documentation of the event, collection of relevant data and information and taking numerous measures and activities to identify the perpetrator and report them. The practical execution of the above is related to the engagement of a large number of police officers, proper management of police investigation, good communication and coordination between the engaged officers, but also to other state institutions (public prosecutor, forensic medicine, financial police, customs, financial institutions) and takes place over a longer period of time if it is an event for which at the time of the commission of the crime the perpetrator is unknown. The legal police investigation as part of the previous civil procedure can last until legal obsolescence of the crime. The reason for the small percentage of detected crimes with an unknown perpetrator (about 10% to 15% of the total number) is due to lack of previous initiatives or data, the individual approach to the crime as if committed independently of the overall criminal situation in the city, state and beyond, insufficient inter-institutional cooperation and international cooperation, insufficient possession of knowledge and skills and lack of institutional cooperation

of the police with citizens and legal entities. This is compounded by the lack of motivation and corrupt behaviour of some police officers[5].

3. PROACTIVE POLICING

Proactive policing as a police approach to crime reduction is a relatively recent phenomenon in European and American police science. The use of the term "proactivity" developed in the 1960s, and the idea is that the police would be proactive toward crime. The term "proactive policing" was first used by Albert J. who thought that different types of police organization were needed to perform different types of police tasks and activities.

Proactive policing is defined as (1) police-initiated activity, (2) designed to respond to a problem or problems of crime or disorder, (3) driven by strategic crime intelligence and police capacity. The third component of this definition is crucial to understanding the special quality of today's proactive policing, which is to accept the fact that the police is not an institution isolated from society as a whole (as some simplistic political rhetoric suggests) but an integral part of it influenced by external social developments and has a certain role in shaping those developments in return.[6]

Police proactivity, as Reiss[7] defines it, occurred before scientists introduced it into the academic vocabulary. Some police officers have always been proactive on an individual level, as a matter of personal choice. In this context, many types of activities carried out by police officers over the past century have been proactive in order to respond to the issues identified. But when Walker speaks of the absence of proactive policing, he refers to proactive policing as an organizational strategy to prevent crime, one that began to develop in the second half of the 20th century, rather than as a tactic chosen independently by a single civil servant at the level of

[5] Sherman, L. W. (2013). The rise of evidence-based policing: Targeting, testing, and tracking. Crime and justice, 42(1), 377-451.
[6] Walker, S. (2016). The History of Proactive Policing in the U.S. Paper prepared for the Committee on Proactive Policingð Effects on Crime, Communities, and Civil Liberties, Washington, DC, National Academies of Sciences, Engineering, and Medicine.
[7] Reiss Jr, A. J. (1992). Police organization in the twentieth century. Crime and Justice, 15

their daily work or outside the informal culture of policing. Proactive policing refers to expanding police practices beyond simply responding to and investigating crime; and takes a strategic approach to problems with crime, which means that these are planned and targeted policies of police organizations to develop effective crime control.

From historical point of view, the first practical and theoretical elaborations of proactive work were registered in the United States, which were preceded by a request from citizens and politicians for professionalization of the police, which took place at the beginning of the 20th century. Professionalization in that period in the United States grew into a transformation of the police from reactive and routine policing into a strategy that involved articulating a clear mission in society and the state, as befits a profession; eliminating the direct political influence that fostered corruption and police inefficiency in the 19th century; providing qualified police chiefs; introduction of the principles of modern management in police organizations; and raising staffing standards in relation to the recruitment, training, discipline and career of civil servants.[8]

By the late 1950s, some police departments in the United States were more professional, although significantly different by modern standards, but they were better managed, with a commitment to professional standards; better organized; and with managers more qualified than their previous counterparts.[9] Corruption, while still a problem, has declined. However, after the turmoil of the 1960s and in the years that follow, this process stagnated due to many other issues in the United States such as racial inequality and the lack of control over police discretion, especially with regard to the use of deadly and physical force and equal treatment of people who were not members of the white race.[10] Major advances in both theory and practice toward proactive policing have taken place in the United States and Europe for almost half a century since its inception.

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[8] Reiss Jr, A. J. (1992). Police organization in the twentieth century. Crime and Justice, 15

[9] Fogelson, R. M. (1977). Big-City Police. Cambridge, MA: Harvard University Press.

[10] President's Commission on Law Enforcement, & Administration of Justice. (1967). A national survey of police and community relations (Vol. 5). US Government Printing Office.

3.1. Modern Proactive Policing

In the last decade of the last century, there has been a relatively broad consensus in criminology and police science that traditional reactive policing practices do not work well and do not provide results in prevention or reduction of crime.[11] . For example, Gottfredson and Hirschi argue that: ñNo evidence exists that augmentation of patrol forces or equipment, differential patrol strategies, or differential intensities of surveillance have an effect on crime rateséò[12] Several years later, David Bayley gave his opinion: "The police do not prevent crime. This is one of the best kept secrets of modern life. Experts know it, the police know it, but the public does not know it. Yet the police pretend that they are societyôs best defence against crime.ò First of all, despite conducting numerous analyses, no correlation was found between the number of police officers and the crime rate. Second, the primary strategies used by the police have been shown to have little or no effect on crime.[13]

According to the American academic environment, proactive policing is the result of several legal, social and political crises that have gripped American society. The crises have created new demands from citizens and the authorities and the police to improve their capacity to deal with crime and their own capacities. The crises of the 1960s and 1980s were followed by a rethinking of police reform.

Before the end of the last century, the concept of "proactive policing" was defined as policing strategies aimed at preventing or reducing crime by focusing on

[11] Weisburd, D., Majmundar, M. K., Aden, H., Braga, A., Bueermann, J., Cook, P. J., ... & Tyler, T. (2019). Proactive policing: A summary of the report of the National Academies of Sciences, Engineering, and Medicine. Asian Journal of Criminology, 14(2)

[12] Gottfredson, M. R., and Hirschi, T. (1990). A General Theory of Crime. Stanford, CA: Stanford University Press.

[13] Bayley, D. H. (1994). Police for the Future. New York: Oxford University Press..

four broad categories: based on place, on individuals, solving specific criminal issues and orienting towards the security needs of the communities.[14]

Police work has always had a geographical or location-based component, especially on how to deploy police patrols, to determine the necessary resources for high-volume or emergency events. Over the past three decades, however, scientists and police have begun to recognize that crime is often concentrated in certain areas. After this, a number of place-based strategies in policing have been developed. In contrast to the focus of the standard model of policing, proactive policing focuses on policing on very small, "micro-geographical" units of analysis, often referred to as "crime hotspots". Available evidence from several studies suggests that hotspot interventions generate statistically significant short-term impacts in reducing crime without shifting it to areas surrounding the targets. Although there is evidence of the benefits of policing in hot spots in improving local crime, there are no rigorous field studies on whether and to what extent this strategy has implications across larger territories.[15]

Proactive policing relies on sophisticated computer algorithms to predict changing patterns of future crime, often promising to be able to identify the exact locations where crimes are most likely to occur. Although this approach has the potential to improve on-the-spot approaches to crime prevention, there are not enough empirical studies to draw any firm conclusions about either the effectiveness of crime detection software or the effectiveness of any related police operational tactics.[16]

Another technology relevant to improving police capacity for proactive intervention in specific areas is closed-circuit television (CCTV), which can be used

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[14] Apel, R. (2021). Analytical and Theoretical Reflections on Modern Policing: Comments on Proactive Policing: Effects on Crime and Communities. Jerusalem Review of Legal Studies, 24(1), 27-40.

[15] Geller, A. (2017). Benefit-Cost Analysis in Policing Research: Assessing Crime-Control Benefits of Proactive Enforcement Practices. Journal of Benefit-Cost Analysis, 8(3), 339-347.

[16] Weisburd, D., Majmundar, M. K., Aden, H., Braga, A., Bueermann, J., Cook, P. J., ... & Tyler, T. (2019). Proactive policing: A summary of the report of the National Academies of Sciences, Engineering, and Medicine. Asian Journal of Criminology, 14(2), 145-177.

either passively or proactively. The results of studies examining the introduction of CCTV cameras show modest results in terms of reducing property crime in high-crime areas. Therefore, for the proactive use of video surveillance, no conclusions can be drawn regarding the impact of this strategy on crime and public order and peace.[17]

In the standard model of policing, the primary goal of the police was to identify and detain offenders after committing crimes. But starting from the early 1970s, research evidence began to suggest that the police could be more effective if they focused on a relatively small number of professional offenders. These studies have led to innovations in policing based on the logic that crime prevention outcomes can be improved by focusing policing efforts on the small number of offenders who commit the majority of crimes.

Offender-focused strategies seek to prevent crime in a specific population and enable the police to increase the speed and effectiveness of detecting and prosecuting individuals or criminal groups who commit serious crimes. These strategies try to disable criminals by analysing and better understanding the dynamics, manners and conditions of committing crime in a specific local community, thus acting both preventively and repressively. [18]

Problem-solving strategies, such as problem-oriented policing and third-party policing, use an approach that seeks to identify the causes of the problems that cause crime incidents and relies on innovative solutions to those problems to assess whether the solutions are effective or not. Problem-oriented policing uses a process of problem identification, through analysis, response, assessment and response adjustment (often called the SARA [scan, analysis, response and assessment] model). This approach provides a framework for unveiling the complex mechanisms at play in crime problems and for developing tailored interventions to address the underlying conditions that cause crime problems in specific situations.

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[17] Andresen, M. A., & Weisburd, D. (2018). Place-based policing: new directions, new challenges. Policing: An International Journal.

[18] Skogan, W. G., & Hartnett, S. M. (2019). Community policing. Police innovation: Contrasting perspectives, 27-44.

Much of the available evaluation evidence consists of analyses that find a relationship between problem-oriented interventions and crime reduction. Programme evaluations also suggest that it is difficult for police officers to fully implement problem-oriented policing. Many problem-oriented policing projects are characterized by a low problem-analysis capacity and a lack of adequate response. However, even these limited applications of problem-oriented policing have been shown to generate statistically significant short-term crime prevention impacts in the local community.[19]

Police also rely on social control performed by other institutions (e.g. public housing agencies, property owners, parents, health and education institutions, market, tax and other inspectors and business owners) to solve crime problems. When the police successfully coordinate activities with other institutions, the available evidence suggests that statistically significant effects are achieved in reducing crime and the disruption of public order and peace.

Problem-solving strategies, such as problem-oriented policing and third-party policing, use an approach that seeks to identify the causes of the problems that cause crime incidents and relies on innovative solutions to those problems to assess whether the solutions are effective or not. Problem-oriented policing uses a process of problem identification: analysis, response, assessment and response adjustment (often called the SARA model - scan, analysis, response and assessment). This approach provides a framework for unveiling the complex mechanisms at play in crime problems and for developing tailored interventions to address the underlying conditions that cause crime problems in specific situations. [20]

Available evidence suggests that third-party policing generates statistically significant crime and disorder reduction effects. Related programmes using business improvement districts also show results in crime prevention with long-term impacts, although the research designs were less rigorous in establishing causality.

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[19] Sherman, L. W., & Eck, J. E. (2003). Policing for crime prevention. In Evidence-based crime prevention (pp. 309-343). Routledge.

[20] Thacher, D. (2019). The aspiration of scientific policing. Law & Social Inquiry, 44(1), 273-297.

4. CONCLUSION

Policing strategies have raised important questions about the legality and legitimacy of the police. Proactive approaches of the police may, among others, include the collection and processing of personal data, the use of decision-making algorithms, the development of new criteria for police intervention, and the concentration of resources. Such activities may raise concerns about issues such as privacy and other human rights and freedoms, such as possible abuse (use of force, modern information and communication technologies), by which individuals may be discriminated, while the accountability and transparency of the police to be reduced.

A large number of researches confirm that proactive police work produces good results, but the possible consequences of such work should be evaluated according to additional criteria. The police, as one of the most visible institutions of the state, is constantly present in the lives of citizens, so its fair and just treatment towards all citizens is among the priority issues for the well-being of residents of every state. Since proactive policing strategies can increase points of contact and interaction between police and community members, building trust and legitimacy on both sides of the police-citizen division is a fundamental principle underlying the nature of relations of law-enforcement authorities and communities that serve them.

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RESPONSIBILITY FOR VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW AND APPLICATION OF THE PRINCIPLE OF UNIVERSAL JURISDICTION

Biljana Karovska - Andonovska
Associate professor
Military Academy "General Mihailo Apostolski" - Skopje
E-mail: biljana.karovska@ugd.edu.mk

Abstract

Violation of international humanitarian law entails international responsibility for the states and for the individuals who acted in the state's interest. In this regard, this paper is structured so that in one part it discusses the responsibility of states and the legal consequences of violations of the rules of warfare, while in another part it treats the individual criminal responsibility for war crimes, genocide, and crimes against humanity.

In the paper we will see that locating and calling responsibility in practice is a sensitive issue and a big challenge for the international community, international organizations and international courts as well. This is one of the reasons why justice is not always served, and why the practice of impunity is more prevalent than summoning responsibility. We will also see that in these circumstances, the principle of Universal Jurisdiction could be an effective mechanism that fills gaps in the rules of international criminal responsibility for war crimes, genocide, and crimes against humanity. This principle provides jurisdiction for the national courts over these crimes, even when the crimes did not take place on the territory of that state and neither the victim nor the perpetrators are its citizens. In that way, the Universal Jurisdiction allows the chain of impunity to be broken. Several cases of national courts that have applied this principle in practice are encouraging and can restore hope to justice.

Keywords: *State responsibility, individual criminal responsibility, international criminal justice, International Criminal Court, Universal Jurisdiction*

1. INTRODUCTION

International humanitarian law (IHL) is a branch of law that regulates the rules of conduct in time of war. In other words, the IHL embodies the rules of what is allowed and what is forbidden to be used as means and methods of warfare. Respecting IHL means that not only states but also the individuals who acted in the

state's interest, are obliged to ensure respect of *jus in bello* (rules of war). The obligation of the states for respecting IHL is part of their general obligation to respect international law. This obligation is embedded in Article 25 of the 1929 Geneva Convention; also, in Common Article 1 of the 1949 Geneva Conventions; as well as in Article 1 of the 1977 Additional Protocol I. All mentioned articles provide that the provisions of those documents shall be respected by the High Contracting Parties in all circumstances. According to Customary law, Rule 139 provides that each party to the conflict must respect and ensure respect for international humanitarian law by its armed forces and other persons or groups acting in fact on its instructions, or under its direction or control. State practice establishes this rule as a norm of customary international law applicable in both international and non-international armed conflicts (Rule 139, ICRC). The obligation to respect and to ensure respect for IHL is also found in numerous military manuals; it is supported by the practice of international organizations and international conferences; and there is also international case-law in support of this rule (Practice Relating to Rule 139, ICRC).

