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CONTENT:

Editorial Notes

Dear readers, we have a new edition of the International Yearbook of Faculty of security 2021/2.

Faculty od security Skopje, University of „St. Kliment Ohridski„ Bitola, Republic of North Macedonia, continues to publish scientific articles and treatment of actual security themes. We have a few areas which are part of the journal, such as: Criminalistics, Criminology, Police, Penal law, Politics, Security and Private security etc. Every number of the journal consists articles with contemporary issues about security, crime, new treats, risks, and themes related with security.

In this number we have an article about Sexual abuse of children in the Republic of North Macedonia from Svetlana Nikoloska and Marija Gjosheva - Krsteski which is about the sexual offenses and criminal investigation. Sashe Gerasimoski discusses about The social pathology of „New normality„ during the Covid 19 pandemics. The next paper from the author Vesna Stefanovska is about Developmental crime prevention: Theoretical background and perspectives. Vesna Trajkovska discusses about Integrating critical thinking in the English for law enforcement classroom and about role-playing and interactive group work activities. Bogdanco Gogov is author of the paper Legalization of interception of communication for national security and consistent implementation of the normative and theoretical regulations for protection of the state's vital values and interests. Next author is Svetlana Veljanoska with the paper about Exercise of labor rights in the Republic of North Macedonia as a part of the body of human rights. Kire Babanoski and coauthors Marina Malish Sazdovska and Aleksandar Ivanov discuss about Protection and rescue of population from unexploded ordnance (UHO) – challenges with the current procedures through capacity GAP analysis. The next paper from the authors Nikolco Spasov and Basri Kastrati is about Human security and sustainable development. Ardijan Ismaili, Marina Malish Sazdovska and Mihajlo Sviderski analyze Security and intelligence system of Turkey and system of intelligence and security bodies. Sonja Damevska and Vesna Stefanovska are authors of the paper Crime on public transport: certain research data and perceptions for the Skopje city. Anica Tomsic – Stojkovska discusses about Proportionality and reasonableness in the use of coercive means by police officers.

We hope that those articles will keep your attention and will be a new quality in scientific areas such as security and others. Thanks for the effort of Editorial Board members, Secretary, reviewers and another staff, we can publish this second number of International Yearbook for 2021 year.

Sincerely,

Editor of the International Yearbook of the Faculty of security

Professor Marina Malish Sazdovska

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Professional paper

SEXUAL ABUSE OF CHILDREN IN THE REPUBLIC OF NORTH MACEDONIA

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ABSTRACT

Sexual abuse of children is a crime which is manifested through multiple forms of perpetration by minors or adults who manifest their sexual perversion on children, whose awareness of sexual freedom and sexual morality is not sufficiently developed. This crime is often manifested in a form of computer crime; computer devices, systems and networks are used as a means of perpetration, especially in luring children for sexual abuse (by sexually assaulting and abusing children for child pornography). The Macedonian legislator for sexual crimes has provided for severe sanctions for this crime, i.e., sentences of several years in prison up to life imprisonment, as well as for measures to prohibit the exercise of profession, activity or duty for perpetrators who abuse public authority to seduce children who are entrusted with custody, upbringing and education. Child sexual abuse is a criminal phenomenon where the victims are children under 14, which is the youngest population who are under great fear and threats from perpetrators, do not know where to complain or express their problems, and that is the reason for the "dark number" of this crime. The subject of research is an analysis of sexual offenses, as individual crimes in the Macedonian Penal Code, analysis of the situation with sexual abuse of children in terms of detected crimes and reported perpetrators, as well as analysis of the criminal investigation process of cases of sexual abuse of children as a specific category of victims. The normative method, the statistical method, the method of comparison and the method of content analysis and case analysis are applied.

Key words: Sexual offenses, child sexual abuse, criminal investigation, repression, prevention.

1. INTRODUCTION

Sexual abuse is particularly traumatic for children and has far-reaching consequences for their overall development. Child sexual abuse is the type of abuse in which an adult or older adolescent abuses a child for sexual arousal. Sexual abuse of children is also considered the questioning or forcing of a child to engage in sexual intercourse (regardless of the outcome), indecent display of the genitals of the child, displaying pornography in front of a child, actual sexual intercourse with a child, physical contact with the genitals of the child, watching the child's genitals without any physical contact or abuse of a child for the production of child pornography. Consequences of child sexual abuse include depression, post-traumatic stress disorder, anxiety, a tendency to re-victimize at a later age, physical injury to the child, and many other problems.

Sexual abuse by a family member is an incest and can result in more serious long-term psychological trauma, especially in the case of parental incest. (Nikoloska, 2017) The American Psychiatric Association states that "a child cannot agree to have sexual intercourse with an adult" and condemns such actions of adults. "An adult who has sexual intercourse with a child commits a crime and immoral act, which can never be considered normal and socially acceptable behavior."

Sexual abuse of children is a prototype of physical abuse in which the child is used for sexual gratification of adults and is manifested by the easiest forms of abuse such as touching the genitals, showing and caressing the genitals, kissing in the mouth, licking and similar, to showing the genitals or sexual activities in front of children and forcing children to have sexual intercourse, namely heterosexual intercourse and sexual intercourse such as pederasty, lesbianism. But adults use children to make pornographic material and deceive them into believing that it is a child's play. There are several manifest forms of sexual abuse of children; the most dangerous form is sexual assault on a child under 14 years of age who may have the elements of rape as the most serious form of sexual offense, but also criminal behavior with other sexual acts of exploiting sexual unconsciousness and immaturity in children. (Nikoloska, 2015).

In the recent years in the Republic of North Macedonia, in the area of criminal substantive law, several amendments have been made to the criminal offenses that contain elements of sexual abuse of children in the area of enforcement, and especially in the area of sanctions and other measures, of protection against perpetrators.

2. CRIMINAL - LEGAL ASPECTS OF CHILD SEXUAL ABUSE

In the Criminal Code of the Republic of North Macedonia, sexual abuse of children is covered by several criminal offenses in Chapter 19 of the part of Criminal Offenses against the sexual freedom and sexual morality (Official Gazette of RM no. 37/96 ..... 248 / 18), where the object of protection from sexual violence are children up to 14 years of age, and these are the following criminal acts:

1. Sexual assault upon a child under 14 years of age under Article 188.
2. Satisfaction of sexual passions in front of another, in a public place, according to Article 190.
3. Showing pornographic material to a child according to Article 193.
4. Production and distribution of child pornography under Article 193 - a.
5. Enticing a child who has not turned 14 to sexual assault or other sexual act or to production of children pornography, under Article 193 - b.

6. Incest under Article 194.
7. Publication of a court judgment under Article 194 - a.

Sexual assault upon a child under 14 years of age under Article 188

Sexual assault upon a child under the age of 14 is a criminal offense under Article 188 which provides that "an offender who commits adultery or other sexual act upon a child under the age of 14 shall be punished by imprisonment of at least 12 years; if committed bodily injury, death or other grave consequences or the crime was committed by several persons or in a particularly cruel and humiliating way or out of hatred, the perpetrator shall be punished by imprisonment of at least 15 years or by life imprisonment; by the perpetrator performing acts of public interest in this form of sexual abuse of a child, the court will prohibit them from performing a profession, activity or duty if based on the nature of the crime committed and the circumstances under which it was committed it can be expected that the perpetrator will repeat the crime. (Article 188 in conjunction with Article 38 - b, CC of the Republic of Macedonia, Official Gazette of the Republic of Macedonia No. 248/18). This crime is related to the need for "the proper development of children up to 14 years of age presupposes their full protection from various forms of sexual abuse and aberrant influences on their formation as healthy individuals. „These are people who are in the earliest stage of sexual (but also physical, emotional and intellectual) development, when as a rule they cannot fully understand the meaning of sexual relations, and these relations are not accompanied with deeper emotional urges, due to which there is a danger that they will be dehumanized and pull the development of the young person in a disharmonious direction." (Kambovski, 2003)

When it comes to this work, it starts from the knowledge from psychology that encroaching on sexual integrity easily disrupts the development of his sexual identity and the possibility of sexual self-determination. To be a criminal offense, there must be no consequence because it is an abstract danger to the sexual development of the child (the offense can also be committed on a sleeping child). (Novoselac, 2007) This is the reason why the criminal law contains a general prohibition on any sexual intercourse with minors under the age of 14, regardless of gender. The subjective side, which consists of intent, includes the awareness that it is a child (a possible intent is sufficient), as well as awareness of the special condition of the victim, due to which she is incapable of resisting, as well as awareness that it does not oppose the act of sexual intercourse or other sexual activity. (Kambovski, 2003)

Satisfaction of sexual passions in front of another according to Article 190

Satisfaction of sexual passions in front of another is a criminal offense criminalized in Article 190 where in paragraph 3 it is provided imprisonment of at least 4 years. (Official Gazette of the Republic of Macedonia 37/96 ... 248/18) This crime is a criminal-legal protection of children up to 14 years of age from their abuse in a way that sexual acts are performed in front of children, the children of sexual acts in front of other persons, which negatively affects children's perceptions of moral norms and the limits of what is allowed and negative in sexual relations with minors over 14 years and with adults.