Violation of international obligations entails international responsibility also for the individuals because violations are committed by individuals, not by nations. The horrible crimes committed in the Second World War were the reason for a movement started up within the international community which clearly began to shape a deeper consciousness of the need to prosecute serious violations of the rules of war. The activities of Nuremberg and Tokyo International Military Tribunals marked the beginning of an important legal evolution, which was later more clearly defined with the setting-up of the *ad hoc* International Criminal Tribunals of Former Yugoslavia and Rwanda and, finally, with the diplomatic conference that adopted the Rome Statute of the International Criminal Court (Greppi, 1999).

Locating responsibility, however, is a very sensitive issue. There are always at least two opposing sides with their own interests and their own truth. Calling to responsibility is an even more difficult issue. In this context, very often, different

geopolitical interests are intertwined. That is why, not infrequently, justice is not served, and the rules of liability are not fully applied as they are created.

In these circumstances, the principle of Universal Jurisdiction which provides for a national courtôs jurisdiction over war crimes, crimes against humanity and genocide, even when the crimes did not occur on that state's territory, and neither the victim nor perpetrator is a national of that state, seems to be an effective and appropriate tool for bringing to justice the most serious international crimes. Namely, the principle allows national courts in third countries to address international crimes occurring abroad, to hold perpetrators criminally liable, and to prevent impunity. Hence, the principle of Universal Jurisdiction is a mechanism that fills gaps in the rules of international criminal responsibility for international crimes. Although not often used, some cases of its application show that impunity can be terminated.

2. STATE RESPONSIBILITY AND LEGAL CONSEQUENCES FOR VIOLATIONS OF IHL

States are obliged to ensure respect of the laws that govern the way in which warfare is conducted, irrespective of whether the cause of war is justified. Although states are less and less the sole players on the international scene, and even much less so in armed conflicts, however, they continue to play a major direct or indirect role, particularly if they are not allowed to hide behind the smokescreen labels of "globalization", "failed States" or "uncontrolled elements" (see: Sassòli, 2002, p. 433). The legal norms of state responsibility for violation of IHL were embedded in one document - UN Draft Articles on Responsibility of State for Internationally Wrongful Actions (DARS) formulated by way of codification and progressive development (https://legal.un.org/avl/ha/rsiwa/rsiwa.html). A State could be directly or indirectly responsible for wrongful actions and for omissions attributable to it through its organs. Direct responsibility exists when statesô armed forces commit a breach of humanitarian rules or when the executive, the legislature,

judiciary, as well as the central and the local authorities, commit a breach of IHL. A State could also be held responsible for the acts committed by other parties if those acts were authorized by it. This means that the responsibility of states for violations of IHL includes responsibility for violations committed by its organs or by persons or entities it empowered to exercise elements of governmental authority, as well as violations committed by persons or groups acting in fact on its directives. There are three factors employed to determine the liability of a State. Firstly, the State must be under a legal duty not to commit the act. Secondly, the State must commit the act. And finally, the act must cause injury (loss or damage) to another entity (Saxena, 2021). One of the issues which arise in this context is whether a State is responsible for all conduct of its armed forces. According to Article 3 of the Hague Convention No. IV and Article 91 of Protocol I of the Geneva Conventions, a party to the conflict "shall be responsible for all acts by persons forming part of its armed forces". This means that states are, however, responsible only for the conduct of members of their armed forces acting in that capacity. This limitation may exclude all acts committed as a private person, such as theft or sexual assaults by a soldier during leave in occupied territory (Sassòli, 2002, p. 405). Nevertheless, the committed crimes remain under individual criminal responsibility, and each person should face the consequences.

The cornerstone of the international legal order set up after World War II, as well as the central part of the UN Charter prohibits the threat or the use of force by one state against another. Hence, the use of threat or force is a core violation of a central principle of international law. According to Article 30 of abovementioned DARS, the State responsible for the internationally wrongful act is under an obligation: to cease that act, if it is continuing; and, to offer appropriate assurances and guarantees of non-repetition, if circumstances so require. The legal consequences for a State that has violated this or other IHL norms, may be political or economic, but can also entail the use of military force against the responsible state. Which measure will be applied depends on the context and circumstances of the particular case.

In any case, the decision should be made by the UN Security Council, which according to Article 39 of the UN Charter shall determine the existence of any threat to the peace, breach of the peace, or act of aggression, and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security (UN Charter). Article 41 contains economic and political measures which include "complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations." However, first, the responsible State must cease the unlawful conduct and in this regard the Council may decide to apply any of the measures contained in Article 41. Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, then according to Article 42, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of members of the UN. Hence, even the use of military force is a legitimate and legal measure when it is used by a decision of the UN Security Council.

When the violation of IHL will be finally stopped, one way or another, the responsible state should face the consequences of those illegal actions. The State should make full reparation for the injuries of its wrongful acts. Reparation is a principle of international law, and a general conception of the law according to which the responsible State is under an obligation to make full reparation for the injury caused by the internationally wrongful act (Rule 150-Reparation, ICRC). This principle is expressly laid down as long ago as 1907 in The Hague Convention (IV) respecting the Laws and Customs of War on Land and reiterated in Additional Protocol I of Geneva Conventions. Although The Hague Convention and Additional Protocol I speak only of compensation, Article 34 of DARS explains the forms of reparation such as restitution, compensation, and satisfaction. The aim of restitution is to eliminate, as far as possible, the consequences of the illegal act and to restore the situation that would have existed if the act had not been committed. The State will be obliged to materially revert the original status before the wrongful act (*Restitutio in integrum*). This approach is traditionally adopted by the peace treaties,

and it is related to the obligation of one State to make reparation to another State for violations of IHL committed by that State. However, if a return to the previous state is not possible, then the State will be obliged to make compensation in a form of monetary reparation. Both forms of compensation have the same purpose - to compensate for the damage. The payment received should cover both the losses suffered by the State and those of its nationals. This approach often includes, for individuals who have suffered losses, lump-sum payments that the recipient State is responsible for distributing (Gillard, 2003, p. 535). There appears to be a greater acceptance by states of the idea of individual victimsô right to reparation. However, while some victims of violations of international humanitarian law have received compensation, the reality remains that the majority remain without redress (Gillard, E., 2003, p. 549). It is worth underlining that the abovementioned rules and practices refer only to international armed conflicts, because neither Geneva Conventions nor their Additional Protocols mention any form of reparation in situations of non-international armed conflicts, although these conflicts are fraught with widespread violations.

There is one more form of reparation - satisfaction. This form is appropriate for cases of moral damage. In this regard, satisfaction may include an official apology, acknowledgement of the wrongful character of the act, the punishment of guilty officials, denial of published alleged information, etc.

3. INDIVIDUAL CRIMINAL RESPONSIBILITY FOR VIOLATIONS OF IHL

As it was mentioned above, besides state responsibility for violations of IHL, individuals are also responsible for violations of the rules of warfare. When it comes to war crimes, it is individuals, not states that can be brought to justice. Hence, perpetrators as individuals have a criminal responsibility for violating IHL. The principle of individual criminal responsibility for these crimes is a long-standing rule of customary international law and IHL was one of the first branches

of international law to contain rules of international criminal law (https://casebook.icrc.org/glossary/individual-criminal-responsibility; and, https://casebook.icrc.org/law/criminal-repression). War crimes, genocide, and crimes against humanity are grave breaches that constitute international crimes that withdraw international criminal responsibility and must be prosecuted. Although it is much easier to prove that an IHL violation which constitutes a war crime, genocide, or crime against humanity has been committed by a party to an armed conflict than to determine who the responsible individual is, still it is very important to bring that individual before a court and to prove their guilt. Criminal prosecution places responsibility and punishment at the level of the individual. Although it is probably difficult to hold high-ranking officials accountable while they are in power, however, there were examples where even those ultimately responsible were held accountable after they had lost power.

IHL obliges states to enact legislation to punish grave breaches of the rule of warfare. States have a responsibility to investigate and to search for persons who have allegedly committed such crimes, and appropriately prosecute (or extradite for prosecution) suspected persons, particularly those suspected of heinous crimes. Moreover, the International Criminal Court (ICC) has sparked debate over the need for national legislations that have not already done so to consider including the rights of victims in their criminal procedures independently, as well as, taking the necessary steps to ensure they are exercised as such, and not let the Court be the only place where victims can have their rights recognized and respected (González, 2006). However, although there has been some progress in recent decades, many war crimes have been left unpunished until today. Hence, the efforts to set up international criminal courts are understandable and expected if we have in mind that several states have not adopted the necessary national legislation, and violations of IHL sometimes remain a complete impunity. An important step in the lengthy process of developing rules on individual criminal responsibility under international law was taken with the setting-up of the two ad hoc Tribunals for the prosecution of crimes committed in the former Yugoslavia and in Rwanda (Greppi, 1999). The various forms of individual criminal responsibility enable persons who attempt,

assist, incite or plan the commission of a war crime to face responsibility for their actions. For example, Article 2 of the Statute of the International Tribunal for the Former Yugoslavia gives the Tribunal the power to prosecute persons who commit or order such grave violations to be committed, while Article 5 empowers the Tribunal to prosecute persons responsible for crimes committed against civilians in armed conflict whether international or domestic. Furthermore, Article 3 widens the scope to cover violations of the laws and customs of war, while Article 4 reproduces Articles 2 and 3 of the 1948 Genocide Convention. Since the rules of armed conflict assign responsibility to military commanders who order their subordinates to violate IHL or who fail to prevent or suppress such violations, Article 7 gives broad scope to individual criminal responsibility, covering all persons who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime. This is related especially to persons with an official position such as a head of state or government, a government official, and especially to the effects of orders from superiors. It is probably difficult to hold senior officials accountable while in power, but the former Yugoslavia is one example where even those who were ultimately responsible were held accountable after they lost power.

Adopted almost at the same time and under almost the same circumstances, the Statute the Criminal Tribunal for Rwanda does not contain substantial differences in the principles and rules of international criminal responsibility with that of the Criminal Tribunal for the former Yugoslavia. It is important that all principles and rules were later codified in the Rome Statute, adopted at a UN diplomatic conference on 17 July 1998. With the Romj Statute for the first time in history, a permanent international criminal tribunal was established.

4. THE HAGUE INTERNATIONAL CRIMINAL COURT AS PERMANENT TRIBUNAL

The establishment of the permanent International Criminal Court in 2002 with the Rome Statute signaled the commitment of many countries to fight impunity

for the worst international crimes. With its establishment, the efforts to ensure individual criminal accountability culminated (Center for constitutional rights, 2015). The ICC has jurisdiction over the most serious crimes of concern to the international community, namely genocide, crimes against humanity and war crimes, when committed after 1 July 2002, as well as the crime of aggression, as of 17 July 2018, under specific conditions and procedures. The crime of aggression was introduced to the Courtôs authority in 2018 by amendments to the Rome Statute, primarily to Article 15. Countries that ratify the Rome Statute are simply delegating their authority to prosecute certain grave crimes committed on their territory to an international court. The Court may exercise jurisdiction over the abovementioned international crimes only if they were committed on the territory of a State Party or by one of its nationals. These conditions, however, do not apply if a situation is referred to the Prosecutor by the United Nations Security Council, whose resolutions are binding on all UN member states, or if a State makes a declaration accepting the jurisdiction of the Court. As a matter of policy, the ICC prosecutor gives priority to cases against individuals who have been determined to be most responsible for the crimes under the court's jurisdiction, regardless of their official position. The Rome Statute also incorporates international fair trial standards to preserve a defendant's due process rights, including the presumption of innocence; right to counsel; right to present evidence and to confront witnesses; right to remain silent; right to be present at trial; right to have charges proved beyond a reasonable doubt; right to an appeal; and protection against double jeopardy. However, ICC is a court of last resort because it may only exercise its jurisdiction when a country is either unwilling or genuinely unable to investigate and prosecute the grave crimes. Even after an investigation is opened, there are opportunities for states and individual defendants to challenge the lawfulness of cases before the ICC based on the existence of national proceedings (https://www.coalitionfortheicc.org/country/united-states).

Currently, only 123 countries are ICC members, while several of the most influential countries are not members, including USA, Russia, and China. In some sense, this is paradoxical. Particularly because there are limited situations in which

the ICC has jurisdiction over the nationals of countries that have not joined the Rome Statute. When a citizen of a non-member country commits war crimes, crimes against humanity or genocide on the territory of a member country, unless the state government ratifies the treaty or accepts the jurisdiction of the Court through a declaration, then the ICC could only obtain jurisdiction if the UN Security Council refers the situation to the Court. The Security Council, with what is called an ñICC referralò could give the Court jurisdiction stretching back to the day the Rome Statute entered into force, on July 1, 2002.

Although the establishment of the ICC is a significant step forward in achieving justice and eliminating the impunity of the perpetrators, still there is criticism for its work. The remarks are mainly related to the lack of concrete and successful actions. ICC first verdict came ten years after the Rome Statute entered into force when Thomas Lubanga, leader of a militia in Congo, was convicted because of war crimes, mainly for the use of children in his ranks. The ICC for the first time sought the arrest of a sitting head of state when it issued a warrant for the chief prosecutor against the Sudanese president Bashir who in 2008 was cited for crimes committed against humanity, war crimes, and genocide in Darfur. The Sudanese government, which was not a party to the Rome Statute, denied the charges and proclaimed Bashirôs innocence. In 2009, the ICC issued an arrest warrant for Bashir, charging him with war crimes and crimes against humanity but not with genocide. In July 2010 the ICC issued a second arrest warrant, this time charging Bashir with genocide. However, that investigation was suspended in December 2014 because of a lack of cooperation from the UN Security Council (See: Ray, M.).

Regarding the war crimes in Syria, two years after the start of the armed conflict, Ann Harrison, Amnestyôs deputy director for the Middle East and North Africa legitimately asked, ñHow many more civilians must die before the UN Security Council refers the situation to the prosecutor of the International Criminal Court so that there can be accountability for these horrendous crimes?ò (South China Morning Post, 2013). The UN Commission of Inquiry, on many occasions, has also stressed the urgent need for international action to end serious human rights

violations and to end the unsolvable cycle of impunity. As early as March 2013, the UN Commission of Inquiry undertook to submit to the UN High Commissioner for Human Rights a confidential list of individuals and entities believed to be responsible for crimes against humanity, violations of IHL and gross human rights violations (A HRC 22 59, 2013). Three former prosecutors of the International Criminal Tribunals for former Yugoslavia and Sierra Leone, examined thousands of Syrian government photographs and files recording deaths in the custody of regime security forces from March 2011 to August 2013. Nevertheless, later in 2015, the Commission stated that the international community remains a witness of all suffering, without stronger efforts to bring the parties to the peace table ready to compromise, so that the trend of destruction was expected to continue in the foreseeable future (A HRC 30 48, 2015). Unfortunately, war crimes really continued to occur in the following years. Investigators from the Commission announced that they had found evidence of war crimes in Syria committed by nearly all sides in the conflict even during the second half of 2019 and into January 2020. In this regard, the recommendations contained in the Commission's reports - to the Syrian government, anti-government armed groups, the international community, the Human Rights Council and the Security Council - serve to emphasize the need to counter the growing culture of impunity by referring to justice nationally and internationally. The main paradox here is that Syria is not a member state of the Rome Statute. Hence, from the beginning of the civil war, it was clear that the UN Security Council must refer war crimes committed by both sides in Syria to the ICC.