Showing pornographic material to a child under Article 193

Showing pornographic material to a child is a special incrimination for criminal acts when children are forced to participate in scenes with explicit sexual content from which pictures or recordings are made intended to be shown to both children and adults. A certain category of persons satisfy their sexual alienation by purchasing child pornography for their use, but also for showing children and the possibility of luring them into sexual abuse. The display of pornographic material to a child is criminalized in Article 193 where it provides that "the perpetrator who sells, displays or publicly presents to a child under 14 years of age and otherwise makes available pictures, audiovisual and other objects with pornographic content or will show a pornographic play, will be punished with imprisonment of 6 months to 3 years, if the crime was committed through the media, the perpetrator will be punished with imprisonment of three to five years, and for exploitation of a child up to 14 years for making and participating in audiovisual images or other objects with pornographic content or pornographic representation, a prison sentence of at least 4 years is envisaged, while if there are elements of coercion in previous acts, a prison sentence of at least ten years is envisaged, and a fine for legal entities if their employee or responsible person in a legal entity has performed any of the above actions in the name and for measure of the legal entity. (Official Gazette of the Republic of Macedonia No. 37/96 ... 248/18)

Displaying pornographic material to a child is a crime that can be a computer crime according to the manner and means of committing the crime. Namely, considering that the easiest way to display pornographic material is by showing it through a mobile phone, tablet, laptop or personal computer or making available and sending through computer networks content in the form of photos or recordings with pornographic content. What is characteristic of this work is that the pornographic content does not have to be only with photos and recordings where minors are shown, they can also contain pornographic content by adult "actors", but the display should be for children up to 14 years. (Nikoloska, 2013)

Production and distribution of child pornography under Article 193 – a

Child pornography refers to pictures or movies (clips) depicting sexually explicit activities involving a child (meaning a minor under the age of 14). Child abuse refers to coercion or "lying" in order to perform certain sexual acts that will be photographed or filmed, and they have child pornography content. These contents are made easily accessible by the perpetrators, but also for a certain pay through special websites. According to sociologists, this is a perverse abuse of the juvenile population and it is a question of sexual exploitation from which the perpetrators profit, or child pornography is not prepared to satisfy low passions, but is prepared and distributed in order to earn money. The production and distribution of child pornography is criminalized in Article 193 - which provides that "the perpetrator who produces child pornography for the purpose of distributing, transmitting or otherwise making available child pornography shall be punished by imprisonment of at least 5 years, and the perpetrator who obtains child pornography for himself or for another or possesses, will be punished with imprisonment of 5 to 8 years, and if any of the aforementioned criminal acts are committed through a computer system or other means of mass communication, the imprisonment is from at least 8 years, and a fine is provided for legal entities". (Official Gazette of the Republic of Macedonia No. 19/04 ... 248/18)

Production means the procurement of digital cameras for photography and recording, computer processing of photographs and recordings which in certain

situations has more complex techniques of making photographs with photoshop techniques where body parts (covered genitals) are "exposed" and displayed photos of young naked faces in various poses. Images by metamorphosis can be used and processed and uploaded to child pornography websites. (Jovanova, 2012)

With this crime, the legislator protects children from their exploitation in the production of child pornography, i.e., images or audiovisual content with explicit sexual content where the actors are children, and this crime has elements of a computer crime for which the sentence is imprisonment. Computer-based child pornography is one of the most lucrative criminal businesses operating through computer networks, and according to some research and data published on the Internet, it earns over 25 million dollars a year. (http://www.popcenter.org/problems/child_pornography).

Intimidation of sexual intercourse or other sexual activity of a child under 14 years of age after Article 193 – b

Fraud for sexual intercourse or other sexual activity of a child under the age of 14 is incriminated in Article 193-b where it is provided that other sexual act or production of child pornography with and if the intention of a direct meeting with the juvenile (child) is realized, they will be punished with imprisonment of 1 to 5 years. In the communication through computer networks, a contact is made through which actions of persuasion are taken to make contact, and the crime is considered completed if the contact in which the sexual intercourse or other sexual act is performed is realized. This crime in criminal situations is a crime in a steak with a sexual assault on a child under 14 years of age.

Computer network cheating is quite common nowadays with a tendency for rapid growth, given that computers are within the reach of the youngest population who spend most of its time on social networking networks. Children often come across sites on the Internet that have pornographic content, but also sites that offer tempting offers to "create a career in the modeling and fashion world and the world of advertising." Twelve percent of the Internet sites are pornographic, and every fifth child who joins the so-called "chat rooms" is contacted by a pedophile. In modern times, children, instead of their parents, entrust their first sexual desires and experiences to the "imaginary friend from the network". (http://www.childrensembassy.org.mk/)

Incest under Article 194

Incest is a phenomenon that has a long history, in the past in some nations for economic reasons marriage between close relatives was allowed (the old Jews), but later under the influence of the church, marriages between close family members were banned, sanctions were provided for such behaviors. The reason for sanctioning marriages or sexual relations between close family members was the birth of a child (children) with psychophysical anomalies and deformities. Incest is one of the forms of sexual abuse and abuse of power by adults over children.

Incest is a crime incriminated in Article 194 which provides that "the perpetrator who has intercourse with a blood relative in a straight line or with a brother or sister, if a child under 14 years of age shall be punished by imprisonment of at least 10 years."

Publication of a court judgment under Article 194 – a

The publication of a court verdict where the victims are children under 14 years of age is provided by Article 194 - a, where the court at the request of the public prosecutor will decide on the account of the convict to publish the final court verdict or an excerpt from it through the media. By protecting the victim's personal data.

3. VOLUME, STRUCTURE AND DYNAMICS OF CRIMES WITH SEXUAL ABUSE OF CHILDREN IN THE REPUBLIC OF NORTH MACEDONIA

Sexual abuse of children is manifested through specific crimes embraced in the Criminal Code of the Republic of Macedonia; the Ministry of Interior in cooperation with the Public Prosecutor has the authority to act ex officio for these crimes. In order to assess the situation with detected crimes and reported perpetrators, an analysis was made for the period 2016 - 2020 for sexual crimes with elements of sexual abuse, namely: Sexual assault on a child under 14 years of age under Article 188; Satisfaction of sexual passions in front of another according to Article 190; Showing pornographic material to a child under Article 193; Production and distribution of child pornography under Article 193 - a; Fraud for sexual intercourse or other sexual activity of a child under 14 years of age under Article 193-b and Incest under Article 194.
The data are provided by the analysis of the Annual Reports, where the part of sexual offenses covers the crimes of sexual abuse of children, and in the part of cybercrime are the sexual offenses committed with the abuse of computer systems and networks and electronic devices.

In the investigated period, a total of 267 crimes with elements of child sexual abuse were detected, for which 259 perpetrators were reported. The large number of reported perpetrators of detected crimes indicates recidivism. The highest number is sexual assault on a child under 14 years of age, 156 criminal acts for which 165 perpetrators were reported, or 58.4% in relation to acts and 63.7 in relation to perpetrators. In terms of growth by years, it is noted that the largest increase is in 2020, and the same year the perpetrators of 2 crimes "Production and distribution of child pornography" were not identified. This indicates the fact that for these crimes it is more difficult to determine the identity of the perpetrators who are skilled and use fake profiles, change passwords, but also login locations. The need for ongoing training in the provision of electronic evidence on the basis of which the identity of perpetrators of computer crimes can be established is essential, in particular, to protect children from sexual harassment and abuse.

Table no. 1 Scope, structure and dynamics of crimes with elements of child sexual abuse

Year	Art. 188		Art.190		Art. 193		Art. 193 – a		Art. 193 – б		Art. 194		Total	
MOI-R.M	Cr.	Perp.	Cr.	Perp.	Cr.	Perp.	Cr.	Perp.	Cr.	Perp.	Cr.	Perp.	Cr.	Perp.
2016	30	30	14	14	8	8	7	7	0	0	0	0	59	59
2017	26	26	10	10	0	0	4	4	0	0	0	0	40	40
2018	32	32	18	14	2	0	2	2	0	0	0	0	54	48
2019	29	37	11	11	4	2	6	5	0	0	0	0	50	55
2020	39	40	17	13	4	2	2	0	2	2	0	0	64	57
Total	156	165	70	62	18	12	21	18	2	2	0	0	267	259

4. CRIMINAL INVESTIGATION OF SEXUAL ABUSE OF CHILDREN

The Ministry of Interior is the competent body for detecting, clarifying, proving and preventing child sexual abuse. They are the body that conducts the procedure for detecting and clarifying the sexual abuse of children in cooperation with the Centers for Social Work within the Ministry of Labor and Social Policy. The police are obliged to act in accordance with the laws and bylaws, and a special Protocol for cooperation between the competent institutions in cases of child sexual abuse and pedophilia has been adopted. (https://mtsp.gov.mk/WBStorage/Files/protokol_zloupotreba_deca.pdf)

According to the Protocol, the purpose of the police is to protect children who are victims of sexual abuse and pedophilia, to prevent the protection of child victims of sexual abuse and pedophilia and to prevent and detect crimes in the field of sexual freedom and morality, to detect and apprehend perpetrators of this type of criminal acts and their surrender to the competent authorities. In cases when the police in any way (written, oral, by phone) from parents, citizens, neighbors, professionals from the Centers for Social Work, health facilities, schools, NGO sector, local government representatives or other persons, or when she has received information from the media or during some other procedure, or in any other way to find out about the existence of sexual abuse of a child or pedophilia, in accordance with the Law on Police should act immediately and without delay.

Upon receiving any information about sexual abuse of children up to 14 years of age, the police take measures and actions for full enlightenment and provision of evidence and in cooperation with the Public Prosecutor a specific crime is classified, and child victims of sexual abuse are treated appropriately.

Conversing with a child victim of sexual abuse

Conversing with a child - a victim of sexual violence is perhaps the most difficult thing to pay special attention to, because the child is a victim of the perpetrator, and any further talking and presenting facts lead them to experience the pain of the event, which is very unpleasant for them. The conversation with a child victim of sexual violence should be conducted in appropriate premises and appropriate conditions, and the conversation should be conducted by specially trained police inspectors. The conversation takes place in a room specially equipped for that purpose, and according to the work program, such rooms are equipped in several centers for social work (special rooms where the environment is adapted to their age, they have toys, children's chairs, pictures, etc. The talk with children is performed with certain breaks.

The child victim of sexual violence appears in a dual role, as a victim and as a witness sui generis. Clarifying their role in the sexual drama as a damaged person, but also as the most important source of information about the criminal event and the identity of the perpetrator, as well as how the contact with the perpetrator is established and whether they are related. The operative worker before the conversation with the child - victim should have enough information about the child, the consequences of the criminal event, if there is provision of data on the potential perpetrator, if known. The operative worker performs most of the operative checks that are necessary in order to clarify certain ambiguities in the conversation with the child, as well as operative checks for the behavior before and after the criminal event. Data and information are collected from various sources (educators, teachers, relatives), and the information should be of the type: how the child told about the incident, to whom they told about the incident,

what terminology the child uses - related to sexuality, what kind of a child they become word-scary, emotionally labile, introverted, "hard nut", how the child behaved after the event, which were the first signs of recognizing that they were sexually abused and so on. (Angjeleski, 2008).