The other criticism of the ICC is that it inappropriately targets African states or has preoccupied itself with Africa and failed to investigate equally severe conflicts elsewhere. Examples used mainly to support this thesis are that most of the ICC's current work comes from Africa. In its first ten years, the ICCôs investigations and prosecutions have only concerned situations in Africa. The situation is almost the same nowadays because eleven out of twelve current investigations are directed at African states (https://www.icc-cpi.int/). However, it should be mentioned that

most investigations into African situations have been opened at the request or with the support of African states.

5. THE PRINCIPLE OF UNIVERSAL JURISDICTION

In general, the States have criminal jurisdiction over acts committed on their territories or by their citizens. This is a basic universal legal principle. However, there is an exception from this principle, when a territorial or personal link with the crime, the perpetrator, or the victim, is not required. This exception is named as *Principle of Universal Jurisdiction*. The term "Universal Jurisdiction" refers to the idea that a national court may prosecute individuals for serious crimes against international law - such as crimes against humanity, war crimes, genocide, and torture - based on the principle that such crimes harm the international community or international order itself. Hence, the principle of Universal Jurisdiction allows the states to bring criminal proceedings of certain crimes, irrespective of the location of the crime and the nationality of the perpetrator or the victim. This principle allows the national authorities of any state to investigate and prosecute people for serious international crimes even if they were committed in another country. In other words, the Universal Jurisdiction allows for the trial of international crimes committed by anybody and anywhere in the world. Moreover, the principle of universal jurisdiction not only permits, but also even requires all states to prosecute war criminals, regardless of their nationality, the nationality of the victim, and where the crime was committed. Accordingly, there is no condition that the suspect or victim should be a citizen of the state exercising universal jurisdiction, or that the crime directly harmed the stateôs own national interests. The only condition is the nature of the crime.

The rational justification of universal jurisdiction is based on the notion that certain crimes are so harmful to international interests that states are entitled and even obliged to bring proceedings against the perpetrators. As a derogation from the basic legal principle regards criminal jurisdiction, the Principle of Universal

Jurisdiction is traditionally justified by two main ideas. First, there are crimes that are so grave that they harm the entire international community. Second, no safe havens must be available for those who committed such crimes (See: Philippe, 2006). Even though these justifications may appear unrealistic, it clearly explains why the international community, through all its components - states or international organizations - must intervene by prosecuting and punishing the perpetrators of such crimes (Philippe, 2006).

The legal ground of the statesô obligation to seek out and prosecute those suspected to be responsible for grave breaches of IHL is the four Geneva Conventions of 1949. This obligation is also a key aspect of the Rome Statute of the ICC. Namely, the preamble of the Rome Statute expressly provides that "it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes" and emphasizes that "the International Criminal Court established under this Statute shall be complementary to national criminal jurisdictions." Nevertheless, a national or international courtôs authority to prosecute individuals for international crimes committed in other territories depends on both the domestic legal framework and the facts of each case. National courts can exercise universal jurisdiction when the State has adopted legislation recognizing the relevant crimes and authorizing their prosecution. A range of statesô national laws provide for some form of universal jurisdiction. Such domestic legislation empowers national courts to investigate and prosecute persons suspected of crimes potentially amounting to violations of international law.

An environment supporting of the principle of universal jurisdiction was created following the establishment of the ad-hoc tribunals for the former Yugoslavia and Rwanda in 1993 and 1994, respectively, and extended to the establishment of the internationally courts such as the Special Court for Sierra Leone and the Extraordinary Chambers in the Courts for Cambodia.

6. APPLICATION OF THE PRINCIPLE OF UNIVERSAL JURISDICTION IN PRACTICE

In practice, universal jurisdiction is still not always properly addressed by national legislations owing to the lack of proper enforcement provisions. Only the goodwill of states could be relied on to guarantee implementation on this principle, because political reasons have prevailed over legal reasoning in several cases. Because of this, sometimes one cannot help wondering whether discussions on the said principles are no more than an academic exercise without any tangible results (Philippe, 2006). As examples for proceedings based on universal jurisdiction, we can mention those against Chilean former dictator Augusto Pinochet and other government officials in Spain, as well as those against former Chadian dictator Hissène Habré in Senegal, and the extradition of former Peruvian President Alberto Fujimori from Chile to Peru.

The first criminal trial over torture during the Syrian war with an application of universal jurisdiction ended with a guilty verdict and marked the first time when a high-ranking former Syrian official faced an open court in a war crimes case. The ruling came in Germany against Anwar Raslan who was accused of more than 30 counts of murder, 4,000 counts of torture and charges of sexual assault from when he oversaw a notorious prison in Damascus in 2011 and 2012. The conviction of a former Syrian intelligence officer for crimes against humanity by a German court is a ground-breaking step toward justice for serious crimes in Syria and is a meaningful moment for civilians who survived torture and sexual abuse in Syria's prisons **(**Human Rights Watch, Germany, 2022).

The Principle of Universal Jurisdiction is also expected to be applied in other cases regarding crimes committed during the war in Syria. For example, regarding the largest chemical weapons attacks in Syria that resulted in mass casualties, including hundreds of children, human rights organizations filed criminal complaints in Germany, France, and Sweden, on behalf of and alongside survivors

of the Ghouta sarin attacks (Civil Rights Defenders, 2021). Encouraging is the fact that all three countries have opened investigations in recent months, as well as, the fact that Syrian Center for Media and Freedom of Expression, the Syrian Archive, the Open Society Justice Initiative, and Civil Rights Defenders are filing additional evidence to the investigative and prosecutorial authorities in these countries (Civil Rights Defenders, 2022).

Having in mind that nowadays, another bloody conflict is taking place, this time in Ukraine, we will see whether and how the individual allegedly war crimes cases will be prosecuted before the ICC or before other courts, or perhaps the principle of Universal Jurisdiction will be applied. Russia's military invasion on Ukraine is viewed by many governments and legal scholars as a clear violation of international law, while Russia asserts that the so-called special operation is justified due to allegedly genocide in Ukraine's Donbas region against ethnic Russians. Meanwhile, Ukraine submits a suit against Russia on February 27 at the UN's International Court of Justice, asking judges to order an immediate halt to Russian military operations, arguing that Ukraine and Russia have a dispute over the meaning of the 1948 Genocide Convention, a treaty they have both signed. From the other side, the prosecutor for the ICC announced on February 28 that his office would open an investigation into potential war crimes stemming from the conflict. Regarding these activities, some argue that we will probably see prosecutions and trials in different courts in the coming future (Stauffer, 2022), while others consider that it is difficult, but not impossible, or that it is an unlikely prospect in the short term, but in the longer term, political conditions change and individuals who seemed beyond the reach of the law suddenly could find themselves appearing in front of the courts (Dvorkin, 2022).

Anyway, law and justice are facing a new test, perhaps the most difficult in the past several decades, given that neither the Russian Federation nor Ukraine are state parties to the Rome Statute. Ukraine has twice declared that it accepts the jurisdiction of the ICC for crimes committed within its territory. The latest of the two declarations was registered with the Court in 2015 after Ukraineôs Parliament adopted a resolution distinctly accepting the ICCôs jurisdiction indefinitely from

February 20, 2014, onward. However, exercising jurisdiction by referral of the alleged crimes to the ICC by the UN Security Council under its Chapter VII is almost certainly a dead end, as Russia (and likely China) would be inclined to use their veto powers to halt any such referral. Article 16 of the statute provides for the ñDeferral of Investigation or Prosecutionò by the ICC for a period of 12 months after a request by the Security Council to that effect; but such a resolution is just as unlikely due to the veto powers of the US, UK and France. In other words, from both the Russian and Western perspectives, the Security Council seems too deadlocked to play an effective role in this ICC process (Lopez, 2022).

7. CONCLUDING REMARKS

Although it is difficult to prove the state responsibility and the responsibility of individuals under international law, it does not mean that states or individuals should escape the responsibility for wrongful actions. The international efforts in locating state responsibility for violations of IHL and in proceeding the cases for individual criminal responsibility for committed war crimes, genocide, and crimes against humanity, had limited success so far. Delayed or inert reactions are probably results of an effort to make balance between the principle of non-interference in the internal affairs, and the need to take measures against states and individuals for not respecting IHL. However, although the efforts for justice and fairness sometimes may take a very long time, they still must continue because they are important ways to prevent impunity and to achieve some sort of redress for the victims and their families. The regular prosecution of IHL violations would have an important preventive effect and deterring violations. It would individualize guilt and repression, thus avoiding the vicious circle of collective responsibility and of atrocities and counter-atrocities against innocent people. When the International Criminal Court is unable to act because the alleged perpetrators are nationals of countries that have not ratified the Rome Statute, other options are still available. The Security Council may refer the case to the Court, which is however unlikely

and so far has had no success in practice. It is the right of veto of the permanent members of the Security Council that causes frequent blockades of the UN reaction mechanism. Hence, more and more often, and quite legitimately, the questions arise, as to whether the international community should finally think about reforming the UN to adjust to the real relations in today's world. Until then, what can break the chain of impunity is the application of the Principle of Universal Jurisdiction which could send a strong message that impunity will not be tolerated. The above-mentioned German verdict against a former Syrian intelligence officer for crimes against humanity is a step towards justice and sets a promising example of how states can contribute substantially to the fight against impunity for committed international crimes.

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A NEW MODEL FOR PROTECTION OF CHILD VICTIMS/WITNESSES OF VIOLENCE – CHILDREN'S HOUSE (BARNAHUS)

Nevena Petrovska, Ph. D., Institute for Social Activities - Skopje,
nevenapetrovska@gmail.com
Prof. Dr. Gordana Laġetiĺ, Faculty of Law "Justinian the First"
gordana2206@gmail.com.
Prof. Dr. Lazar Nanev, Faculty of Law ï Stip
lazar.nanev@ugd.edu.mk

Abstract

Violence and abuse of children are serious threats to the life, health and well-being of children, both around the world and in our country. For those reasons, it is necessary that the state initiates and undertakes activities that would provide greater protection of children, especially in developing services for the protection of children from secondary victimization, which is not a consequence of the violent act against the child itself, but a consequence of inadequate behavior of the institutions in the system of protection of these children.

The establishment of a model of a children's house - Barnahus has been discussed in the Republic of North Macedonia during the last few years, as a new approach in dealing with institutions in cases where a child is a victim/witness of violence. This model would allow all the relevant institutions that are competent to take action in cases where children are victims/witnesses of violence, such as the police, the center of social affairs, health professionals, the prosecution and the defense, to be present in one place in a pleasant environment for the children.

In preparation for the establishment of the children's house model - Barnahus in the Republic of North Macedonia, the Ministry of Labor and Social Policy undertook a series of activities to establish the Barnahus children's house model in the last year through direct involvement of the National Coordinating Body for the Prevention and Protection of Children from Abuse and Neglect (NCT), supported by UNICEF, a foreign consultant and the civil sector. In our local context, we speak about Safe House for child victims/witnesses of violence.

Keywords: *abuse and violence against children, children's house model – Barnahus, Safe house for child victims/witnesses of violence.*

1. BACKGROUND OF THE PROBLEM

Violence and abuse of children are serious threats to the life, health and well-being of children, both around the world and in our country. For those reasons,

it is necessary that the state initiates and undertakes activities that would provide greater protection of children, especially in developing services for the protection of children from secondary victimization, which is not a consequence of the violent act against the child itself, but a consequence of inadequate behavior of the institutions in the system of protection of these children.

The Convention on the Rights of the Child (1989) establishes the obligation of governments and states to protect children from all forms of violence, neglect, maltreatment, sexual abuse and exploitation and to establish procedures and programs for prevention and response, including identification, reporting, referral, support and childcare.[21]

The establishment of a model of a children's house - Barnahus has been discussed in the Republic of North Macedonia during the last few years, as a new approach to dealing with institutions in cases where a child is a victim/witness of violence. This model would allow all the relevant institutions that are competent to take action in cases where children are victims/witnesses of violence, such as the police, the center of social affairs, health professionals, the prosecution and the defense, to be present in one place in a pleasant environment for the children. In this way, the risk of secondary victimization of children and protective environment during initial assessment and interview, as well as medical examination, therapy and legal counselling. The value of Barnahus is to be a place that offers children and their families coordinated rights with a timely and adequate response to protection, care and justice for children, while minimizing the potential of trauma from the violence that has been experienced.

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[21]United Nations (1989). Convention on the Rights of the Child https://www.unicef.org.uk/what-we-do/un-convention-child-rights/(19, 20, 34 and 39)

Body for the Prevention and Protection of Children from Abuse and Neglect (NCT), supported by UNICEF, a foreign consultant and the civil sector. In our local context, we speak about Safe House for child victims/witnesses of violence.

The data from the research conducted in the world, but also in our country, show that a large number of children are victims of violence, abuse and neglect. In certain cases, violence is not detected, and children suffer silently not only from direct abuse but also from traumatic and negative childhood experiences that do not heal and cause severe consequences. And the COVID-19 pandemic that occurred at the world level has partially contributed to and is responsible for the frequency of violence against children. Although children were mostly in their homes, they were direct or indirect victims of domestic violence, because the home is not always the safest place for children. Violence from the streets, schoolyards and parks has moved into the digital world, and children are experiencing online violence or becoming victims of trafficking and exploitation.

In September 2022 WHO report, nearly 3 out of 4 children - or 300 million children - aged 2-4 regularly experience physical punishment and/or psychological violence at the hands of parents and caregivers. One in 5 women and one in 13 men report that they have been sexually abused as children aged 0-17 years. 120 million girls and young women under the age of 20 have experienced some form of forced sexual contact.[22]

The National Coordinating Body for Prevention and Protection of Children from Abuse and Neglect monitors the situation of violence against children in our country. It is established by the Government of the Republic of Macedonia and functions under the Ministry of Labor and Social Policy.

The National Coordinating Body for the Prevention and Protection of Children from Abuse and Neglect has developed a system of indicators for the Collection of data that reflect the situation of children who are victims of neglect, abuse and violence, and it has existed since 2017. The list of 43 indicators contains general and specific data, which describe the general characteristics of violence, but

[22] https://www.who.int/news-room/fact-sheets/detail/child-maltreatment

also the specific procedural actions taken and forms of protection. The data is collected from several sources and areas, from the education and health sector, from the centers for social work, the departments of internal affairs, the public prosecutor's office and the courts. These data provide directions for creating policies and better solutions for the protection and treatment of child victims, as well as guidelines for the prevention of violence against children.

In the Report of the National Coordinating Body for the Prevention and Protection of Children from Abuse and Neglect for 2020, it is stated that a total of 235 children who were victims of violence, abuse and neglect received psycho-social services in the centers for social work, of which 198 children were recorded for the first time in 2020, and 37 children were recorded in 2019 and they were still receiving services in the social protection system. Of the total number of newly registered children in 2020 (198), 55% are female and 45% are male. According to the age category parameter, 33% of the total recorded children, as the most vulnerable victims of violence, abuse and neglect, are children from 11 to 14 years of age. The same data indicate that the least vulnerable are children aged 17-18, which represents 11% of the total recorded children. Emotional abuse is the dominant type of abuse to which children are exposed and represents 46% of the reported types of violence among all children worked with in 2020. The second most prevalent form of abuse is sexual abuse. Parents are the most frequent perpetrators of violence against their children, fathers are the most represented.

According to the Report of the Ministry of Interior during 2020, a total of 288 children were reported as victims of sexual abuse and victims of neglect and abuse. The data speak of a 36% increase in the number compared to 2018 when a total of 182 child victims were registered. Out of the total number of cases handled by the police officers, 71 children were interviewed in the specially equipped rooms. The 288 child victims of crimes against sexual freedom and sexual morality and crimes against marriage, family and youth, which were reported to the Ministry of Interior, and the data on the specially equipped rooms for talking with children,

especially their lack of use in the sectors where such rooms exist, are of concern which violates the legal right of child victims.[23]

In the Annual Report on the work of the State Council for the Prevention of Child Delinquency and the situation in the area of children's rights and child delinquency in 2020, according to the indicator of child victims of crimes, the public prosecutor's offices identified 601 child victims of crimes, the largest number recorded in the Public Prosecutor's Office for the prosecution of organized crime, which is 50% higher than in 2019 and 2018, when 403 and 401 children were recorded, respectively.

At the same time, practice shows that there are cases of parallel assessments and investigations, repeated interviews of the child by different persons in the departments, with different levels of competence, in different locations, with different methods and approaches. At the same time, the further protection and services that the child receives are short-term and from only one or two institutions without the involvement of all sectors. This is a serious problem because the discovery of the abuse by the child is a whole process, which should be conducted according to the laws, their rights and best interests, and especially for their protection from secondary victimization. Child trauma is multi-factorial and addressing the problem of violence requires a wide range of collaboration between sectors of the juvenile justice system.

For those reasons, the importance of the inter-sectoral treatment of child victims/witnesses of violence is emphasized in the Protocol for the treatment of the inter-sectoral team for the protection of children victims of abuse, neglect and violence, in the National Strategy (2020-2025) in the mandate of the NCT, National Strategy for the prevention and justice of children (2021 ï 2026) in the mandate of the State Council for the Prevention of Child Delinquency. In anticipation of the adoption of the new Law on justice for children is provided for the inter-sectoral treatment of child victims/witnesses of violence by implementing international regulations, i.e. the Convention on the Rights of the Child, the Lanzarote

[23] Report on the situation regarding the protection of children from abuse and neglect according to the creative indicators for 2020, (2022), SPPMD, Civica Mobilitas, Skopje

Convention and other EU directives for child victims/witnesses that are implemented in law. Likewise, the national legal framework relevant to child victims/witnesses of violence is adequate for the development of inter-sectoral services and the establishment of Barnahus, with the possibility of more precise regulation through by-laws. In the two national strategies/action plans, certain aspects of the development and establishment of Barnahus are foreseen.

The National Strategy for Prevention and Justice for Children (2022-2027) and the Action Plan for Prevention and Justice for Children (2022-2023) contain a strategic priority area specifically dealing with Barnahus, proposed as "Children's House". It is planned to establish permanent inter-sectoral teams for child victims/witnesses of crimes, including child victims of harmful traditions/customs and child labor, as well as child witnesses and their parents/families who are not perpetrators, integrated in the same location in order to limit the number of conversations (interviews) and enable coordinated and effective services in a gender-sensitive and safe environment tailored to the child during the overall involvement of the child in the justice process. The Action Plan describes specific activities for the preparation and establishment of a Children's House, among other things, "establishing a permanent multidisciplinary and inter-sectoral structure for child victims/witnesses of crimes integrated in the same location", "creating national multidisciplinary guidelines for stakeholders in order to provide services in the Children's Houses" and "implementing capacity building of the police, prosecutor's office, children's courts, specialized medical services, social protection services, inter-sectoral teams and child victim support services for the interdisciplinary national guidelines".[24]

This strategy is aligned with the National Strategy for Prevention and Protection of Children from Violence (2020-2025). The fourth priority area envisages improved and increased capacity of services and institutions to ensure an inter-sectoral approach and response for the protection, treatment and support of children from violence within the health, social, educational, police and justice

[24] http://dspdp.com.mk/vesti/promocija-na-nacionalnata-strategija-za-prevencija-i-pravda-za-decata-2022-2027/

systems. Successful implementation of interventions and services will be ensured by strengthening the capacities of professionals from all sectors who are in contact with children exposed to violence, who should be ready to recognize and report violence and provide adequate protection for children. In the fifth priority area in the section for the development of services for the protection of the rights and interests of child victims and witnesses of violence in all phases of the investigative and court proceedings through the application of measures for procedural protection and prevention of secondary victimization of children, the Barnahus model is proposed.[25]

2. WHAT IS A CHILDREN'S HOUSE MODEL (BARNAHUS)

Barnahus (derived from the Icelandic word meaning children's house) is a multidisciplinary, inter-sectoral and friendly model of a children's house adapted to the needs of child victims/witnesses of violence in which an initial assessment, interviews, medical examinations, but also obtaining protection, therapeutic assistance, support and legal assistance are carried out. For the first time this model was established in Iceland in 1989 year, and inspired by the Children's Advocacy Center established in the USA[26].[8] It is also known as the Nordic model, because it has been established in almost all Scandinavian and other European countries, which share positive experiences and good practices for caring for children who are highly traumatized by the crime and violence they experienced, while preventing secondary victimization and observing the principle of the best interest of children. The representatives of the institutions/sectors as well as the child victim/witness and his parents (if they are not perpetrators and part of the procedure) come in a coordinated manner to the children's house where all procedures are carried out in a

[25] [7]https://www.mtsp.gov.mk/dokumenti.nspx

[26] https://childhub.org/en/child-protection-multimedia-resources/what-barnahus-and-how-it-works

safe, friendly and pleasant environment. Professionals should go to the child, and it is impermissible for the child to be transferred from one location to another, unknown to them, where they are interviewed and exposed to additional trauma. All services needed by the child victim/witness should be offered in rooms suitable and pleasant for children and "under one roof".

Barnahus places children and their rights and interests at the center of all activities at all times and respecting legal processes. In 2015 the Committee of the Parties to the Lanzarote Convention recognized the Barnahus model as an example of good practice for an effective and coordinated response to child sexual abuse. The core of this model is the coordinated work and cooperation of the inter-sectoral team. All relevant institutions that are competent to take action in cases where children are victims/witnesses, such as the police, centers for social work, health workers, the prosecution and the defense, should be present in one place where there is an environment close and pleasant for children.

The primary target group includes children aged 0-18 years at high risk, who are victims and/or witnesses of crimes against sexual freedom and sexual morality, i.e. sexual abuse and sexual exploitation defined in the Criminal Code and other acts against the health and life of children. The secondary target group includes non-violent family members such as parents/guardians, brothers and sisters. This group of indirect victims needs continuous information, counseling and support. Barnahus includes child victims/witnesses of violence, who have been reported to the competent authorities.

3. HOW THE BARNAHUS CHILDREN'S HOUSE MODEL WORKS

The Barnahus children's house model is described as a house with four rooms/spaces and each is intended for a different content. These are: criminal investigation, cooperation/protection, physical health and mental health.[27]

One of the spaces is intended for conducting the investigation with the order and presence of the public prosecutor and a forensic conversation with the child by a trained interviewer, which is recorded and used in court proceedings. The conversation may be observed by professionals from other sectors (a representative from the police, the social work center, the child's defender, and in certain situations the offender's defender) through a glass screen - (listening room) so that the child is spared from secondary victimization and repeating the story that is the source of their trauma. This procedure makes it possible to conduct only one interview with the child so that he is not referred to court. In certain countries, depending on the legal provisions, the judge also attends the conversation. The other is a medical room intended for a medical examination and determination of the child's physical health, general health condition, assessment of injuries and their rehabilitation, determining therapy, or, if necessary, referring the child to other medical interventions. The purpose of the medical investigation is to document the injuries and issue an opinion based on the results of the examination.

The next room is intended for the assessment of the child's mental health, determination of treatment and implementation of therapeutic services, counselling and psycho-social support of the child. The fourth room is intended for protection, i.e. an individual assessment is made, and later an individual plan for healing /recovery of the child with activities, executors, deadline and dynamics, and all activities take place in the house. Crisis support for children, parents and other

[27] https://www.barnahus.eu/en/vision/

family members may be offered on-site by specially designated staff or team members while the investigation and legal process is ongoing and later as needed.

4. SAFE HOUSE FOR CHILD VICTIMS/WITNESSES OF VIOLENCE OR BARNAHUS IN THE LOCAL CONTEXT

Barnahus is a model that can be adapted to different legal, socio-economic and cultural contexts. "Safe house for children" is the Macedonian name for the Barnahus model in our country, chosen by the relevant stakeholders. Understanding the context in which the Barnahus model will be established and operated helps to generate a feasible and sustainable approach and model. But, all Barnahus houses are developed according to international law and apply European Barnahus standards. The European Barnahus standards promote a comprehensive approach, including the respect of children's rights, the right to hear their opinion and receive relevant information, forensic interview, medical examination and therapeutic services in the same place, guaranteed inter-sectoral cooperation, capacity building of professionals, but also prevention in the processes of information sharing and awareness rising.

Ten standards related to Barnahus are explained in detail in the manual: "Barnahus Quality Standards: Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence".

Standard 1: Key principles and cross-sectoral activities ï three key principles are identified namely: the best interests of the child, participation of the child and taking measures to avoid unnecessary delay and assurance that all interventions are implemented within a prescribed time period and the child benefits from timely information;

Standard 2: Multidisciplinary and interagency collaboration ï collaboration is structured and transparent, guided by a process of collaborative interventions within the continuum of the case;

Standard 3: Inclusive target group ï inclusion of all child victims and witnesses of crimes and all forms of violence and their families who have not broken the law. Appropriate efforts are made for non-discrimination of children;

Standard 4: Pleasant children's environment - in this standard, the basics of place and accessibility to the house, interior environment, privacy, prevention of contact with the suspected perpetrator and a chat room that will ensure the interdisciplinary team to monitor the chats are set;

Standard 5: Inter-sectoral case management ï formal procedures and routines, continuous planning and review of cases, monitoring and providing support to individuals through information, participation and support;

Standard 6: Forensic interviewing;

Standard 7: Medical examination ï presence of specialized personnel, examination, treatment and planning;

Standard 8: Therapeutic services ï assessment and treatment by specialized personnel, information and participation of the child and interventions in crisis cases;

Standard 9: Capacity building ï mandatory training of professionals and guidance, supervision and counselling;

Standard 10: Prevention: gathering and sharing information, raising awareness and building external competences.[28]

Establishing a Safe House for children is a real challenge for our country and society, which needs to be aware of the need to protect child victims and provide them with support. In the preparation phase, it is necessary to answer key questions and resolve certain dilemmas, such as key external factors that may affect the model and its functioning and success today and in the future, what are the possible implications of these external factors and how they can be depreciated. What are the possibilities in terms of fulfilling the Barnahus quality standards and taking concrete steps to gradually achieve the Barnahus quality standards? The

[28] https://www.barnahus.eu/en/the-barnahus-quality-standards/"Barnahus Quality Standards: Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence

actual positioning of the civil sector during the process of establishing the Safe House and their adequate involvement is very significant.

5. CONCLUSION

It is necessary to introduce a new service - the model of the Barnahus children's house in our country, considering the conditions where we still have child victims/witnesses of violence who are secondary victimized, children who do not have adequate psycho-social support and treatment that will help them in the process of their healing from trauma. The implementation of new practices that bring us closer to the European practices and regulations that are dedicated to the complete protection of children contributes to overcoming trauma and their reintegration in all spheres of life. Institutions, international organizations and civil society, with their activities and commitments, strive to protect children from any kind of neglect, abuse and exploitation, and in that context, to provide protection from secondary victimization. A safe house for child victims/witnesses of violence is the model that we need to adapt to our local socio-economic context, in order to ensure respect for the principle of the best interest of the child, respect for quality standards and its sustainability.

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THE DEVELOPMENT OF THE GENDER QUESTION PERSPECTIVE IN POLICE TRAINING AND OTHER PROFESSIONAL DEVELOPMENT OF POLICE EMPLOYEES FOR THE PERIOD 2016-2018

Suza Trajkovska, ʃ ɸ
PhD candidate at the Faculty of Security ï Skopje
suzatrajkovska30@yahoo.com

Emilija Velkoska, ʃ ɸ
PhD candidate at the Faculty of Security ï Skopje
emilija_pol@yahoo.com

Abstract

The education system and training in the police should comprise the entire education throughout the career of the employees. Through the training system, it is necessary to provide educated, professionally trained and top off personnel, which in the performance of the work tasks will effect in professionalism, expertise, competence, efficiency, dedication and ethics.

Training and other types of professional development enable the improvement of the employees' competencies in order to achieve the work goals, and also to improve the quality of the work tasks at the workplace.

The purpose of this paper is to determine which types and how many types of forms of education in the field of gender issues have been implemented within the police for the given period of three years.

The set purposes directed the subject of the research, but the completion of its definition is through the determination of the hypothetical framework that bases the knowledge in the form of an assumption from the analysis of the participation of the employees in the Bureau of Public Security in professional training in the field of gender issues in the three-year period from 2016 to 2018.

Quantitative data from secondary (intermediate) data sources were used in the research, and the findings of the research indicate the possibilities of accessibility to participation in training and other professional development in the field of gender issues of women and men employed in the Bureau of Public Security, which is conducted in the state and in several other states.

Keywords: *gender issues, police, professional development, training,*

1. INTRODUCTION

Considering the fact that we live in a world in which we have constant changes, as well as a world of the dynamic security environment, it is necessary to take measures by which the education and training programs should be appropriate to the needs that are constantly changing. It is necessary to ensure that they are focused on the requirements of the new necessities. Training and other professional development programs should be tailor-made to prepare the staff for the challenges we face today, as well as those that lie ahead in the future.

During the educational process, it is crucial to establish high-quality training that would enable a gradual theoretical and professional transformation of the police officers, which would be pointed at fulfilling the requirements arising from the complex social-security conditions in which the police profession is carried out (Ivanovski 2020). Education, its contents and practices are powerful instruments of reproduction for gender relations, but they are also a key mechanism for social change (SpasiĆ, RadovanoviĆ 2022).