The course of the conversation with the child should be friendly, with a special approach to asking general questions first, and then gradually introducing in the topic of the conversation, one should not insist that the child answers the questions to which they do not want to answer. During the conversation, the child can ask for a toy that is in the room, they should be given that toy, they should not treat the child in a strict police manner, the situation itself should be relaxed, as much as possible, so that the child felt confident in front of the respondent and others present (social worker, parent) to talk. Due to the difficulty in conducting the conversation with the children, something is often asked, and the child answers something completely different or asks a question, the operative can hardly notice the answers and note the child's behavior, so the conversation is recorded and operational material is compiled. It is especially important to have information about the child's literacy, whether he or she can read and write, whether he or she likes to draw, in certain situations children answer many questions through drawing. The conversation with the child should be short up to 30 minutes, to take more breaks. The structure of the questions should be asked according to the specific situation, not to have an accusatory character such as: Why was the child left with a stranger? It is a police tactic to emphasize in the conversation with the child that they did nothing, that they are not guilty, and that their parents are not angry about it; that it happens to other children, but they are strong children and say what has been done to them, so they should be brave, not to have any fear of the "bad uncle", that they are protected, etc.

Conversing with sexually abused children and with children in general requires special skills, patience and posture by instilling confidence and their release to speak, to recognize a person in a photography without fear. It is most difficult to gain the child's trust and start talking, the further course of the conversation depends on the type of questions that has to be posed carefully, the short ones that the child can answer. Questions should be formulated about their age and environment.

Measures and actions to shed light on and provide evidence of child sexual abuse

Depending on the initial information, appropriate measures and actions are taken which are legally provided and their undertaking is planned and organized in coordination with the competent public prosecutor who is in charge of conducting the case and issuing appropriate orders to the police. Depending on the time of the criminal act and the time of reporting, but also the first information about the manner of execution and the means that enabled contact between the victim and the perpetrator, appropriate measures and actions are taken.

Depending on the condition of the child, in terms of visible injuries to the body, the body is examined and visible injuries are photographed. Photographs can be a good way to document child abuse when it comes to showing the injuries or conditions of the home environment. Photographs should be taken immediately, as children's injuries heal quickly, and home conditions can change quickly. Black and white photographs and color photographs showing bruises, burns, cuts, or any other injury requiring medical treatment should be taken. Witnesses are required to be present when photographs are taken, who will later testify about the location and extent of the injuries, including the

medical staff examining the child. The need for photography should be explained to the child to avoid further fear or excitement. It is necessary to follow all the procedures for photographing the place of commission of a crime. (Korajlić, 2012)

The police also organize an inspection of the scene in order to find traces and objects that originate from the crime: traces and objects from the victim, the perpetrator and those found during the commission of the crime. The most common traces of the victim are traces of blood, traces of torn clothes, torn hair. Objects found at the scene are objects that belong to the child (a toy they carried with them, part of the torn clothes, left piece of clothing (coat, T-shirt, etc.). Objects and traces of the perpetrator: traces of semen, items belonging to the perpetrator: dropped watch, wallet, piece of clothing, etc. In addition to these items, if computers are found at the scene, from the child's statement if it appears that they were lured to watching a "cartoon", seize the computer or mobile phone, tablet, in order to analyze computer data and provide evidence of possible child pornography or messages to lure the child to meet and contact the abuser.

Depending on the criminal situation, the measure of search of a home and a person may be taken in order to find objects that originate from the crime.

Appropriate expertise is done for all provided clues in order to obtain relevant evidence of a crime and evidence that indicates the involvement of a suspect and disclosure of their identity, especially in unknown perpetrators when the identity is determined on the basis of clues, this is most often through DNA analysis of secured clues from the crime scene or traces found on the child's body.

Based on all the measures and actions taken, the criminal situation is clarified, and the action and care of the child is in cooperation with the health institutions (in case of physical injuries, psychological trauma, etc.), in cooperation with the centers for social care.

Police action in criminal investigation of child sexual abuse

Recommendations for police action in cases of sexual abuse of children, especially in case of sexual assault on a child should be aimed at:

• Have an understanding of sexually abused children and their problems.
• Permanently train and educate operatives to acquire and improve communication skills and abilities in order to understand the victims and gain their trust, but also respect for their personality and privacy.
• To have understanding and feelings towards children.
• To have maximum patience in working with children.
• Let the children express their feelings on their own, tell their own story about what happened to them, listen carefully to what they are saying. An old rule in dealing with child victims is "it is an art to listen".
• To instill in them hope that all is not lost.
• Be kind and considerate to young victims.
• To give them confidence that the police will help them and that they will always be in their protection.
• Do not make false promises to children, help them within their means and encourage them. (Krstich, 2006).

5. CONCLUSION

Sexual abuse of children is a serious problem faced by even the most democratic countries in the world, our country is also facing. It is a crime where the victims are the youngest population of the inhabitants, they are children who have insufficiently developed awareness of judging what is normal and what is not in the behavior of adults towards them and it directly affects their further psycho-physical development. The Macedonian criminal legislation covers several criminal acts, which include criminal acts against children under 14 years of age, including physical sexual abuse of children, to the use of children for the production and distribution of child pornography, and in particular the distribution of child pornography through computer systems and networks. In the Macedonian criminal practice of the Ministry of Interior, as a competent state body with police powers, several cases of sexual abuse of children are recorded, and according to the analysis of the data, information on recidivism or recidivism can be obtained. According to the analysis of the data, the sexual abuse of children is in most cases with sexual assault on children, in essence with sexual physical abuse of children. However, the cases with elements of child pornography are also evident, especially the abuse of information technology in the part of displaying child pornographic material, but also the use of children to make materials in the form of pictures or recordings with explicit sexual content involving children and in the distribution through the computer networks of child pornography.

The criminal investigation of child sexual abuse is a specific procedure in which specially trained police inspectors participate, but always in cooperation with other competent institutions, especially experts from the Social Work Centers, and of course medical staff to help and support child victims of sexual abuse.

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THE SOCIAL PATHOLOGY OF "NEW NORMALITY" DURING THE COVID 19 PANDEMICS

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ABSTRACT

The world is going through the worst crises since the World War Two. The Covid 19 Pandemics has changed our societal life overnight. We are confronting with global pandemics which is restructuring the societal fabric and shaking the very core of our understanding of social normality and social pathology. Though Covid-19 pandemics primarily our health concerns rise, and the societal disturbances produced by the pandemics are not to be underestimated at all. They can be sublimed in what is called "the new normality", a clumsy term which has been coined at rush and at the same time it describes all controversy related to the pandemics. In this paper, we are trying to highlight some of the most serious societal concerns and implications of the Covid-19 pandemics. Theoretically, the paper rests mainly on the Durkheim's and Merton's structural and functional theory of societal anomie as well as the contemporary Ulrich Beck's theory of risk society and Zygmunt Bauman's theory of liquid modernity. Methodologically, the paper will use comparative theoretical analyses, as well as lexical and frequency content analysis of academic and popular sources. The findings presented in this paper will serve as basis for future research in this field, as well as help better understand the societal implications of the Covid-19 pandemics and the importance of the societal moment in which we live.

Key words: Covid-19 pandemics, normality, pathology, "new normality", value and normative order

1. INTRODUCTION

The world has never been short of calamities. Throughout the tangled human history numerous challenges brought unspeakable sufferings to humankind, ranging from natural disasters, to man-made crises. Nonetheless, the humanity managed to overcome them somehow and that is how the societal evolution made the humans superior specie that rules the planet. Each time brings with itself new and often more demanding challenges, some of which even pose the question of the very existence of humankind. Such kind of event is being witnessed by the present generation of homo sapiens. That kind of event is the outbreak of the Covid-19 virus pandemics. Since the very beginning of the pandemics at the end of 2019 in Wuhan, China, the humanity has been struggling for almost two years with the invisible sort of enemy, the virus, whose

contagiousness and unpredictability are unprecedented. The seemingly impossible has happened: borders have closed, nations have locked down, and individuals have socially isolated for the collective good. We find ourselves involved in an unprecedented social experiment. This living laboratory is ripe for sociological analysis (Matthewman & Huppatz, 2020: 675).

In the era of the juggernaut of globalization, the Covid-19 pandemics caused such disturbances that profoundly affected each aspect of human life worldwide. Amongst the consequences, surely, the most serious were the health ones, but, economic, social and cultural implications were and are still felt with almost equal strength as those related to health. Although the Covid-19 pandemics took the lives of more than 5 million people throughout the planet, with the present level of medical scientific knowledge it is expected that the pandemics will soon end, but the other consequences, especially social ones, will probably continue to exert influence in the time to follow. We could probably see some devolution in the societal relations and communication, significant changes in terms of the way the society is structured, as well as strengthening the human alienation, especially the one mediated through modern computer technologies. There are even some extreme predictions of some kind of dystopic society full of securitization. What is evident even now is that there's a reformulation of the value and normative standards of judgment regarding normal and deviant social behaviour. The quest for answers to all previously enumerated issues regarding social consequences of the Covid-19 pandemics was the leading point to embark on studying these relevant questions.

2. WHAT IS NORMAL AND WHAT IS PATHOLOGICAL IN THE ERA OF THE COVID-19 PANDEMICS

The relativity of deviance has been accepted almost as canon for defining and distinguishing normality from deviance during the last century. This idea has been transferred from anthropology to social pathology, i.e., the idea of cultural relativism, developed by the notable German anthropologist Franc Boas, has been implemented in the thesis of relativity of deviance (Герасимоски, Бачановиќ, Аслимоски, 2019: 46). The main argument of this thesis claims that deviance changes parallelly with the changes of socio-cultural values and norms which serve as standard for distinguishing between normal and pathological. The stable socio-cultural setting of norms and values serves as reliable standard, while changing socio-cultural dynamics that it incorporates provides the needed amount of criticism and prevents it from becoming dogma. In its essence, it is a way of understanding the normal-pathological that survived the critics and enabled relatively clear framework for their definition. In other words, as long as norms and values that define normal or pathological are humanistic in its nature, as well as relatively known and shared among people, we do not face with difficulties in explaining and describing the normal-pathological nexus. But we have to ask ourselves: Is this the way the things are standing nowadays?

Disparity between societal values and societal norms is a significant, if not crucial factor of societal deviance, and it was observed more than a century ago within the so called structural-functionalist sociological and sociopathological theories, such as in the theory of societal anomie and the strain theory, elaborated in the works of Emile Durkheim and Robert Merton, respectively (Durkheim, 1982; Merton, 1938; Clinard & Meier, 2011: 75-77; Ташева, 264-265; 471-474). In the newest sociological thought, these ideas can be seen in the work of the renowned sociologist Zygmunt

Bauman in liquid modernity theory and the idea of interregnum (Бауман, 2018; Bauman, 2012: 49-56). Central argument of these theoretical approaches is that the societal deviance stems from the mismatch of social values (goals) and social norms (means) as a kind of structural and functional explanation of societal deviance. According to this understanding, all societal deviance is a product of distorted value-normative order on macro sociological, structural level. Opposite of that, when there is a balance and absence of mismatch or distortion between the social values and social norms in the value-normative order, then the societal normality is present (Gerasimoski, 2020: 12).

On a micro sociological level, the level of direct social interactions, the COVID-19 pandemic inserts a new and unexpected element in the regulation of social interactions: the dangers of contamination and contagion inherent in interpersonal relationships. This will lead to a more or less extended phase of 'interactional anomie' in which people will find it difficult to recognize what rule of conduct regulates a changed interactional order (Romania, 2020: 64). On an intergroup level, some schollars beleive that we can see the development of the 'black sheep effect' - people who react more harshly to ingroup members who violate health-protective norms or 'intergroup hypocrisy' - denoting outgroup members violating the same norms (Packer, Ungson & Marsh, 2021: 311).

It is very well known that as soon as the moral relativization and value ambivalence are present in certain socio-cultural setting, we could confront with difficulties in distinguishing and defining what is normal or deviant in a certain society and culture. Moral relativization makes it impossible to follow any moral norm as moral guidance of right or wrong, while value ambivalence points out to the unclearness of socio-cultural goals that person or societal group want to achieve. It seems that nowadays, after the outbreak of the Covid-19 pandemics, we are facing a situation when the moral relativization and value ambivalence are present to an extent that they challenge the existing definition and distinction between normal and pathological. We are now in a moment when the old definition of normal and pathological is about to be changed and replaced with a new one. What is very vague and unclear is not that it could happen, since it is normal throughout the history to have some adjustment of socio-cultural standard to changing socio-cultural dynamics. What is really challenging to answer now is the very fact that we cannot see the just historical tendency that this change of socio-cultural standard will be right from humanistic point of view; namely, whether it will be compatible with the human nature and the future of humanity as a whole. In this context, Sari Hanafi reasonably points out that "the Covid-19 is a disease not only of globalization, but also of Anthropocene" (Hanafi, 2020: 3). It puts to test the very humanistic aspects of our existence. To me, it seems that, maybe, for the first time in the history, we are facing a kind of devolutionary moment in terms of definition and distinction between the normal and the pathological in society. I would like to sustain this argument a little bit more in the lines to follow.

We can see that the normal-pathological understanding has been shaken to its very core since the outbreak of the Covid-19 pandemics. As the famous contemporary intellectual Slavoj Žižek remarks, we are now seeing strange dialectics between individualism and collectivism stirred by the pandemics or rather, between societal isolation and societal solidarity. Think of this irony of separation and unification, says Žižek, as of two different sides of the same token (Жижек, 2020: 39). These processes are intermixing and changing according to new rules. Being individual is not nowadays a matter of choice anymore, but rather more social coercion brought by the Covid-19

necessity, as much as social solidarity is. Thus, from being free human beings who relied on their free will whether they will act as individuals or part of a group, nowadays, the simple coercion of Covid-19 dictates whether we will be alone or together with others.

That is surely a devolution and a pathway to dystopic society of tomorrow. Our humanistic free will has been replaced with tantalizing everyday struggle for survival. We have become so preoccupied with our everyday fears for our physical existence that, in fact, COVID-19 has reduced us to a 'society of survival', as alludes the famous Korean intellectual Byung-Chul Han (Siguenza & Rebollo, 2020). Han's controversial thesis of the 'burnout society' has recognized the so-called 'dialectic of negativity' with which we are faced every day in order to beat the Corona virus (Хан, 2016: 11). It seems like the somehow forgotten idea of Jean Paul Sartre's existentialist philosophy comes to the fore again, and that is the idea that 'existence comes before essence' (Ward, 2020: 727).

The reasons for this can be traced back some several decades ago with the emergence of postmodern society and later its mixture with the globalization. It has been marked with the unprecedented socio-cultural risks, mainly manufactures risks, in what the seminal German sociologist Ulrich Beck calls "the risk society" (Bek, 2001; Гиденс, 2002). In our present time we are confronting with numerous security risks, which are constantly increasing, becoming worse and more and more unpredictable. The very dialectic and development of risks has made us much more vulnerable and produced further worries, anxieties and fears. "An open society is a society exposed to the blows of fate", remarked Zygmunt Bauman, thus, in some way announcing what could turn wrong with globalized and postmodern society at its peak (Бауман, 2016: 11). Thus, the present Covid-19 pandemics can be seen not only as the cause for many contemporary social pathologies, but, at the same time, and not much less importantly, as a consequence of what has been announced years, even decades ago, especially in Erich Fromm's and Juval Noah Harrari's seminal works. Thus, while Fromm spoke about 'ill society', Juval Noah Harrari has been talking recently of the so-called "ticking bomb in the laboratory", as an allusion of manufactured risks that created this Covid-19 present time (From, 1980; Харари, 2019: 303).

3. THE "NEW NORMALITY" THESIS AS SOCIAL PATHOLOGY OF NOWADAYS

For almost two years we have all been living in a dramatically changed socio-cultural environment. The Covid-19 pandemics has thrown us into a new and unprecedented situation, full of uncertainty. At the very beginning modestly, and later on very explicitly and frequently, the newly coined term "new normality" started to gain more prominence in public, scientific and everyday discourse. All of a sudden, everyone asked themselves: What if this new has little to do with what is considered good or at least better than what was before? People living in modern societies were used to think that "new" means, by default, something which presumably signifies or alludes to good and there has to be something progressive in it. But, the new socio-cultural moment, defined by postmodernism and globalization, has assured us, even previously, that the adjective "new" could be nowadays seen more as something bad than good. That is why the general public has showed significant cautiousness when it comes to uncritical and hasty reception of this term. In actual fact, what stands behind this puzzling and controversial term?

Gerard Delanty cleverly notes that the current situation with Covid 19 pandemics, despite its uncertainty, is very likely not to be exceptional. Indeed, the current exceptionality may become the new normality (Delanty, 2020: 1). The normal is not a static or peaceful, but a dynamic and polemical concept (Canguilhem, 1991: 239). The very term "new normality" is, a matter of the fact, the social pathology of nowadays. The "new normality" term, or ever thesis, as it was posed, contains much more poison in itself than it looks like at first glance. The very term could be seen more as culmination of previously announced societal pathologies for decades ago, which nowadays only acquired the necessary qualitative features to be defined as a separate term. Namely, the "new normality" is in fact, a kind of sublimation of different societal disorganizations, societal deviances and problems that lingered during the past decades before the postmodernism and globalization even took place. It could be seen as sublimated whole of societal anomie and alienation, coupled with the risk society thesis that emerged in the meanwhile. The Covid-19 pandemics, although it looks like it is a completely new phenomenon, in socio-cultural terms can be seen only as continuation of previously present processes of societal pathology that have seen its apogee only with the outbreak of the pandemics. In fact, multiple pathologies had already proliferated and were affecting everyday life (Monaghan, 2020: 1989). The Covid-19 pandemics made us much more aware of their presence, accentuated them, thus creating pretty unpleasant, ugly and disturbing picture of the world we are living in. Covid-19 can be seen as a mere accelerator of the processes that were put into motion some time ago, rather than a radical changemaker (Tesar, 2020: 556). However, we would agree with the claim that this pandemic situation stands for an abnormality that cannot (should not) become the new normal. If this happens, it is the very notion of society that is at stake (Ferreira, Maria Sá, Martins & Serpa, 2020: 13).

It is important to highlight here the peculiarities of the "new normality" term and thesis. Thus, the "new normality" is characterized by the following:

- Frequent interexchange between social isolation and social solidarity;
- Devolution of socio-cultural communication;
- Strengthening of risk culture;
- Worsening of different societal deviations, especially socio-pathological ones;
- Moral relativization and value ambivalence;
- Further increase of the significance of biotech and infotech in everyday human life.

Of course, these are only some of the most important characteristics of the "new normality", i.e., social pathology of nowadays. I will reflect on each of them and try to bring closer their essence.

The Covid 19 pandemics brought about frequent interexchange between social isolation and social solidarity. People are constantly and alternately put into social isolation (quarantines, lockdowns) or forced into unnatural forms of social solidarity due to the social isolation, such as spending more times within the primary societal groups. This would be perfectly normal in non-Covid times, when interactions among members of the primary groups would take place naturally, without people being forced to do so. There are some studies that this forced social solidarity at the very beginning of the Covid-19 pandemics would be even deemed as positive, creating what is known as "pulling together effect", thus even reducing and alleviating the negative Covid-19 effects of the initial blow. But, on long term, it would actually trigger different sorts of

dysfunctions and disorganizations within the primary groups, such as increase in the domestic violence.

The Covid-19 pandemics has affected the way people live interpersonal relationships. The lockdown was characterized with a different organization of daily life, with an incrementation of time at home and a reduction of distance through digital devices (Saladino, Algeri & Auriemma, 2020: 4). As the Covid 19 pandemics progresses, we can see the contours of what we can describe as devolution of socio-cultural communication. There is a reasonable and grounded fear that as time passes, the people will start losing or transforming some of the socially inherited and developed skills of societal communication, since there are tendencies to be replaced by the computer mediated communication. The online education is probably the most extreme case which produces many harmful consequences to the normal societal development of the children, thus depriving them of the indispensable direct and technologically non-mediated communication which is vital for their development to normal societal beings. Actually, Covid 19 pandemics only accelerated these negative developments that took place before and if the pandemics lasts more, it would probably cause even more frightening and irreversible devolutionary effects in socio-cultural communication.