Nedelkovska-Indjekarova (2020) points out that unlike the education of the individual, which is broadly understood as a process for acquiring general knowledge from a certain area, the training itself enables the gaining of certain psychomotor skills and knowledge from a certain area that is narrower and more specifically defined.

Most of the modern police systems around the world agree with the fact that police training forms the basis of police officers, while other factors may play a smaller or larger role. Due to this fact, the advanced countries in the world pay a lot of attention to the education of the personnel, that is, to the training of the police employees, so the training that treats gender issues is also necessary, with the purpose of gender sensitization of the police employees.

In the modern system of police education, the biggest problem is to determine the most optimal model for police education, because the success of that model is not only related to the measurability of the quality of the curriculum and the educational process, but also to the measurability of the quality of the final

product of the personnel who completed the educational process and their results and achievements in work (KlisariĆ, Osmani 2011).

Training should be continuous and progressive, which will contribute to improving skills and knowledge. The final result of the training should contribute to the improvement of skills and the ability to perform tasks in a quality manner. The Ministry of Internal Affairs needs educated and trained staff, who will be ready to perform various tasks. The final purpose of the training is to have a functional, well-trained, efficient and modern professional police force, which will be able to respond to the challenges with which are faced the advanced European countries.

Police education, i.e. basic police training, is considered to prepare future police officers for the competent performance of tasks of their competence so that everyday police work is interwoven with the aim of a continuous system of upgrading and specialization at all levels. The goal is to be a step ahead in the prevention of all possible forms of social deviations in order to deal with them successfully. By organizing training, tribunes and seminars on the topic of gender equality, stereotypes and prejudices about women in the police profession will be reduced, and through the mentioned activities, a change of awareness among police officers will be influenced (Trajkovska 2022).

In order to be able to adjust to future demands in the field of training and education of the police officers, general factors such as globalization, democratization, the impact of the information and communication technology, changes in the value system require police organizations to face the challenges of the modern world and continuously to take initiatives to implement appropriate learning strategies that are based on innovation and new experiences related to the performance of the essential tasks at the workplace (Police academy training: are we teaching recruits what they need to know? Nansy Marion Department of Political Science, University of Akron, Ohio).

A career system has been introduced in the Ministry of Internal Affairs, whose full implementation is conditional due to the existence and functioning of a unique training system in the Ministry of Internal Affairs. In order to connect all practices and components into a single system and develop capacities for

functioning, the need was imposed, in addition to the Strategy for the management of human resources in the Ministry of Internal Affairs, to prepare a separate Strategy for training and development of the employees of the Ministry of Internal Affairs The strategy for training and development represents a significant tool for uniting the efforts of all stakeholders for the construction and operation of a modern and effective system of training for all employees of the Ministry of Internal Affairs.

2. CONCEPT OF TRAINING, POLICE TRAINING AND PROFESSIONAL DEVELOPMENT

Through the development of the employees, the development of the institution itself is ensured also. Training is a part of the human resource management that fulfills the function of workforce development (Standards for Human Resource Management Second Revised Edition, 2014). The professional development of the employees not only leads to the improvement of the capacities of the employees, but also represents a tool for the promotion of the personnel in the institution, and contributes to their mobility in the service. The institution should make a plan on an annual basis on how the development needs of the employees will be applied, in order to enable the functioning and achieve its goals. It is of great importance that the training conducted is related to the strategic documents of the institution itself. Institutions should systematically approach training. The purpose of the training is to improve the realization of tasks related to the workplace or to improve the performance of the organization as a whole.

TRAINING implies teaching and helping the participants in the process of obtaining competencies for performing specific tasks.

It is understood as:

- helping others in learning and mastering knowledge and
- providing information for the purpose of acquiring knowledge as well as providing suitable circumstances and conditions for effective learning (Glossary of Vocational Education and Training, p.33).

Under the term POLICE TRAINING, in this work we consider the form of education and training of police personnel, the main purpose of which is their education and training for legal, safe and efficient individuals as part of the police units, focusing on the use of power in regular cases and exceptional complex security situations (Nikaļ, Simic, Blagojeviĺ 2011).

Trajkov (2012) highlights that basic police training is never and nowhere static training and it continues as continuous training of the police officers for the entire duration of their working life. A trainer is an employee of the Ministry of Internal Affairs who works in a specific position in a specific organizational unit in the Ministry after previously completed training for a trainer (Training Regulations).

PROFESSIONAL DEVELOPMENT is defined as a form of an educational process carried out in an individual or group manner (professional exam, seminars, training, etc.), with the aim of obtaining competencies that were not acquired by the initial education, and which contribute to the performance of the overall work and all individual jobs and tasks (Vocational Education and Training Glossary).

2.1. Types of training in the Ministry of the Internal Affairs

The training system in the Ministry of Internal Affairs for its target group has all the employees, including the appointed officials during the period they are in office in the Ministry of Internal Affairs. Though, since the characteristic of the training is its basis on the specific needs of the work, that is, on each workplace and the needs of the executors of that workplace, for the implementation of the training system, special target groups and types of training are defined for them. Rendering to the type of work in separate parts of the Ministry of Internal Affairs and the strategic plan of the Ministry, the training system includes the following types of training that are under the full competence of the Ministry of Internal Affairs: 1. *Basic training for a police officer; 2. Apprentice training; 3. Continuous employee training; 4. Training for the purpose of enabling an employee to perform work*

independently at a specific workplace (Specialized training); 5. Training for managers (management, leadership, etc.).

In addition to participating in the previously mentioned types of training, employees of the Ministry of Internal Affairs can also participate in the organization and implementation of the following types of training: 1. *Regional training; 2. International training; 3. Training carried out by other competent state institutions and professional organizations; 4. External training in the country and abroad.*

Ensuring professional and personal training for all employees of the Ministry of Internal Affairs endorses and supports the abilities of the Ministry for efficiently and transparently performing of its duties and responsibilities in accordance with the values of the Ministry of Internal Affairs. Staff education is an integral part of police development, and a minimum number of lessons, with specific content on gender equality, has been applied in the educational process.

The employees of the Ministry have the right to be trained according to their needs and they are implemented on the basis of an individual plan for professional development. The training is conducted for all workers in the Ministry regardless of gender, race, skin color, national and social origin, political and religious beliefs, and property and social status.

According to the Law on Internal Affairs in Article 81, paragraph 1, the Ministry conducts training of workers in the following cases:

1. When a certain person establishes employment for the first time (apprentice training);
2. When a certain person is selected as a candidate for a police officer based on a selection procedure (basic training for a police officer);
3. For the purpose of training an employee for independent performance of work at a specific workplace and
4. For the purpose of continuous training of an employee.

Training in the Ministry of Internal Affairs is conducted in the following ways: with a mentor; in the Training Center of the Ministry or by engaging other persons and entities.

The topic of gender equality is an integrated part of the curriculum for basic training for a police officer, and it is also being conducted as continuous training on several themes that also cover gender issues. The analysis of this paper includes exactly those pieces of training and other types of education where gender issues are also treated, in which the police employees take part.

The availability of all types of training and professional development is a precondition for advancement, so women should certainly be included in these processes.

It is necessary to give women and men equal opportunities for further training (seminars, training, workshops, etc.), they should be offered participation and given the choice to accept or refuse. In addition, when there are two equally qualified candidates, positive discrimination should be applied, that is, the less represented gender should be given an opportunity. Transparency is also necessary for the selection process for participation in the training.

2.2. Training planning and selection of participants for training

After defining the necessary training for the employees, the next step is the preparation of a plan for realizing the training. The plan is prepared in each organizational unit in consultation with the employees' direct superiors. The plan is needed to provide employees records of who has attended training, what are the necessities for training, and a database is provided, that is, statistics for further use for necessary analyzes during the preparation of strategic documents.

The planning of training activities suggests the determination of training needs and the definition of priorities in relation to the training needs of the Ministry's workers (Regulations on Training in the Ministry of Internal Affairs, Article 56, Official Gazette of the Republic of Macedonia, No. 42 dated 17.03.2015). The needs for training and the definition of priorities are carried out by each organizational unit in the Ministry.

Significances concerning the Ministry's needs for training are contained in the Ministry's Strategic Plan. The strategic plan is prepared for a period of three years by the organizational unit responsible for strategic planning and development. A Strategy for the training of workers in the Ministry is also being prepared, based on the proposals received from the organizational units responsible for human resources management. The Strategy defines the goals and principles for implementing the training, the training system and the target groups who are covered by the training.

After all previously mentioned activities, an Annual Training Plan is drawn up (Regulations for Training in the Ministry of Internal Affairs, Article 56, Official Gazette of the Republic of Macedonia, No. 42 dated 17.03.2015) which contains the general and special goals in the planning process, organization and implementation of the training, the priority areas for the training of the workers, the goal that is planned to be attained by the training process, indicators of the reason of the planned training, the method of their financing, the sources of information regarding the process of implementing the training, and a detailed description of the training for the Ministry's workers.

If a request for nomination to participate in professional development has been received, then the selection of the employees to participate in the relevant training takes place in several ways, depending on the need. Priority is given to those employees for whom the theme has been identified as a need for training. When it is necessary to make a selection for participation in training among employees who equally meet the criteria for participation, then preference is given to the employee who has the top priority need for professional development.

3. RESEARCH PROCEDURE

The time period of this research covers the period from 2016 to 2018 with data on all professional development in the area of gender issues in which the employees of the Public Security Bureau have taken part.

The general scientific methods, such as the analytical-synthetic, statistical

method, content analysis method and descriptive method were applied in the research.

The research used quantitative data provided by secondary (intermediate) data sources, from the periodical Three-Year Report of the Ministry of Internal Affairs on Gender Responsive Budgeting (2016, 2017 and 2018), which is publicly published on the website of the Ministry of the Internal Affairs, and was entered and processed in SPSS software solution (*"The Statistical Package for the Social Sciences"*).

3.1. Analysis and interpretation of the research data

Table No. 1 in the main column shows the type of professional development in the field of gender issues conducted in the Public Security Bureau of the Ministry of Internal Affairs. The header or the main row comprises the period of three years that is from 2016 to 2018, and the columns and rows comprise the number of vocational training and the number of participants by gender.

Table no. 1 Table for processing the type of professional development in the field of gender issues according to number and gender in the period from 2016 to 2018

n.	Type of professional development	2016 year				2017 year				2018 year			
		number	man	women	total	number	man	women	total	number	man	women	total
1	Public (panel) discussion	01	30	12	42	00	00	00	00	01	01	01	02
2	Continuous training	01	116	13	129	00	00	00	00	00	00	00	00
3	Conference	02	00	02	02	02	03	00	03	01	10	02	12
4	Course	01	00	01	01	01	01	02	03	01	00	01	01
5	Training	12	121	36	157	15	19	44	63	26	296	51	347
6	Lectures	01	04	00	04	00	00	00	00	00	00	00	00
7	Workshops	09	02	10	12	11	23	17	40	16	158	32	190
8	Working meeting	00	00	00	00	00	00	00	00	01	02	00	02
9	Counseling	01	00	01	01	00	00	00	00	00	00	00	00
10	Study visit	01	00	01	01	00	00	00	00	01	01	00	01

11	Tribune	00	00	00	00	00	00	00	00	01	00	02	02
12	Other	01	00	01	01	01	00	01	01	01	00	50	50
	Total	**30**	**273**	**77**	**350**	**30**	**46**	**64**	**110**	**49**	**468**	**139**	**607**

Source: *Ministry of Internal Affairs of the RNM, Triennial Report on Gender Responsive Budgeting (2016, 2017 and 2018);*

In the three-year period, there are 12 types of professional development in the field of gender issues. From the results shown in analytical table No. 1, it can be seen that in 2016, 30 professional development courses were held 27,5%, in 2017, 30 professional development courses were also held 27,5%, and in 2018, 49 professional training 45% were held. This shows that the trend of professional development in the field of gender issues in 2016 and 2017 is constant, in contrast to 2018, where progress is noted, i.e., all pieces of training are increased.

For the period from 2016 to 2018, it can be stated that out of the twelve types of professional development in the field of gender issues, the most pieces of training were carried out, a total of 53 (48,62%), and 36 (33,03%) workshops. All other held types of professional training make up 18,35% of all held professional training in the given period. Out of a total of 53 pieces of training, the most were held in 2018, 26 (49,06%), then in 2017, 15 (28,30%), and the least in 2016, 12 (22,64%), which shows that there is an upsurge on the number of held pieces of training from year to year. A rising movement can also be observed in the workshops, out of a total of 36 workshops for the period from 2016-2018, in 2018 there were the most held workshops 16 (44,44%), then in 2017, 11 (30,56%), and the least in 2016, 9 workshops (25%). From the data, it can be noted that for the three-year period from 2016 to 2018, a total of 109 types of professional development were carried out in the field of gender issues, where the most were held in 2018 (49 types of professional development held), and with the same number (30 types of professional training) in 2016 and 2017. On average, about 36 types of professional development were held annually.

In order to determine whether there is a statistically important difference in the average number of held professional training per year in the field of gender issues, an ANOVA test was calculated.

Table no. 2 Average number of held professional training per year

ANOVA

	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	,668	2	,334	,092	,913
Within Groups	386,983	106	3,651		
Total	387,651	108			

According to what is shown in table no. 2, it is noted that the average sum of squares (Mean Square) between the groups (Between Groups) is,334, and within the groups (Within Groups) is 3,651. When the amounts are divided by the mean squares, the F-scale is obtained, which indicates the significance of the differences. The F-scale is ,092 and the level of significance (Sig.=,913) or p>0,05, which indicates that there is no statistically significant difference in the average number of held professional pieces of training between years, although it is visible that there is a difference in the number of held professional pieces of training between the years.

Through the following tabular display, variations of the time series can be seen both individually and in total, which determines the character of the movement of the variation. For the purposes of this research, a comparison was made of the number of men and women who participated in professional training in the field of gender issues in the period 2016-2018.

Table no. 3 Gender structure of PSB - Public Safety Bureau employees who participated in professional development in the field of gender issues

years	man		women	
2016	273	+	77	-
2017	46	-	64	-
2018	468	+	139	+
	ẋ=262,3		**ȳ=93,3**	

Source: *Ministry of Internal Affairs of the RNM, Triennial Report on Gender Responsive Budgeting (2016, 2017 and 2018);*

From table no. 3, it can be noted that in the past three years, an average of 262,3 (Ī=262,3) male participants participated, while female participants who participated in professional development in the field of gender issues were 93,3 (ö=93,3), that is, for the three-year period, on average more men participated than women, but in 2017 the trend of participation is greater in favor of women, 64 against 46 men.

To give an answer to the question of whether the representation of women or men at professional training differs significantly in the three years, we will use Pearson's ϭ²-square test (2*xk*).

Table no. 4 Does the representation of women or men at vocational training differ significantly in the three years

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	64,734(a)	2	,000
Likelihood Ratio	56,695	2	,000
Linear-by-Linear Association	,171	1	,679
N of Valid Cases	1067		

a 0 cells (,0%) have expected count less than 5. The minimum expected count is 28,87.