Living in the times of Covid-19 pandemics has brought to light one more peculiarity in what we call the pathology of 'new normality' and that is strengthening of risk culture. The Covid-19 pandemics poses mainly health risk, but also security, economic and societal risk as well. Developing risk culture means routine everyday existence with the presence of the Covid-19 virus as risk. It also implies being preoccupied with understanding, assessing and finding ways of dealing with this risk. Thus, our everyday lives have become structured, organized and aimed at overcoming the virus. In these terms, the risk culture of Covid-19 pandemics is one of the central features of the pathology of 'new normality', where newly created risks have become part of our lives like never before throughout our history. Since the risks are mainly negative and bear security connotation, they create society and culture of constant concern, anxiety and fear, especially felt among young generations. There is even a coned term of the so-called 'Covid generation' (Заревска, 2021).

Since the outbreak of the Covid-19 pandemics, there was an evident and documented worsening of different societal deviations, especially socio-pathological ones. According to numerous scientific studies, there was an increase in some socio-pathological phenomena, such as alcoholism, suicide and domestic violence. Some of them, such as suicide rates, have not been associated with the very outbreak of the pandemics (in actual fact, they even decreased during the first wave of the pandemics), but later on increased as the pandemics was prolonged and saw further waves. In the case of alcoholism and domestic violence, there are numerous studies that show their increase during the whole period of pandemics.

One of the most significant features of the pathology of 'new normality' is of course what we call moral relativization and value ambivalence. They started with the very crisis of the late modernity and intensified during postmodernism and globalisation. Modern freedom has been won by overthrowing the moral principles that preceded it (Тејлор, 2012: 7). Morality, as the glue of societal order, was traded for more freedom, which only brought about more risks and uncertainties. When the moral norms (societal means) became fluid, relative and not very well shared and recognized, they immediately called into question the very socio-cultural goals, i.e., societal values. Consequently, moral relativization and value ambivalence contributed significantly to what we nowadays call the societal pathology of 'new normality'.

And last, but not the least important, the social pathology of 'new normality' resulted in further increase of the significance of biotech and infotech in everyday human life. Actually, the future of the humanity will most probably be marked with the dominant presence of biotech and infotech in our lives, which already have started to merge. It can be seen in the modern computer technologies, such as computer algorithms and artificial intelligence. They would further diminish the influence of the humans to their own lives and thus voluntarily surrender more of human will and freedom to these extra human authorities. We could only imagine the horrible dystopic society of the future if these processes develop to its full potential in the future (Харари, 2019; Харари, 2018).

4. CONCLUSION

The Covid-19 pandemics caused such disturbances that profoundly affected each aspect of human life worldwide. Amongst the consequences, surely, the most serious were the health ones, but, economic, social and cultural implications were and still are being felt with almost equal strength as those related with health. We can see that the normal-pathological understanding has been shaken to its very core since the outbreak of the Covid-19 pandemics. The very term "new normality" is, a matter of fact, social pathology of nowadays. The "new normality" is in fact, a kind of sublimation of different societal disorganizations, societal deviances and problems that lingered during the past decades before the postmodernism and globalization even took place. Among the peculiarities of the "new normality" term and thesis we can single out the following: frequent interexchange between social isolation and social solidarity; devolution of socio-cultural communication; strengthening of risk culture; worsening of different societal deviations, especially socio-pathological ones; moral relativization and value ambivalence; as well as further increase of the significance of biotech and infotech in everyday human life.

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DEVELOPMENTAL CRIME PREVENTION: THEORETICAL BACKGROUND AND PERSPECTIVES

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ABSTRACT

Developmental crime prevention is inspired by the studies of human development in the 90s, aimed at reducing the development of criminal potential. It deals with the individual development of antisocial and criminal behaviour, as well as with risk factors at different age of human life. As the risk factor predicts an increased likelihood, the protective factor reduces the likelihood of law infringement. Related to life phases in the development of personality, developmental psychology distinguishes several stages with specific development tasks and levels of maturity, influencing the behaviour of people. Therefore, individuals need to confront the challenges that life brings, in order to move forward to the next phase and to face new challenges and tasks. In that sense, developmental interventions rather than crime and criminal behaviour target risk factors. In fact, crime reduction comes as a result of successful early intervention in people's lives. It has theoretical background in several theories within developmental criminology, such as: Moffit Life Course Persistent theory (Moffit, 1993), Social Development Theory of Hawkins and Catalano, (1996), Integrated Cognitive Antisocial Potential Theory (Farrington, 2005) and Age-graded Theory of informal social control (Sampson and Laub, 1993). In order to understand their theoretical perspectives and findings, we will present their main views regarding the focus and subject of their research, the key factors and processes of interactions and about the design and intent of the preventive measures.

Key words: developmental crime prevention, risk factors, protective factors, developmental criminology, life course

Introductory remarks on the developmental prevention

Developmental prevention is inspired by studies of human development in the 90s, which strive to reduce the criminal potential of people. It deals with the individual development of antisocial and criminal behaviour, as well as with risk factors at different ages of human life. This approach is based on the medicinal approach which takes several steps in treating certain health disease: first determining the risk factors for a disease, then planning appropriate treatment for their reduction and, at last application of certain treatment (Welsh & Farrington, 2010). But, taking into account the development of the human personality, every stage of human life brings its own

special characteristics which are reflected in the emotional, social, moral, intellectual and cognitive development. They are closely related to antisocial and criminal behaviour of people, which in conjunction with other objective reasons (socialization, adaptation at school, gaining work qualifications, finding a job, losing a job, forming a family, acquiring parenting skills, etc.) affect the commission of crime. Developmental prevention endeavours both, to identify and to reduce risk factors associated with antisocial and criminal behaviour and to identify and enhance protective factors. As the risk factor predicts an increased likelihood for breaking the law, the protective factor reduces that likelihood (Farrington, 2010: 607). Related to life phases in the development of the personality, developmental psychology distinguishes several stages: infant (up to 3 years) childhood (early, middle and late stage of childhood (up to 18 years), adolescence (18-24 years), early maturity (25- 40 years), medium maturity (40-60 years) and late adulthood (60-70 years) and an old age (over 70 years) (Brkovic, 2011). They have their own specific developmental tasks and levels of maturity, which influence on the behaviour of the people and how they confront and accept the challenges in their lives. Therefore, the individual has to overcome developmental tasks in every stage in order to move to the next with additional challenges and tasks (Brkovik, 2011). The golden rule that leads within this approach states that "*is never too early and never too late"* to intervene (Homel, 2005: 38). Hence, the development model of crime prevention examines (1) how social and psychological processes at different stages of life affect the likelihood of committing certain deviant or criminal behaviour and (2) how life experience and transitions from one to another life stage influence individual behaviour. In short, developmental interventions target risk factors, rather than crime and criminal behaviour. In fact, crime reduction comes as a result of the successful early intervention to improve life and to stop young people getting into serious difficulties (Cullen, Benson, Makarios, 2012).

Taking into account the above mentioned, in the article we have made a review of the scientific and research literature related to the developmental theories and risk-based prevention programs. In developing a programme, practitioners refer to certain recognized theory about the causes of crime and then proceed to design an intervention to target the factors identified in that theory. In that sense, we consider several developmental and life course theories of crime that not only explain offending but also take into account the developmental changes that are the hallmark of adolescence. This is followed by a review of programmes that have been designed to address the risk factors (individual, family school and community-based). In particular, we will make review of the models of prevention and early interventions for promoting early child development, which are recognized and successful in their implementation.

Theoretical backgrounds of developmental prevention

Developmental prevention has theoretical foundation within developmental criminology which explores and studies the interconnectedness among several variables such as: crime, age, life experience and personal development at all life stages. The basic starting assumption is that crime can be learned from the behaviours, beliefs and attitudes that are taught in early childhood or during the child's development. Although, the criminological literature distinguishes *developmental theory* and *theory of life course*, certain scholars consider them as synonymous, but others make differences according to certain characteristics. In this sense, along with *developmental theories*, people grow and develop in a way that can be predicted as they are passing through

standard life scales. Some go through *normal* social paths, but some do not. Hence, developmental theories focus on the relationship between the conditions and the experience in early childhood and the extent to which these conditions and experiences are associated with further violent or deviant behaviour. They attempt to explain the "natural history" of a criminal carrier: its onset, the course it follows and its termination. Consequently, many interventions based on developmental theories cover only criminal risk factors that exist in childhood in order to prevent the onset of crime. Instead of talking about causes, developmental prevention talks about risk and protective factors (referred to Fisher & Lab, 2010: 282). On the other hand, according to the *theories of life course,* certain significant events in the lives of people redirect the course of their lives in a positive or in a negative way (Cullen, Benson, Makarios, 2012: 25). They reflect the view that criminality is a dynamic process, influenced by many characteristics, traits and experiences, and that behaviour changes accordingly, for better or worse, over the life course.

So, *life course theories* explore the turning points in people's lives and their connection with the termination of the crime, while *developmental theories* emphasize early life experiences on child development. Despite some differences in explaining the development of human behaviour, in this article we will name all the theories as developmental. They are dynamic and focus on three main topics within their research. First, they study the development and process of criminal and antisocial behaviour, in particular the process of activation (early deviant behaviour) and the processes of amplification and termination of crime. It starts from the assumption that a child who manifests an antisocial behaviour can become an adolescent with such behaviour. In those circumstances, if timely interventions lack, the negative behaviour will enter into next developmental stages in even more severe shapes. Hence, developmental criminology sees crime as a series of paths (trajectories) followed by individuals with antisocial behaviour (referred to O'Brien & Yar, 2008: 56). The second topic is the study of risk and protective factors at different age. The third aspect under scrutiny is the effects of life events during developmental course, such as: leaving school or home, marriage or divorce, migration, criminal convictions and the like. Therefore, developmental theories study life transitions from one phase to another, their duration and intensity and how they affect people's behaviour (referred to O'Brien & Yar, 2008: 57). Their basic assumptions are that (1) the propensity for criminal behaviour is developed in the early childhood and extends throughout the life course, (2) antisocial tendencies and behaviours will be increased if young people at risk live in families, neighbourhood or go in schools that are problematic or with high risk of crime, (3) repressive and stigmatizing criminal sanctions, including imprisonment, deepen criminal inclinations and motivations and (4) well planned interventions, with adequate theoretical background, can exert a positive influence on youngsters at risk (Cullen, Benson, Makarios, 2012: 26).