The value of ϭ² at the level of significance of 0,05 (ϭ²=64,734, tabular value is 5,99147) means that the representation of women and men in vocational training differs significantly in the three years because the asymptotic (sig=,000) is lower than the limit value which is (0,05).

This indicates that the greater representation of men is most likely due to the greater number of male employees and the still strongly based stereotypes and traditional roles for women both in society and in the police, and this indicates the need for much more education on gender sensitization of police employees.

In order to determine whether the participation of women and men in the professional training that took place in RNM and in other countries differs significantly in the three years, Pearson's ϭ²-square test (*n x k*) was applied.

Table no. 5 Venue of professional training by gender and age

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	201,029(a)	6	,000
Likelihood Ratio	148,883	6	,000
Linear-by-Linear Association	,207	1	,649
N of Valid Cases	1067		

a 2 cells (16,7%) have expected count less than 5. The minimum expected count is 3,40.

The value of the c^2 test at the significance level of 0,05 is (c^2=201,029, with a tabular value of 12,59160), which means that the representation of women and men at vocational training in RNM and other countries differs significantly in the three years because the asymptotics (sig=,000) is less than the limit value which is (0,05).

With the following analytical procedure, it will be determined how many men and women participated in education in our country, and how many of them took part in professional training that took place in other countries.

Table no. 6 Venue of professional training by gender and age

years * gender Crosstabulation

			gender				Total
			1 man home	2 man abroad	3 women home	4 women abroad	
years	1 2016	Count	271	2	70	7	350
		% within years	77,4%	,6%	20,0%	2,0%	100,0%
	2 2017	Count	27	19	45	19	110
		% within years	24,5%	17,3%	40,9%	17,3%	100,0%
	3 2018	Count	456	12	127	12	607
		% within years	75,1%	2,0%	20,9%	2,0%	100,0%
Total		Count	754	33	242	38	1067
		% within years	70,7%	3,1%	22,7%	3,6%	100,0%

From the data, it can be concluded that during the participation in professional development courses held in RNM, men participate with the highest percentage 70,7% in the three years, and when it comes to participation in professional development courses held in other countries, the representation of women with total 3,6% for the three years.

The fact that the percentage of women participating in professional training in the field of gender issues that were held in other countries is higher is interesting. It is assumed that one of the reasons for such a situation is perhaps the decision of the organizers of the event, that is, the exactly defined conditions in the requests for nominations of the participants, where one of those conditions is precisely the gender representation.

4. CONCLUDING OBSERVATIONS

From what has been presented so far, it can be concluded that the purpose of this research is to determine which and how many forms of education in the field of gender issues have been implemented within the police for the given period of three years, as well as to determine the gender representation in the participation of professional improvements in the field of gender issues of employees in the Public Safety Bureau that have been implemented in the state and in other states has been achieved.

In the period 2016-2018, out of a total of twelve types of professional development, the most training and workshops related to gender issues, which are crucial for police education, were held.

From the gained results, it was confirmed that the number of participants in professional development in the field of gender issues in the three-year period is not constant, that is, it varies, because in 2018 there were the most participants, and in 2017 the least, while in 2016 there were fewer than in 2018, and more than 2017. Although it is noticeable that there is a difference in the number of held professional pieces of training between years, there is still no statistically significant difference in the average number of held professional pieces of training between years.

The assumption that percentages of men are more represented than women in the participation of professional development was confirmed, although in 2017 there were more women participants than men, however, in 2016 and 2018 the percentage representation of men dominates, that is, women participants vary more than men in the three-year period. With the applied Chi-Square Tests, it was

determined that the representation of women and men at the professional training differs significantly in the three years.

The representation of women and men at vocational training in RNM and other countries differs significantly in the three years. Men participate in vocational training courses held in the Republic of North Macedonia with the highest percentage in the three years, and when it comes to participation in professional training courses held in other countries, the representation of women is higher for the three years.

The research will contribute by informing the public, and above all the security services, about the awareness of the situation and the importance of continuous police education and the need for gender sensitization of police employees, as well as the importance of keeping gender-disaggregated statistics.

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WHITE TORTURE IN AUTHORITARIAN REGIMES AND SPILLOVER RISKS

Aleksandar Peshev

Faculty of Security, aleksandar.pesev@fbuklo.onmicrosoft.edu.mk

Abstract

Harming the mind without inflicting damage to the body is the elementary building block of psychological torture, widely described as white torture. The term has been popularized from the method of imprisonment in an all-white room but is now generalized for all forms of torture that aim to inflict psychological damage without leaving traces of physical violence. The use of this torture, still not well defined in all national legislation, is a dangerous weapon in the hands of authoritarians. The indication from available testimonies is that white torture is allegedly used to curb criticism and create human puppets from people who were previously considered enemies. This inhumane treatment poses a serious security threat not only to the people who live in authoritarian societies but also on an international level, as there are conceivable security risks of a spillover effect, from the regimes into developing countries.

Key words: *white* torture, authoritarian regime, spillover risks

1. INTRODUCTION

Torture has been part of human history since records of humanity exist. Undoubtedly a dark chapter of human evolution, inflicting pain and suffering on a fellow human being has been largely outlawed, both in domestic legislation and international conventions. This has primarily occurred as a move to improve humanity above and beyond savagery, as international conventions prohibit the torture of other human beings for whatever purpose. At present day, there is no justification for torture. The primary primitive justification of such a practice has been extracting information, namely inflicting pain upon a single individual for the ultimate perceived (and ultimately futile or misplaced) benefit of many. An additional goal of torture was to induce attitude change, seen as the main benefit in authoritarian society. Two world wars and one cold war later it has become evident

that torturing an individual merely spurs more lies rather than any usable information. Superimposed upon all of this is the inhumane aspect of such practices that from a psychological perspective can be implemented by sociopaths or psychopaths. However, this in and of itself poses an additional security risk, as psychological experiments have demonstrated that people who have never exhibited malevolent behavior can be led into being the torturers and that extracting information may be ineffective, but attitude changes are evident, both in the past and in the present day.

White torture is a blanket term for systematic psychological abuse primarily involving isolation or sensory and perceptive deprivation, aimed at inflicting damage to an individualôs mental state and wellbeing, whilst leaving the body intact and undamaged. The term itself has been popularized in public discourse based on one of the approaches of breaking onesô soul by placing an individual in an all-white room, feeding them insipid white food while playing white noise with constant white illumination. This and other methods of pressuring the psyche are stemmed from psychological experiments from the dark pages of psychology, when human experimentation was conducted with terrifyingly inhumane effects and often lasting psychological damage.

The aim of this paper is not to provide a user manual for the implementation of psychological torture, but rather to highlight the practices in authoritarian environments as a potential petri dish for new techniques that may spill over into civilized society, undermining the unalienable human rights, as well as democratic principles and practices that are a staple for developed, civilized societies. For this purpose, the precise details of how individuals have been tortured are not going to be presented in detail. Rather, the short overview of the key elements of such a practice will aim to set the framework for better understanding of the phenomenon without any detailed descriptions.

While democratic governments and civilized societies mostly steer away from such practices and have faced international condemnation for psychological abuse of prisoners, the practices of authoritarian regimes undoubtedly pose risks for the collective and individual security of the residents of these nations. An even

greater security risk is a possible spillover of such practices in developing countries with no to little legislation on the matter, as well as hybrid regimes, who may use the practices of authoritarians as a template for their own purposes, abusing their own citizens.

2. WHAT IS WHITE TORTURE?

The term ñwhite tortureò was popularized as a general term for describing psychological torture following the testimonials of Iranian women who were held imprisoned under the hopes that the regime could ñrebuild their soulsò. Narges Mohamadi, the Deputy Director of the Defenders of Human Rights Centre (DHRC) in Iran has spent 16 years in prison for her work against the death penalty in the Islamic Republic. She provides the following testimony of her experiences:

ñA solitary cell is a small room that lacks natural light and fresh air. The person imprisoned must sustain absolute silence overnight and is without contact of any human being except their interrogator. In solitary confinement, there are no more than two blankets and three meals served in disposable containers. The imprisonment of a person in such a situation deprives them of their biological and natural needs, with its continuation causing diseases, in particular, mental illnesses and even dangerous physical illnesses including heart and respiratory tract deathsò (*White Torture: An Open Letter from Narges Mohammadi - Nobel Women's Initiative,* n.d.).

The punishment in question refers to an extreme form of solitary confinement which aims to annul stimuli to most of the senses of the individual. This method goes one step further from simply locking up a prisoner alone in a single cell, and aims to achieve a starving of the senses, or sensory starvation. Recorded cases suggest that the punishment is sometimes executed in a white room, which gives it the name ñwhite room tortureò. From there, the term is generalized to all forms of psychological torture that are not combined with physical punishment. The key element of this specific type of torture is sensory deprivation.

Sensory deprivation is described as the method of depriving the individual of most or all external stimuli. The method was not originally intended as a means of torture, but rather as a way of determining the lowest sensory threshold and measuring the effect on stimuli, using methods like minimal difference stimulation or the method of limits or borders. These methods are part of the psychophysical approach to measuring sensitivity and involve the recording of minimal incremental changes of behavior caused by stimuli, recording variations between two or more types of stimuli or ñyesò or ñnoò responses on whether a stimulus has been felt and perceived by the individual (Ognjenovic, 1984). Research involving the use of sensory deprivation stemmed from the hypothesis that humans function optimally in an environment where they are constantly bombarded by stimulation, described in the early hypotheses as a sensory overload (Ognenjovic, 1974). The method was developed in hopes of giving Psychology the methods and instruments to measure elements of human behavior, making the discipline and empirically based science rather than a practice based on speculation. The guiding influence was by psychologist B.F. Skinner whose theories postulated that human behavior can be modified and controlled by manipulating stimuli that cause a reaction. The method is subject to ethical controversy in present day, as it involves completely or partially stripping the influence of the outside world over the human body. The research has determined that the most effective way of achieving such a state is through restraining the blindfolded individual on a padded surface with ear plugs and padding all over the body or submerging the individual in a cylindrical capsule under water with a connected supply of breathable air. In both cases, olfactory stimulation is minimized by bathing the individual with non-fragranced surfactants. The only variables that cannot be controlled during sensory deprivation are the thought processes of the individual. During the course of sensory deprivation, there have been recorded decline in verbal aptitude and the ability to count. Subjects also showed low scores on tests requiring abstract thinking and recognition, as per the findings of psychologist John Zubek, considered to pioneer the controversial research in sensory deprivation in the 1940s. There are also notes of several

recorded cases where a 3-dimensional visual perception of space and objects was almost downgraded to a 2-dimensional view of the subjectôs surroundings.

Another notable research of this era has been made by psychologist Donald Hebb in the early 1950s. Amid the cold war, research on the effects of sensory deprivation was supported in western countries in search of answers concerning the sudden changes of attitude in subjects which were involved in the communist trials of the USSR. Seeking indication for ñmind controlò and an explanation for the sudden change of attitudes, Hebb conducted research involving sensory deprivation that was initially classified. With some of the information being made public later, the results are similar to what Zubek concluded from his experiments. Subjects who have undergone sensory deprivation suffered from disorientation and scored low on tests with mathematical problems. Additional effects, however, include delusions, hallucinations and out-of-body experiences. As part of the research protocol, subjects were asked about their attitudes toward controversial topics, such as the theory of evolution or the existence of psychic phenomena before the experiment. They then underwent sensory deprivation and were subsequently played recordings of arguments against the views they had previously voiced. Retesting indicated that sensory deprivation rendered individuals susceptible to attempts to induce attitude change (Raz, 2013). Sensory deprivation has a strong recorded effect on a subjectôs emotional state as well. Patients participating in experiments involving sensory and perceptive deprivation report rising anxiety, a declined ability to perceive time and general confusion with episodes of panic. Spatial orientation is also affected and individuals report being out of touch with reality, frequently questioning their own existence. Most symptoms manifest as acute psychosis risking permanent psychological damage (Pecjak, 1981).

Judging by historical records, sensory deprivation in and of itself is not sufficient to elicit attitude change or pressure an individual into disclosing information. Testimonials from The Second World War reveal additional tactics of manipulation, used by the Nazi secret police in the era of the regime. The Gestapo would use lies and threats in their aim to ñbreakò the interrogated individual, as well as play on the prisonerôs guilt, either by threatening to harm the prisonerôs loved

ones or torturing others in the presence of said individual (Manvell, 1977). The goal of weaving in such tactics between sessions of isolation would be to manipulate the prisoner into confessing or changing their attitude concerning a specific issue or viewpoint.

3. WHITE TORTURE IN AUTHORITARIAN REGIMES

When analyzing the elements of torture involving sensory deprivation, also referred to as white torture, it becomes evident that the goal is to inflict damage on a targeted individualôs mind, while leaving no physical evidence on the body. This abuse is something that democratic countries with solid regulations aim to steer clear from, not only due to human rights concerns but also due to strong comprehensive legislation, as the repercussions for torturing an individual are severe for the perpetrator. By contrast, hybrid regimes and authoritarian societies have weaker to no regulation for such practices, or such regulation is on paper but is not implemented. Allegations of torture reaching the United Nations Human Rights Council recently involve countries like China and their treatment of minorities, Myanmar and the death of imprisoned activists and alleged war crimes in Russian occupied parts of Ukraine, all alleging some form of torture (*Torture | Human Rights Watch,* n.d.). Case analysis of recorded allegations of torture indicate an alleged trend of no reaction of institutions in authoritarian societies, or a declarative condemnation with unfulfilled promises of action against perpetrators that are seldom (if ever) identified. Some allegations of white torture in recent years originate from the Islamic Republic of Iran with available public records singling out Evin prison in Teheran. Regular detainees, as well as surviving political prisoners and other perceived enemies of Iran's post-revolutionary regime, have alleged torture and other abuse inside its concrete walls to extract coerced confessions, sometimes televised, that are then used to condemn them publicly (*Hacked Videos Force The Unthinkable In Iran: Official Admission Of Abuses At Evin*

Prison, n.d.). A testimony of a former inmate as cited by ñAmnesty Internationalò reads as follows: ñSince I left Evin, I have not been able to sleep without sleeping pills. It is terrible. The loneliness never leaves you, long after you are ñfree.ò Every door that is closed on you, it affects you. This is why we call it ñwhite torture.ò They get what they want without having to hit you. They know enough about you to control the information that you get: they can make you believe that the president has resigned, that they have your wife, that someone you trust has told them lies about you. You begin to break. And once you break, they have control. And then you begin to confess.ò (*Iran's Evin: Prison or Torture House? – CANDLELIGHT,* n.d.)

If the testimonials cited so far are accepted as true, the key question that arises is the following: Why would countries that are alleged of holding executions and have confessed to physical torture practices in prisons, choose to conduct psychological torture that does not leave physical evidence of abuse?