Theory of life course (Terrie Moffit, 1993). The Life Course Persistent theory analyses the life course of the persistent offenders who make up a small percentage (about 5%) of the total population of offenders. It leads to the conclusion that they have behavioural problems since early childhood, which pass through the adulthood, with different manifestations and intensity (Casey & Day, 2008: 10). In that sense, preconditions that exist in childhood, which are associated with an increased propensity for criminal behaviour in adulthood are: certain personal traits of the child (e.g., decreased attention, impulsivity, hyperactivity, destructiveness or problems with speech, hearing, and memory), poor parental supervision during early childhood,

problematic family environment etc. For example, a hyperactive child with limited cognitive abilities, who grow up in a family with poor parental control begins to manifest behavioural problems. Throughout the life course, the negative effects limit his opportunities in the future. For example, *problematic* children are, usually, not accepted by other children who avoid them. Because they have problems to behave on acceptable and common social way, they gain little friends which limit the potential to develop and to learn social skills through the process of socialization. Such children show little success in school that also reduces the opportunities for further employment. On the other hand, involvement in crime and delinquency raises the mechanisms of the criminal justice system, which lead to arrest and detention. Consequent convictions and imposed punishments stigmatize and marginalize the young offenders with reduced chances to succeed in life. In fact, the basis of this theory is that when the child once enter the deviant circle is unlikely to get out of that circle. So, we need to intervene early in childhood, before to start developing criminal tendencies.

Theory of Social Development (David Hawkins and Richard Catalano, 1996). According to Social Development Theory, youngsters develop social or antisocial behaviour depending on whether they are more susceptible to risk or protective factors. According to the authors (1996), antisocial behaviour is initiated in childhood or early adolescence. Since early onset predicts severity and persistence of behavioural problems, the theory explains the beginning, maintenance and termination of such behaviours, which depend on the family, school, social and community institutions as important factors in the process of socialization. In this sense, positive social relationships are formed when the processes of socialization are permanent and when the major factors reinforce the informal control. In order to maintain positive bonds with the family, school and the community, young people should accept acceptable and common values and norms of behaviour. Thus, they gain membership and support and become part of them (Casey & Day, 2008: 14). Otherwise, if the youngsters are associated with individuals who exhibit antisocial behaviour, they accept antisocial values of the group. So, based on the Social Developmental Model, socialising factors that connect young people with their family, friends, school and community have positive or negative impact on their behaviours (Casey & Day, 2008: 15).

*Theory of Integrated Cognitive Antisocial Potential (David Farrington, 2005).*The basis of Integrated Cognitive Antisocial Potential Theory is the development of antisocial potential and its transition in antisocial behaviour, which depends mainly on the cognitive processes of the youngsters. Farrington builds his thesis on research conducted on 411 males in South London, who followed up to their 40 years of age. Based on the findings, he divided the identified risk factors into two groups: (1) long-term risk factors that encourage development of crime trends and (2) short-term risk factors from the environment that make opportunities for crime commission. *The long-term risk factors* can be different. Some of them are the desire for material things, for status, excitement and for sexual activity. Additional risk factors are the antisocial models of behaviour, such as parents with criminal behaviour, schools or neighbourhoods with high crime rates etc, which encourage antisocial potential or reinforce illegal ways to satisfy the needs for material goods, status, excitement, etc. (Welsh & Farrington, 2010: 622). Third long-term factor, according to Farrington (2005) is the socialisation process of an individual because the failure to establish normal social relations in the community fosters long-term development of antisocial personality. *Short-term risk factors* are, actually the situational factors and the poor cognitive processes. For example, certain situational factors (place with high risks,

appropriate time, appropriate victims etc.) correlated with poor cognitive assessment of the positive and negative consequences of crime by the perpetrator generate crime. Considering that, this theory proposes two sets of interventions: (1) early intervention to reduce and prevent development of criminal trends or antisocial potential and (2) interventions directed towards individuals with already developed criminal tendencies (antisocial potential) to prevent transmission in criminal and antisocial behaviour. Besides, preventive are certain situational measures and programs for mobilizing the community to increase its formal and informal social control so as to reduce opportunities for crime.

Age-graded Theory of Informal Social Control (Robert Sampson & John Laub, 1993). The Age-graded theory of informal social control explains paths (trajectories) of deviant and criminal behaviour over the life course of the people. Proponents of this theory, start from the premise that delinquency, crime and deviance are natural phenomena through the human development, which means that if the human natural inclinations are not controlled or prevented, people will behave in deviant or criminal manner. An important factor to prevent such anti-social and criminal behaviour is the informal social control during all life stages, which varies according to the age. For example, the child should have strong ties to family and school which are responsible for the primary socialization processes. After graduation, working relations, marriage and family status are supposed to replace the previous informal control. However, if lacks good social control in the first phase, negative consequences are repeated in the second phase and the new control mechanisms cannot easy establish control later in the life. It can be explained as accumulation of negative consequences in the life similarly like rolling snowball downhill which gets bigger and bigger. Those circumstances burden the possibility to exit criminal circles. The individual faces the risk of being stuck (trapped) in that circle and because he/she cannot develop positive social relationships, may get deeper into the crime. In this regard, the founders of this theory (Samson and Laub, 1993) believe that there is a significant association between criminal tendencies at an early age and social reaction or informal social control, which affect the behaviour and life chances in adulthood. The continuation of criminal behaviour is not the result only of criminal tendencies, but also of social reactions. Hence, a significant feature of this theory is the belief that social processes (establishing and maintaining positive social working and family relationships) can affect certain people (who are already prone to crime in their early ages) to refrain from crime in the later stages. For example, the offender may give up life of crime when they find a turning point into new beginning that will allow him to move forward in a positive direction. Such a turning point (or *exit moment)* can be: finding a supporting partner, new inspiring job, moving to another neighbourhood or city, delivering of a child, loss of a close person etc. That point allows the perpetrator to terminate the life prone to crime, to leave old habits and to start new life. In other words, to turn a new page in life. This theory has an optimistic dimension believing that a change in behaviour and withdrawal of crime can happen to anyone in every moment of the life. Proponents are against the idea that a small number of fixed paths (trajectories) related to crime and deviance are followed by the people. According to them, change, growth and development and termination of criminal behaviour can occur throughout the life course (Cullen, Benson, Makarios, 2012: 35).

Foundations of developmental prevention: risk – based prevention

In the literature there is a tendency to equate the developmental prevention and the risk-based prevention (Homel, 2005: 9). The basic idea of risk-based prevention, which becomes popular in the 90s, is simple. You need to identify key risk and protective factors at different ages (including biological, individual, family, school, neighbourhood and situational factors). It starts from the assumption that individuals who are more exposed to risk factors have a greater tendency towards delinquent behaviour and vice versa. Individuals who are protected from the risk factors in early childhood are less likely to exhibit criminal behaviour later. So, the prevention strives to reduce the impact of risk factors and, in turn, to increase of the protective factors in the early phase of childhood (Fisher & Lab, 2010: 281-282).

Generally speaking, the risk is a situation of exposure to high potential for danger, damage, loss or injury. Linked to crime, risk factors are prior factors that predict an increased likelihood of antisocial behaviour. Their importance lies in the potential to serve as a red flag (and alarm) which signals an increased likelihood of deviant development. In fact, the risk factors do not identify exactly who commits a crime, but show a possible problem for the future deviant behaviour (Lab, 2008: 257). Because their relationship and influence on criminal behaviour are different, determining which risk factors are causes and which indicators can cause difficulties in designing appropriate risk-based interventions (Crawford, 2010: 883). Therefore, appropriate planning programs need to carefully identify persons at risk. Also, since the specific developmental of life stages affects various factors, more attention, should be paid to the factors that are associated with the onset of deviant and criminal behaviour, rather than to those which reinforce and terminate crime career (Loeber, Stephanie, Green & Lahey, 2004: 92-93). Or (in other words), if we reduce the risk factors early in life, less likely is to develop in the later stages.

Regarding their nature, factors can be individual, family, school and community-based. *Individual risk factors* might be: attention deficit, hyperactivity, aggression, impulsivity, cognitive disorder, poor school results, incomplete education etc. For example, difficulties in the cognitive process are closely connected with the behavioural problems in preschool and school age. Therefore, programs to improve cognitive skills should start in the early stages of child development. Victimization in childhood is also an important factor for behaviour disorder, especially for physically abused or abandoned children (more in Jovanova, 2014). Despite these symptoms, lack of social skills is a common feature of aggressive children and adolescents. In fact, children with underdeveloped social skills, are often rejected by others and, as a result of such refusal, *unwanted children* attract and make friends with children who have similar antisocial problems. Such negative socialization plays an important role in the development and continuation of antisocial careers. In short, significant risk factors associated with antisocial behaviour are: low intelligence, poor socialization or difficulty in establishing social relationships with others, low empathy and a sense of criminal liability, etc. (Farrington, 2004: 9).

Factors related to the family environment shape not only the early development of the child, but also the future life course. Early experience in a healthy and positive family environment improves life paths through these developmental stages. Conversely, dysfunctional families, family violence and other problems have a negative impact over youngsters who live and grow in such conditions (Mackey, 2013: 32). In fact, family factors are the most important risk factors in early childhood that generate

antisocial behaviour in adulthood (Utting, 2004 243). They are: poor family conditions, young mothers, lack of parenting skills, authoritative discipline, poor family supervision, conflict between parents, separation from a biological parent, a parent with antisocial behaviour and the like. Because parents are significant role-models to their children, consequently, the anti-social behaviour of parents is strongly associated with anti-social behaviour of their children. Conflicts and separation between parents is also a risk factor (Prior & Paris, 2005: 20). Studies show that delinquent boys with poor parental supervision, strict discipline and low family income consist of majority among the offenders. Namely, children with inadequate parental care and control discover that lying, stealing, cheating and similar negative behaviours are successful strategies for gaining attention (Utting, 2004: 245).

The *school environment* has a significant impact on the behaviour of children, mainly in two different ways. First, school determines the future social and economic position or status of children and second, it exerts great influence on their everyday life. For some children, school experience is interesting, fun, while for others is irrelevant, annoying or degrading. Those who have a bad experience can respond by entering into trouble, both outside and inside the school environment (Linden, 2010: 61). So, major risk factors associated with the school are difficulties of the child to achieve positive results and to connect with other children and teachers. For example, a child who is not capable to achieve good results is often rejected by others peers, and such a feeling of rejection can cause a spiral of negative effects and consequences. Such labelling and stigmatization from the peers and school community limit social connections and reinforce criminal tendencies.

Besides family and school as primary environment of the child, other community-based factors have a significant impact on human behaviour. Those are: poor living conditions, high unemployment, social disorganization, lack of social connection between citizens and large extent of criminal and socially pathological phenomena (drug addiction, blood and sexual offenses, vandalism, prostitution, wandering) in the communities. In disorganized neighbourhoods with high crime rates, citizens hardly establish friendly relationships and partnerships for cooperation. Additional risk factors related to community are ethnicity of the population and possible racial discrimination and intolerance (Prior & Paris, 2005: 26). For example, in many urban areas with high crime live people from different ethnic, social, religious, cultural and ethnic groups. Because of such social and other divisions of the population in certain areas, there is no cohesion between members and, as a result there is no requirements and need for certain preventive activities.

Concluding remarks

The long-term deviant behaviour cannot be understood without considering and exploring how individuals move inside and outside the criminal circles at different points of their lives. The basis is that the roots of criminal potential can be found in the childhood that put the young people on the paths (trajectories) where if something goes wrong, that thing often leads to another. Understanding these pathways is the central challenge for developmental theories. In that sense, Farrington and Welsh (2010) claim that is never too late to help to people with problematic behaviour, especially to children at risk, in particular through the implementation of early intervention programs (Cullen, Benson & Makarios, 2012: 42). So, to understand the continuity and stability of criminal behaviour through life course, developmental theories explore the relationship between

individual characteristics (cognitive abilities, temperament) and social factors (family, relations among peers, school, work, and neighbourhood). While investigating criminal conduct, special emphasis is put on the onset, duration, frequency and severity and on the termination of the criminal career. In this process, developmental changes and tasks at different life stages and their association with criminal behaviour should be, also, taken into account (Casey, 2011: 15). This is important as to design appropriate preventive programs to reduce negative impacts of the risk factors related to the onset, frequency, duration or consistency of antisocial or criminal behaviour. It stems from the fact that exposure to one or more risks cause a state of vulnerability and inability to overcome the negative consequences of stressful situations. Therefore, citizens become vulnerable and unable to face numerous difficulties and problems.

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INTEGRATING CRITICAL THINKING IN ENGLISH FOR LAW ENFORCEMENT CLASSROOM

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ABSTRACT

The paper addresses critical thinking as an important 21st century skill in today's knowledge-based society in the context of English for law enforcement instruction. The author elaborates the characteristics of critical thinking and its relevance to the field of law enforcement and explores ideas for its integration into the English language classroom through activities focused on law enforcement topics. More specifically, the paper offers interactive and communicative classroom activities related to the Macedonian translations of the adjective "legal", the specificities of the concept of "money laundering", simulation of a meeting on cyberbullying, delivering a speech addressing domestic violence victims and preparation of a negotiation plan with hostage-takers.

The aim of the paper is to show how language instruction through role-playing and interactive group work activities can be used as a medium for fostering critical thinking skills specifically among learners of English for law enforcement.

Key words: *critical thinking, English language, law enforcement, classroom, learners*

1. INTRODUCTION

The society of today is remarkably different from the one of the past centuries. What used to be referred to as "industrial society" of the 19th and part of the 20th century, was replaced by what David Bell called "post-industrial society" which corresponded to the shift from industrial economy to a post-industrial one. This new, transformed society based its development on skills and resources not typically required and valued in the past. Bell referred to it as the "knowledge society" (Bell, 1976 as cited in Heargraves, 2003:14-15). The main economic resource that was the offspring of the new economic society was knowledge, which actually meant that the development and growth was driven by the newly emerging category of "knowledge workers" (ibid:15) whose main asset does not lie in their physical strength needed for manual work, but in the knowledge they possessed. In other words, as Sébastien Ricard (2020) puts it, "a knowledge worker "thinks" for a living instead of performing physical tasks"[i].

[i] https://www.forbes.com/sites/forbestechcouncil/2020/12/10/the-year-of-the-knowledge-worker/?sh=52c943477fbb (Accessed on 18.09.2021)

The "production" of this type of workers implies a transition towards new approaches in education based on the needs of this newly emerged knowledge society, which actually became, as Heargraves (2003:3) labelled it "a learning society" where learning is perceived as a permanent, lifelong process contrary to the tenets that are applied to the traditional concept of learning. To create the environment for the unhindered flourishing of this learning society, a new approach was also required from the teachers who had to adapt their teaching practices and help students enhance the new skills necessary for their competitiveness on the labor market. The labor competence in the knowledge society demands the development of complex skills as opposed to the basic skills that might have been considered sufficient for basic labor work in some past times. The *New Skills Agenda for Europe* adopted in 2016, sets out the various skills that everyone should be equipped with as a key to "personal fulfilment and development, social inclusion, active citizenship and employment" (European Commission, 2016: 5[ii]). According to the Agenda, these skills encompass "literacy, numeracy, science and foreign languages, as well as transversal skills and key competences such as digital competences, entrepreneurship, critical thinking, problem solving or learning to learn, and financial literacy" (ibid).

As one may notice, foreign languages and critical thinking skills are put high on the priority skills necessary for the 21st century knowledge society. Taking into consideration their relevance, coupled with the professional knowledge as an integral component of knowledge required for the jobs people get qualified for, in the sections that follow we will discuss critical thinking skills through the prism of English Language instruction in the field of law-enforcement.

2. CRITICAL THINKING

The introduction of the concept of *critical thinking* in its modern sense is usually attributed to John Dewey. He reflected on the notion of "reflective thought", and defined it as "active, persistent, careful consideration of a belief or supposed form of knowledge in light of the grounds that support it and the further conclusions to which it tends" (Dewey, 1910:6). He advocated reliance on "systematic inference" (ibid:82) based on "systematic thinking" (ibid) as a combination of the processes of induction and deduction when drawing conclusions, claiming that "so far as we conduct each of these processes in the light of the other, we get valid discovery or verified critical thinking." (ibid:83). Besides Dewey, many other theoreticians have come up with definitions of critical thinking, but we will mention just a few of them. Thus, Robert Ennis defines it as "reasonable, reflective thinking that is focused on deciding what to believe or not" (Ennis, 1987:10 as cited in McLean, 2005:2). According to Michael Scriven, critical thinking is "skilled and active interpretation and evaluation of observations and communications, information and argumentation" (Fisher & Scriven, 1997:21 as cited in Fisher, 2011:11). As one may notice, the definitions of critical thinking presented above centrally focus on the notions of "being active", "consideration", "reasonable and reflective thinking", "focus", "interpretation", "evaluation" etc. In other words, they refer to a person's skill to draw conclusions and make decisions based on active reflection and evaluation.

[ii] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016DC0381&from=EN (Accessed on 19.09.2021)

In order to achieve this, a person has to employ a wide range of high-order thinking skills, one of its dimensions being critical thinking itself. High-order thinking skills, as opposed to low-order thinking skills, are usually associated with Bloom's taxonomy of educational objectives. Bloom's taxonomy consists of three major parts – the cognitive, the affective, and the psychomotor domain. As Bloom clarified it, the cognitive domain "includes those objectives which deal with the recall or recognition of knowledge and the development of intellectual abilities and skills" (Bloom, 1956:7). Bloom's taxonomy that refers to the cognitive domain, in its original form, comprises six major classes: 1. Knowledge, 2. Comprehension, 3. Application, 4. Analysis, 5. Synthesis, and 6. Evaluation (Bloom, 1956:18). It is usually graphically presented in the form of a pyramid, with knowledge at the pyramid's base and the lowest-order thinking skill, and evaluation on the pyramid's top as the highest-order thinking skill. In 2001, Bloom's taxonomy was revised, and this modification resulted in the following classes, labelled with verbs, instead of nouns: 1. Remember, 2. Understand, 3. Apply, 4. Analyze, 5. Evaluate, and 6. Create. (Anderson, Krathwohl, et al., 2001).

The lowest-level thinking skills are related to the ***Remember*** category when instruction aims at "retention of the presented material in much the same form as it was taught" (ibid:66). ***Understand*** is the next level in this cognitive pyramid and refers to the learners' ability to "construct meaning from instructional messages, including oral, written, and graphic communications, however they are presented to students" (ibid:70). The ***Apply*** category refers to "using procedures to perform exercises or solve problems" (ibid:77). The higher-level thinking skills begin with the category ***Analyze*** which refers to "breaking material into its constituent parts and determining how the parts are related to one another and to an overall structure" (ibid:79). The category ***Evaluate*** refers to "making judgments based on criteria and standards" (ibid:83). Finally, the highest-level category ***Create*** refers to "putting elements together to form a coherent or functional whole" (ibid:84).

3. CRITICAL THINKING IN THE ENGLISH FOR LAW ENFORCEMENT CLASSROOM

Possessing the ability to think critically is equally important in everyday life and the professional life of people. People interact among each other, present opinions, give arguments, make decisions etc. by analyzing sources, comparing information, evaluating situations, etc., i.e., by carrying out various thinking processes which fall within the category of critical thinking. They employ the same processes when acting professionally as well. Thus, for instance, doctors make decisions about a possible treatment of a patient based on lab analysis linked to reported symptoms; engineers come up with novel products drawing on the knowledge they have gained in their field of work; economists produce complex market analyses and predictions based on assessing and analyzing past and current trends etc. The acquisition of these skills can only be achieved by developing curricula that foster critical literacy among learners at all levels, as opposed to the old-fashioned reproductive learning, or rote learning, based on sheer memorization of facts and reproduction of knowledge, which, unfortunately, can still be witnessed in educational systems in the world.

The relevance of critical thinking skills to law-enforcement professionals is elaborated in many books dealing with this issue. According to Davis, Leslie & Davis (2014:10), critical thinking is used by law enforcement officers "when they evaluate the totality of the circumstances in order to establish probable cause and make decisions".