A theoretical answer to this question would be that the choice of psychological instead of physical violence mainly serves the intent to change an individualôs expressed viewpoints on matters that are of interest or of value to the abuser. If the final goal of the torture would be to extract information, interrogation techniques would likely involve physical abuse as well, as the physical state and appearance of the targeted individual would be unimportant, so long as the information is acquired. Hence, the goal of forcing someone to change their viewpoint would likely be aimed at sustaining an ideology or securing an entityôs rule of power with the use of torture, one of many key practices that define a style of ruling as authoritarian. Following this rationale, it may be hypothesized that the targets of psychological or white torture were, possibly are, and might be individuals who are vocal in their immediate surroundings or in general. This may include but is likely not limited to opinion makers, journalists, influencers, academia, critics, researchers, activists on a local or national level. Equally at risk are politicians, especially those of an opposition group, or former members aiming to abandon a ruling party and go public with their criticism. In the wake of the COVID ï 19 pandemic, for example, we saw medical professionals issuing apologies for causing panic, when ringing the alarm was proven to be justified.

Chinese whistleblower and doctor who first sounded the alarm about the SARS ï like virus Li Wenliang was one of eight people who were detained for ñspreading rumoursò about the deadly diseaseôs outbreak ï the fates of the other seven, also believed to be medical professionals, were not known at the time (*"Hero Who Told the Truth": Chinese Rage over Coronavirus Death of Whistleblower Doctor | Coronavirus | The Guardian,* n.d.). Living in authoritarian environments is not evidence enough that they were subjected to white torture, nor is their noted disappearance from the public eye, only to come back again with a completely different opinion on a given matter. It is however arguably very likely that some form of pressure was applied to these individuals that got them to change their narrative in a visibly drastic manner, as Wenliang issued an apology, under alleged instructions from his employer (*Dr. Li's Apology Letter - The New York Times,* n.d.).

Henceforth, it may be concluded that based on the risk assessment from the possible scenarios, white torture may, in theory, be used to sway the opinions of influential people. The risk is seen in the possibility of their imprisonment and subjection to white torture, only to return these influential individuals back in front of their audiences so they can promote a different narrative that suits the torturer, with no visible traces that torture has in fact occurred. Judging by the effects of sensory deprivation and the findings of the presented research on the matter, the tortured individuals would avoid any action that would risk a repeat of isolation and sensory deprivation or other forms of torture. This, in effect, is a form of negative reinforcement, driving tortured individuals away from any actions or opinions that would risk further (repeated) sensory deprivation.

4. CREATING THE ABUSERS

When reporting about the abusers in the context of psychological torture, the immediate rational assumption is that such suffering may be organized and inflicted by people who are either psychopaths, sociopaths or sadistic individuals. While a tendency to derive pleasure from inflicting pain on others or an inability to

feel complex emotions narrows the risk of organizing white torture, research in the field of psychology suggests that people who are generally perceived as good can be led into performing atrocious acts. The creator of the infamous Stanford prison experiment describes this as the Lucifer effect, a term that aims to explain how good people turn bad (and has no link to religion). The experiment set out to conduct a two-week investigation into the psychology of prison life, with college students volunteering to participate. The experiment was cut short after psychologist Philip Zimbardo and his associates noted that in just six days the participants that assumed the roles of guards became sadistic and the students playing the prisoners became depressed and showed signs of extreme stress. According to Zimbardo and his colleagues, the Stanford Prison Experiment revealed how people will readily conform to the social roles they are expected to play, especially if the roles are as strongly stereotyped, as were those of the prison guards. Because the guards were placed in a position of authority, they began to act in ways they would not usually behave in their normal lives (Griggs, 2014).

A second noteworthy experiment was conducted by psychologists Wim Meeus and Quinten Raaijmakers, which involved instructing participants to cause stress to an individual who claimed to be going in for a job interview. Participants obeyed the instructions of the researchers to deliver ñstress remarksò to the person who was being interviewed. Some examples of these remarks were including phrases such as: ñyou are not good enough for this jobò or ñif you continue like this, you will fail the testò. The person being subjected to stress remarks was a confidant of the researchers and behaved as though he was breaking down under the pressure from the people who were stressing him out. Upon signs of hesitation, the participants would be instructed by the researchers to continue with their stress remarks, instructions which they obeyed. In fact, the experiment found that 92 percent of participants, both male and female, obeyed the instructions of a perceived figure of authority to deliver stress remarks to the person who claimed to be interviewing for a job (Franzoi, 2006) . This example and a series of other experiments known as Miligramôs experiments demonstrate that orders to inflict

psychological harm on victims are very likely to be obeyed, especially if issued by an authoritative figure.

The securitization of the findings of these experiments suggests that psychological torture is not only a likely risk in authoritarian regimes but can be organized in other environments as well, even in societies where a stable system of moral values prevails in political, cultural, religious and everyday life.

5. SPILLOVER SECURITY RISKS

Within a more limited viewpoint, it may be concluded that white torture poses a security risk and in some cases a security threat to the nations that do not have or enforce the instruments for the suppression of both physical and psychological torture. This risk is mainly affecting individual security as well as group security, undermining democratic principles such as freedom of association and freedom of speech. In a broader view, however, there is a higher possible risk on a regional and even global security scale. Potential security risks can be seen in the rise and encouragement of regimes that have a say in international organizations. The more support is secured for an authoritarian system, including with the use of any form of torture, the more power said authoritarian will have on the international stage, secured through domestic support and the support of other nations, leaders or individuals who see ñnothing wrong with having an absolute rule if absolute support from the population is presentò.

An additional spillover effect can be identified in the developing democracies, especially ones in stages of a hybrid regime. A security risk in a global security context is the potential for developing nations seeking absolute power to copy, use and even improve torture techniques that leave no identifiable traces.

The risk of the spread of white torture and the invention of new techniques for systematic psychological abuse does not lie within the organized crime groups, as their main purpose is to eliminate individuals who they perceive as a threat or an

obstacle to their ultimate goals. Organized crime groups are the most unlikely formations to apply these techniques as, in a hypothetical situation, their interest in removing obstacles or forcing confessions would involve inflicting bodily harm, so long as their final objective is reached. However, it is plausible to hypothesize that organized crime syndicates would aim to establish control over influential individuals who need to be pressured into cooperation with little to no evidence of physical pressure for the purpose of coercion. The greatest risk of applying such practices is assumed to be in instances of state-sponsored organized crime. Defined as a type of organized crime where the state is the main organizer of criminal activities and the main beneficiary (Лабовиќ & Николовски, 2010), the risk of torture is seen in the possible abuse of state institutions, especially from the security sector. This risk is especially present in states run by authoritarians, dictators as well as developing societies.

6. INTERNATIONAL CONVENTIONS AND CHALLENGES

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (a.k.a. the ñTorture Conventionò) was adopted by the General Assembly of the United Nations on 10 December 1984 (resolution 39/46). The Convention entered into force on 26 June 1987 after it had been ratified by 20 States. An Optional Protocol to the Torture Convention was adopted by the General Assembly of the United Nations on 18 December 2002 (resolution 57/199). The Optional Protocol, which entered into force on 22 June 2006, establishes a system of regular visits by international and national bodies to places of detention in order to prevent torture and other cruel, inhuman or degrading treatment or punishment (Danelius, n.d.). Initial criticism of the Convention zeroed in on an imprecise definition of torture but resulting discussions provided a more detailed description. However, the precise definition of psychological torture seems to stand out as an ongoing challenge, as the UN Report on Psychological torture and ill-treatment,

dated the 20th of March 2020, makes the following recommendation: ñThe Special Reporter recommends that States adopt, incorporate and implement the definition of ñpsychological tortureò, as a subcategory of the generic concept of torture, to include all methods, techniques and circumstances which are intended or designed to purposefully inflict severe mental pain or suffering without using the conduit or effect of severe physical pain or suffering.ò (*OHCHR | A/HRC/43/49: Report on Psychological Torture and Ill-Treatment*, n.d.).

7. CONCLUSION

The entertainment industry presents torture as a method of extracting information, forcing a confession or exacting revenge, especially in movies and other forms of fiction. In reality, the practice of torture throughout history has proven to be an unreliable method for extracting information and it has been ultimately self-defeating. White torture, however, aims to secure support and approval, by forcing an individual to change their views and beliefs. Likely favored by authoritarians and dictators, this form of torture is a step up from physical torture in several ways: it is hard to prove, as it leaves no evidence of abuse and testimonies of victims may be disproved or undermined with claims that the individual is mentally unstable. Possibly a true depiction of the individual, considering that short-term psychosis and likely lasting psychological damage are proven effects of sensory deprivation and other methods of psychological torture and abuse. Psychological torture can also cause negative reinforcement, with the victim adjusting their behavior in a way to avoid repeated punishment. Ultimately, white torture causes obedience with no physical evidence of applied force or no physical abuse whatsoever. Although hard to prove, the mere mention of this technique among a population at risk would guarantee obedience, causing behavioral patterns consistent with negative reinforcement (avoiding negative consequences of actions) even among the people who have not been psychologically tortured. Ultimately, this secures the power to rule society with the use of sensory deprivation, manipulation

and fear. In effect, this may solidify a regime domestically as well as promote its influence on the international stage, both through international organizations and via the sympathies of existing and potential allies. The potential allies are, in theory, likely to be aspiring authoritarians seeking absolute power and control over a population. These regimes in developing nations may add white torture techniques to their authoritarian portfolio.

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REVIEW OF THE THE STUDY "HOMELESSNESS: THEORY, PREVENTION, INTERVENTION" (2021) BY ANA BILINOVIĆ RAJAČIĆ AND JOVANA ČIKIĆ[29]

Vesna Stefanovska.
Full professor, Faculty of security ï Skopje
vesna.stefanovska@uklo.edu.mk

The study *Homelessness: theory, prevention, intervention (2021)* deals with homelessness as a deep social problem present in all countries of the world, from highly developed countries, countries in transition, to developing countries that have their own genesis, and special specificities. As the authors state, the motive to address homelessness from a theoretical, methodological, normative and socio-political point of view stems from the realization that there is not enough sense by societies in general for that phenomenon, which means that it is still a present and growing phenomenon despite the attempts of the states to build policies for its suppression and prevention. The desire and attempt to make a comparative analysis of both, certain phenomenological characteristics of homelessness in some countries and their preventive policies, allow having an insight into certain situations and the way some countries deal with homelessness. In addition, the detailed analysis of the housing policy in the Republic of Serbia makes it possible to see how the state deals with the housing problem of the homeless, what social services it offers to that vulnerable category, what are the shortcomings and weaknesses, and what priorities should be set for a more humane and democratic society that should fight against social, economic and political inequalities as structural factors that contribute to homelessness.

The study is divided into five thematic units: the problem of definition, typology of homelessness, causes, homelessness in numbers and policies of prevention and suppression.

[29] University in Novi Sad, Faculty of philosophy

I. The first topic deals with the problem of defining homelessness as a phenomenon and as a process, taking into account that different perspectives and explanations are present in the literature. Thus, an explanation such as a health problem, lifestyle issue, absence of roof, subculture, etc. can be found. There are even views that the question of homelessness cannot be answered, so that term should be rejected. Among many definitions, the authors cite five basic types: (1) constitutional (or legal), (2) continuum, (3) statistical, (4) deprivation-based definition, and (5) general public definition. They further state that differences in definitions depend on who is targeting homelessness (whether government, civil society, media or other actors), what are the research questions, as well as research methods and approach. In addition, proper definition is very important in order to build appropriate social and other housing policies that will target homelessness. At the same time, the authors emphasize that the most often used for research is the narrower definition that includes visible homeless people who live and sleep on the street. But besides them, of course, there are also marginal or precariously housed persons (the so-called border residents) who are at risk of becoming homeless. The third category is the hidden homeless, who are usually not included in the statistics and are people who sleep at the homes of their relatives or friends due to a lack of adequate financial means to afford uninterrupted paid accommodation or an individual home.

II. The second topic refers to typologies of homelessness and in that part they accept the *European typology of homelessness and housing exclusion (ETHOS)* which is based on the quality of accommodation and the typology according to the duration of homelessness. According to the first typology, a further distinction is made between absolute and relative homelessness. Absolute implies a situation in which the person does not own accommodation and stays in a temporary shelter or on the street (in parks, on benches, under bridges, in abandoned places, wagons, abandoned trailers, etc.). On the other hand, relative homelessness means when the accommodation does not meet the basic standards related to the feeling of security, protection from natural disasters, lack of access to clean water, location far from

educational and health institutions, etc. According to the quality of life, the authors also mention the difference between primary, secondary and tertiary homelessness.

However, the study presents in a detailed and graphic way the theoretical categories of homelessness and housing exclusion, developed by the European Federation of National Organizations working with the homeless (FEANTSA) in 2005. There are seven categories (2 related to homelessness and 5 to housing exclusion). All categories have special characteristics within the three domains of home (physical domain, social domain and legal domain). In relation to homelessness, people are divided into those without a roof and without a home (with an occasional place to sleep in an institution or shelter center), while the rest are without secure or inadequate accommodation. Regardless of the fact that it offers more categories, this conceptual framework or model still has certain weaknesses or shortcomings that the authors rightly point out. One of them is focusing exclusively on the place of housing at a certain moment and not on personal circumstances. Another problem is the fact that there is no clear border between what is meant by homelessness and what housing exclusion is.

Regarding the typology based on the risk of homelessness, a distinction is made between an acute, imminent or potential homeless situation. Acute homeless are those who live on the streets, in abandoned places, train cars, shelter centers, and other shelters, including those who live with relatives or friends because they do not have adequate accommodation of their own. An imminent homeless situation is when there is a risk that the person will lose accommodation or cannot find it (after leaving prison, hospital, or other care institutions). And potential homelessness is when there is a risk of entering the cycle of homelessness due to low incomes and the inability to pay for housing, when the homeless are single parents, people with disabilities, etc.

The third typology presented in the study is according to the duration of homelessness, which is divided into temporary (or short-term), episodic and chronic. In the detailed explanation, the authors refer to Kuhn and Culhane's 1998 research on how often people are homeless and how long it lasts. However, this

typology is subject to certain remarks, especially because it is based on research over a short period of time, and there are other methodological weaknesses.

The typology based on the responsibility to provide assistance is based on the responsibility of the authorities to provide adequate accommodation. An example is the constitutional definition of England according to which local authorities have an obligation to provide suitable temporary accommodation to households until suitable permanent accommodation can be found.

Within this section, the authors single out the typology of homelessness in developing countries. Namely, they emphasize that there is a difference in the definition of homelessness in developing countries, especially because there is no clear line between homelessness and extreme poverty. However, even in those countries, a distinction is made between temporary, seasonal, short-term and long-term homelessness.

III. The third theme that is elaborated in the study concerns the causes of homelessness. In that part, the authors elaborate on the individual and especially the structural approach. The authors emphasize that, despite a large number of studies on this topic, they agree with the finding that growing academic and political interest has not contributed to an adequate understanding of the causes of homelessness. And that is why they prefer to use the term "triggers" instead of "causes" and that homelessness is a complex process, not a sudden event, which is why it is not easy to understand.

In explaining the individualistic approach, the authors emphasize personal problems such as addictions, mental illnesses, wandering, prostitution and other problems. In doing so, they present the model according to which the risk factors are listed in different age limits during the life cycle. Also, the authors emphasize that out of 354 papers on homelessness, 2/3 were published in publications devoted to psychiatry, psychology and medicine, and only 5% of the papers were published in publications devoted to political economy, economics or housing. This is in support of the thesis that a large number of social phenomena, including homelessness, are considered a reflection of personal traits, personal choice and personal failure. This approach is also consistent with the concept of "blaming the victim".

Of course, this approach, which exclusively relies on individual characteristics, is one-sided and does not take structural factors into account. Therefore, the authors specifically address structural factors and refer to a series of studies that indicate that residential, population and economic characteristics are significantly correlated with the rate of homelessness. Namely, the concentration in the central city areas, the loss or lack of affordable accommodation, the weakening of social networks puts a large number of people at risk of homelessness. In addition to the analysis, the study specifically emphasizes: the real estate market, poverty, economic factors and the deinstitutionalization of mental health care systems.

Analysis of the real estate market shows that the risk factor for homelessness is high rent prices, as well as the availability of affordable housing or high real estate prices. But that is also correlated with the social protection system. As an example, it is stated that housing relief options such as social housing for people with low incomes and recipients of certain benefits prevent the risk of homelessness. In which way? Because that measure reduces housing costs for economically disadvantaged people. But the availability of cheap accommodation is limited, which raises the question: is the housing relief program available to everyone?

Poverty, on the other hand, is considered a key factor that contributes to homelessness, but conversely, homelessness makes it difficult to get out of poverty. Related to that are unemployment and the social protection system. In this section, the authors refer to social policy in the United States and express that due to unequal financial access homelessness increases, as opposed to the personal problems of the persons such as addictions or mental disorders. Since there are different approaches in explaining the connection between poverty and homelessness, the authors adopt and explain the critical-realist approach according to which poverty tends to cause homelessness, but does not cause it in every individual case. Namely, certain people have other positive factors that mitigate the negative impact of poverty. These are, for example, personal resilience, social capital or housing benefits. And vice versa, rich people in a certain period of life

might face homelessness. Finally, the authors rightly conclude that the relationship between poverty and homelessness is complex and interacts with other individual and structural factors.

From the economic factors, the problem of unemployment is addressed, but the reverse theses that there is a negative correlation between the unemployment rate and homelessness are interesting.

As part of the structural factors, special attention is paid to the deinstitutionalization of mental health protection systems. The authors rightly emphasize and refer to numerous studies that indicate that the closing of numerous state psychiatric facilities due to the lack of adequate services and support for treatment and rehabilitation in the community caused an expansion in the circle of homelessness because people failed to take care of themselves independently. This is especially true for chronic persons who are already accustomed to an institutional regime that provides them with medical care, supervision, social connections, and the like. In that context, the authors refer to the book "Landscapes of Despair: From Deinstitutionalization to Homelessness" (Dear & Wolch, 1987) which states the negative consequences of deinstitutionalization in the 1970s as large numbers of discharged patients began to cluster in poor neighborhoods where, in the context of mental health, they are called psychiatric ghettos. Negative consequences are also negative reactions from the wider community. And instead of community support, people are still dependent on the services from which future homeless people are recruited.

IV. The fourth theme that opens up in the paper is Homelessness in numbers - between invisibility and assessment. Certain methodological problems are highlighted when researching marginalized people because they are characterized by social invisibility and because of this certain emergent forms can be undetectable. Also, the authors refer to the problem of the closeness of the homeless due to frequent public stigma and reluctance to be part of certain research. In addition, the authors raise the issue of the relationship between the researcher and the respondents because that relationship may not be equal and thus affect the quality of the collected data and their interpretation. Finally, it is stated that it is

difficult to draw a line and distance the professional role of the researcher and the human need to help someone, which can threaten the principle of scientific objectivity. In that context, the research on the homeless is problematic, especially because that population is often invisible, not only from the public but also from the institutions, which makes it difficult to access data and information about them. A second problem is the definition of this phenomenon, and therefore a working definition should always be chosen, according to which the appropriate methodological tools for any homelessness study will be determined. A third problem highlighted in this publication is the closeness of those people who are not always ready to open up and communicate with others. Therefore, in the paper, the authors put under question the counting of homeless people at the world level.

It is generally stated that there is an increasing trend of homelessness in both developed and developing countries. In the further part of the text, they state certain characteristics in different regions of the world: in Africa, Asia, Australia, USA, Canada, the region and especially in the Republic of Serbia.

Thus, homelessness in Africa and Asia is characterized by high rates of extreme poverty, and is often the result of local or regional military conflicts and forced migrations. In India, it is estimated that there are around 3 million homeless families living outdoors, and rural homelessness is a particular problem. Also, the authors emphasize the problem of homeless children in India, as well as the lack of housing. As a phenomenon in Japan, the so-called cyber homelessness is stressed, which means that a certain category of homeless people "stay" in manga cafes for almost whole days, which is related to video game addiction. Data on homelessness in the United States shows regional differentiation, meaning that certain states have higher rates, especially in California, Oregon and Washington. Regarding homelessness in Canada, the authors convey the legal definition that homelessness is a condition in which an individual or family finds themselves without a permanent address or residence, a residential condition of individuals or families without stable permanent and suitable accommodation and without immediate opportunity, means and abilities to obtain housing. In addition to that, Canada recognizes both chronic and indigenous homelessness, as separate types with their

own genesis and features. Another interesting fact is that the average life expectancy of homeless people is 39 years, which is twice less than the national average. Also, the suicide rate among homeless people is 40 times higher than among the general population. 35% to 50% of chronically homeless people suffer from schizophrenia, and 38% to 48% from manic depression and bipolar disorder.

The authors, in the analysis of the data on homelessness in European countries, indicate an unequal methodology not only in the definition of homelessness but also in the way of counting, that is, collecting data about them. In the Report of the FEANTSA organization (2020), the following characteristics of homelessness in the EU are listed: a) in the last 10 years there has been an increase of 70%, especially in Ireland by 211%, but also in the Netherlands, England and France, b) a decrease has been recorded only in Finland (-32%) and in Northern Ireland (-2%), c) young homeless people aged 18-29 make up 20 to 30% of the homeless population, d) the homeless are more among the migrant population than among the indigenous people, e) there is an occurrence of long-term homelessness, f) every 10th household is burdened with housing costs, i.e. almost 40% of the budget is intended for providing a roof over their heads, g) 4% of the European population faces serious problems of deprivation of housing conditions and h) the life expectancy of homeless people is shorter compared to the general population.

The authors also cite available data on homelessness in Slovenia, Croatia, North Macedonia and Montenegro.

In Croatia, there are no official relevant data on the number. Although 215 homeless people were recorded in the Statistics Office in 2011, it is stated that that number is much higher. In terms of care, the analysis shows that there are 14 overnight shelters for the homeless in Croatia with a capacity of 430 places. 97% of homeless people are entitled to social assistance. 93% are not employed, although 70% are able to work. The term homelessness is normatively determined by the Law on Social Security and corresponds to the ETOS model. In Slovenia, there is no appropriate way of counting and they are recorded within a common category "persons living in another type of housing and homeless". And that number varies, but according to the Statistics Office, in the last 10 years, 2,000 to 3,000 homeless

people have been registered with an increasing trend. In Macedonia, there is no legal definition of homelessness or any classification regarding the categories of homeless persons. According to the Statistics Office, a homeless person is any person who uses rights, measures and services provided by the Center for social work, once or several times during the observed year. Accordingly, about 100 homeless people have been registered.

In Serbia, the occurrence of homelessness is linked to the so-called losers from the transition. They are people who lost their jobs due to the privatization process of many companies that were in state ownership, and who were unable to get a job due to their age, low education or health condition. Statistics in Serbia show that homeless people are mostly elderly people over 60 without partners and without children. 1/3 are unemployed and about 70% have no income. 45.6% have no education or have only completed primary school.

V. The fourth topic refers to the policy of prevention and suppression of homelessness ï from global to national levels. In this section, the authors emphasize that those policies are related to social regimes, that is, state policies. In the further part of the text, they make a detailed analysis of the types and characteristics of prevention and suppression policies, and also state certain weaknesses and shortcomings. They emphasize that for any good preventive policy, the first condition is a precise definition of the term, in order to adequately determine the extent of the occurrence and to foresee appropriate legal and institutional measures. In addition, they state that a system of appropriate monitoring and evaluation of the applied measures should be established to measure their effectiveness.

When creating preventive policies, the authors rightly emphasize that the socio-demographic characteristics of homeless people, such as gender, age, race, class, religious and sexual orientation, disability, etc., should be taken into account and should be part of the analysis. In particular, they advocate seeing how these variables jointly and mutually affect the risk of entering the circle of homelessness, on the one hand, but also on building measures and policies for exiting that circle. That relational network of these characteristics is called inter-sectionalism, or inter-sectionalist approach, which should actually describe how they affect and therefore

should be applied in the analysis of homelessness and in the construction of preventive policies.

In the further part of the text, the authors list the different typologies of preventive policies according to several criteria. One division is universal and specific policy, another is primary, secondary and tertiary, while the third division of prevention is structural, systemic, early intervention, prevention of forced eviction and stabilization.

Structural prevention refers to the reduction of structural factors, while systemic to the removal of institutional obstacles that increase the risk of homelessness. Early intervention is aimed at people who are at risk of losing their housing, while the prevention of forced eviction is aimed at housing policy in terms of rent control, emergency funds, etc. A housing stability policy means providing support to people who are already homeless (finding housing, health care, employment assistance, social inclusion measures, etc.).

Despite the brief overview of prevention policies, the authors still have a critical approach regarding their effectiveness. Therefore, they also state the shortcomings and weaknesses due to which homelessness cannot be truly reduced as a deep social problem. Among the shortcomings, they state inadequate resources, excessive bureaucracy of the system, un-professionalization and insufficient commitment of those who make decisions to solve the problem, as well as ignorance of certain socio-demographic characteristics and factors that increase the risk of homelessness. In that section, the authors put special emphasis on the specific categories of homeless people who have their own special characteristics and different etiological processes.

In the further part of the study, the authors also list the models of prevention and suppression that exist in the world.

One model is *social housing*. It represents housing that is aimed at preventing homelessness, social exclusion and poverty, and is part of public state support. It can be free or with certain privileges (minimal compensation) as part of social protection. A second model is *Housing First* ï a permanent escape from homelessness that means removing people from the street or providing an

existential minimum such as shelter and food. It starts from the position that the right to a "roof over one's head" is one of the basic human rights. It is correlated with the right to a quality life for the individual and the family. However, a certain rent is paid. The third model *Temporary Escape from Homelessness* is a model of transit housing from a few weeks or months to up to two years and includes different living arrangements ï sleeping in shared rooms or one-room motels. Additional social and health services are also offered to the homeless, including employment, childcare, treatment, etc. Such a model is criticized as enabling the stigmatization of users and they are placed in the so-called life in a program. The fourth model *Shelters for putting out the fire in the homelessness* usually function as shelter centers or as collective accommodation for people who are on the street and have no roof over their heads. There are various modalities, full-day accommodation, overnight accommodation, only in winter periods, daily accommodation and so on. In addition to accommodation, they also provide other services, food, health care, basic hygiene. The goal of the fifth model *Housing Continuum of Care* is to provide permanent assisted housing to homeless people.

In this section, the authors particularly emphasize the role of the UN and the EU in establishing certain approaches when building national policies to deal with homelessness. At the same time, they agree with the principle based on rights, which means that the right to housing, social security, employment, protection from violence, an adequate standard of living, including the right to life should be protected. They especially point out the Resolution on Homelessness (adopted by the Economic and Social Council in 2020) of the UN, according to which the policy for the prevention and suppression of homelessness should be part of the social development policy of each country and means above all the provision of adequate and affordable housing. Also, within the EU, it is stated that the right to housing or accommodation is one of the basic human rights. During the analysis of preventive policies, an answer is also given to the question of whether European countries have adopted both national strategies to fight homelessness and normative acts that specifically regulate the aid and support of homeless people.

From other countries, the United States is distinguished by the fact that the fight against homelessness has a long tradition at the national and federal level. In America, there is a legal and institutional framework. *State Interagency department for Homelessness* was established in 2002 and has adopted a certain program called *Open Doors plan*.

Based on the analysis in the Republic of Serbia, the authors place special emphasis on housing policy as a structural factor that significantly contributes to homelessness. In that context, they review three periods of development of institutional housing support (1990-2000), (2001-2009) and after 2009. Within the legal framework that is directly or indirectly related to homelessness, several laws are analyzed: the Law on Social Housing (Official Gazette RS 72/2009), the National Strategy for Social Housing (2012), the Law on Housing and Building Maintenance (Official Gazette RS 104/2016, 9/2020). In that part, the authors state that the Law on Social Housing does not explicitly mention the homeless as possible beneficiaries of rights, which supports the view of their institutional invisibility and inadequate protection. However, they agree that the National Strategy of 2012 is a step forward because it talks about that problem in Serbia in public. The presence of various forms of homelessness and the extreme housing threat, as well as the limited facilities for housing the homeless, are clearly emphasized. A significant disadvantage is the lack of a systematic database for this category of persons the authors emphasize in several parts of their study as a basic problem when creating policies for the prevention and suppression of this phenomenon. The authors emphasize that the system recognizes the need to adopt the ETHOS European typology of homelessness and housing exclusion.

Among the available forms of support, there are "shelters", "safe houses" and "collective accommodation centers", as measures of temporary accommodation. In general, the authors conclude that in Serbia, in addition to financial problems, there is insufficient capacity for the social protection system, lack of support during reintegration, insufficient capacity for social housing, inadequate records of people who use the services of shelters, etc. Therefore, several national priorities for the improvement of the services provided to the homeless are considered in the study.

The application of alternative models for residential accommodation is also proposed, such as assigning a piece of land, buildings, micro-houses, shared housing etc.

The study *Homelessness: theory, prevention, intervention* (2021) by the authors Ana BilinoviĆ Rajaļiĺ and Jovana ĻikiĺĆ is a comprehensive publication that deals with topics and issues related primarily to the problem of definition, typologies, scope, data collection and prevention policies of homelessness. It offers a presentation and analysis of this phenomenon in several countries of the world and thus creates a certain picture of the fight for its prevention. They especially analyze homelessness from a phenomenological aspect and from the aspect of preventive policy in the Republic of Serbia. Additional value of the study is given by the proposed solutions for several issues, especially in the domain of social housing, which the authors believe are inadequately or imprecisely regulated according to the existing legislation. It is especially noticeable that the authors have and encourage a humanistic approach in considering this phenomenon, and they connect homelessness with the basic human right to adequate housing.