In the book titled "*Critical Thinking Skills for your Policing Degree*", the authors have listed a wide range of skills and abilities that students and professionals in this field should draw on, in the context of developing their critical thinking skills, including, inter alia, the following:

- "problem solving, including discussion of ethical issues;
- decision making;
- applying objective criteria to particular situations;

  . . .
- analyzing and evaluating sources of information and ideas in terms of suitability, quality and relevance;
- analyzing and evaluating information in order to understand a topic;
- identifying, interpreting and assessing the position of other people;
- identifying, interpreting and assessing the arguments put forward by other people to determine if
  – they are well thought through
  – they are reasoned and balanced
  – they are supported with sound, relevant evidence
  – they lead to logical conclusions;
- identifying, interpreting and assessing contrasting points of view;
- evaluating the strength and relevance of the evidence put forward to support different points of view;

  . . .
- developing arguments to support your stance which are well thought through, reasoned and balanced;
- finding sound, relevant evidence to support your arguments." (Bottomley, Wright & Pryjmachuk, 2020:8).

The importance of critical thinking for successfully solving dilemmas faced by police officers, was also elaborated in the book *Introduction to Law Enforcement*, whose authors explain the following four steps set by Albanese for properly addressing an issue:

1. Begin with an open mind (no preconceptions),
2. Isolate and evaluate the relevant facts on both sides,
3. Identify the precise moral questions to be answered, and
4. Apply ethical principles to the moral question based on an objective evaluation of the facts, only then drawing a conclusion" (Albanese, 2006 as cited in McElreath et al. 2013:206).

We can agree that the books quoted above cover some typical situations in which law-enforcement officers can be faced with in their professional life, which require them to think critically to respond in an appropriate manner. On a daily basis, they may deal with contradictory statements given by victims, witnesses or suspects; false presentation of information; false alibis; conflicting evidence when investigating cases; emotionally loaded police interviews; contrasting perspectives on an objective situation; misinformation or disinformation of various types, etc. Another important aspect of law-enforcement mentioned above refers to ethical principles and morality, which are associated with the integrity of professionals working in this field as an important precondition for successfully completing their tasks. Dealing with issues of this kind with highest levels of ethics and integrity requires employment of high-order thinking skills that could help them differentiate between facts and opinions, objective and

subjective perspectives, credible and incredible sources of information etc. with the aim to come up with adequate solutions in various situations in the course of their work.

4. CLASSROOM ACTIVITIES FOR DEVELOPING CRITICAL THINKING SKILLS AMONG LEARNERS OF LAW ENFORCEMENT ENGLISH

Taking into consideration the relevance of thinking skills as an important 21st century skill to law-enforcement professionals, in this section we will present several ideas that could be practically implemented in the English classroom, with focus on the development of the ability of the learners to think critically in various situations they may come across while performing their professional duties.

According to the *Cambridge Life Competences Framework*, critical thinking revolves around the notion of asking questions. Thus, "learners should be encouraged to continually question the information they receive and the conclusion they come to", and the teacher should also ask them questions regarding how they reached their conclusions and what they base their answers on (p.11). Jocelyne Bahous claims that "the first step students learn to do in order to develop their critical thinking is to ask questions" (2001:6). Similarly, in one of the books quoted above, when elaborating on the approaches to dealing with certain situations while policing, the authors emphasize the importance of asking questions, or, even more specifically, asking the right questions, as a key to getting to the truth (Bottomley, Wright & Pryjmachuk, 2020:2). We share the opinion that questioning is fundamental for "activating" critical thinking and the skills positioned on top of Bloom's taxonomy.

Bearing in mind the statement quoted above, the activities that we suggest will be aimed at making objective, argument-based decisions and drawing logical conclusions based on critically asking questions and employing high-order thinking skills. The suggested activities mainly rely on role plays and group work, in which students adopt a multiple perspectives approach.

Sample Activity 1: Evaluating the equivalence level of the Macedonian translations of the English adjective "legal"

Vocabulary acquisition is an important aspect of learning English. This is also important for students of English for specific purposes, including English for law enforcement. Therefore, vocabulary instruction should be given particular emphasis in the English for law enforcement classroom, with particular attention to its integration into the teaching of the 21st century skills, which include critical thinking. Instead of insisting on memorizing word lists and practicing their comprehension in a mechanical way, 21st century vocabulary instruction should be tailored to help learners become good critical thinkers, able to draw conclusions based on logical argumentation.

To achieve this goal, we suggest a classroom activity in which students work in two groups on a task dealing with the different meanings and translations of the adjective ***legal*** combined with different nouns to form a wide range of lexical collocations. The activity can be carried out in two ways:

Version 1:

The students are given an authentic English text which contains *legal* + noun collocations in which *legal* refers to two different notions which require two different Macedonian equivalents. Students from Group A work together on analyzing the text with the aim to make a list of collocations where *legal* is used with the meaning

"connected with the law"[iii], which requires the Macedonian translation *правен (praven)*. This meaning of *legal* can be encountered in collocations such as *legal system, legal person, legal adviser* etc. On the other hand, students from Group B work on analyzing the same text, comparing and contrasting the same collocations and the contexts in which they occur, and deciding on the ones where *legal* would be translated as *законски (zakonski)*, with the meaning "allowed or required by law"[iv]. Collocations from this category include lexical combinations like *legal activity, legal rights, legal limit* etc.

Version 2:

The students are given a text originally written in English and a translation of the same text in Macedonian. The focus of Group A is on the same meaning of *legal* as in the previous task, but this time they should compare the use of *legal* in both texts and its translation in Macedonian as *praven* (*правен*) and try to identify the instances in which the collocation was not translated appropriately. At the end, the group prepares a presentation of the findings and elaborate on their conclusion in an argumentative manner. In meantime, Group B works on the same text, but with reference to the adjective *legal* whose meaning corresponds to the meaning of the Macedonian adjective *zakonski* (*законски*) and prepare a report on the accurate and inaccurate translations of the collocations it was encountered in.

Sample Activity 2: Comparing and contrasting the notion of "money laundering" in different languages

One of the goals of English for law enforcement instruction is to teach learners both linguistic and professional knowledge related to their field of study. When learning specialized vocabulary, students should be able to distinguish between various concepts and the meanings they convey, the differences between the semantic nuances of synonymously used concepts, the various lexical collocations they enter into in English etc. This approach to building English lexical knowledge requires certain mental processes during which learners need to think critically and draw conclusions. Bearing this in mind, we suggest a classroom activity where students will focus on the different legal definitions of the notion of *money laundering*. This activity can be implemented through group work, where students work in several groups, analyzing legal texts dealing with this issue. Group A should deal with the legal meaning of *money laundering* in one of the European countries. Group B should work on the meanings of this concept in one of the countries of North America, Group C should work on the same task but focusing on a county from Asia, Group D should focus on *money laundering* as defined in a country in Latin America etc. All students should work on the English translations of the legal acts defining this concept, available online. Their task is to read the texts in question and compare and contrast them with the Macedonian legal definition of *money laundering*, i.e. to identify the key similarities and differences between them. The groups should analyze the contents of the texts they are given, and should prepare a presentation with their findings. Finally, all groups should agree on the definition of *money laundering* that is the nearest equivalent of the Macedonian one, as well as the definition that is most distant from the Macedonian notion of *money laundering*. Apart from learning that one term may refer to concepts that do not overlap fully in a semantic sense, this activity can help students learn about the differences in the legal systems from which the legal texts are derived, the semantic structure of the sentences comprising their definitions, the wide variety of verbs and their synonyms

[iii] https://www.oxfordlearnersdictionaries.com/definition/english/legal?q=legal (Accessed on 10.11.2021)
[iv] ibid

that are used for expressing the actions that constitute *money laundering* as a type of crime etc. Thus, for example, this activity may help them distinguish between *concealing* and *disguising the origin of money*[v] (if they choose the Montenegrin definition of this concept), the difference between *trading, receiving, taking over, exchanging,* and *changing money*[vi] (from the Macedonian definition of this concept), the difference between *converting* and *transferring assets*[vii] or between *aggravated money laundering*, *minor money laundering* and *negligent money laundering*[viii] *(*if they choose the Norwegian definition of this concept), etc. As a final activity, representatives from each original group work together in a role play activity in which they are given the role of legislators of an imaginary country. Their task is to draft their own definition of the concept of *money laundering*, based on the different definitions they dealt with. They should reach a compromise, agreeing on their ideal definition and finally present it to the rest of the students, supporting their choice with relevant arguments.

Sample Activity 3: Solving a problem of cyberbullying in a school setting through role-playing a meeting

Exposing learners to authentic, real-life contexts is an important aspect of teaching English for specific purposes, which also applies to English for law enforcement. Sometimes, learners may work with authentic materials originally created in English, but they can also practice using the language by simulating real-life situations. This type of classroom activities can be implemented through role play, which is a commonly used practice in the communicative language classroom. Students may work on a solution to a problem, from the perspective of the person whose role they have taken. They should present their arguments supporting their views and cooperate with the other students impersonating the persons whose role they are playing, with the aim to reach an agreement about the issue in question.

Bearing this in mind, we suggest a role-play activity in which students of English for law enforcement role-play participation in a meeting to solve the problem of cyberbullying on the social media between schoolmates, in which the cyberbullies used the computers in the school library. The classroom activity should be carried out in two parts. The first part of the activity consists of assigning different roles to different students, namely: a school principal, a representative of the students, a parent of a cyberbullied student, a parent of a cyberbully, a school IT technician, a school librarian, a law-enforcement officer etc. The meeting participants should discuss the situation and finally agree on a long-term solution to the problem, with contribution of all parties involved. Once they finish with this part of the activity, they should role-play another meeting but this time with different roles to play. Thus, for example, the student who role-played the school principal should now role-play the school IT technician, the one who initially role-played one of the parents should now take the role of the representative of the students etc. Again, the goal would be to reach an agreement on

[v] Source: Article 268, Criminal Code of Montenegro, available at: https://www.legislationline.org/download/id/8406/file/Montenegro_CC_am2018_en.pdf (Accessed on 19.11.2021)

[vi] Source: Article 273, Criminal Code Macedonia, available at: https://www.legislationline.org/download/id/8145/file/fYROM_CC_2009_am2018_en.pdf (Accessed on 19.11.2021)

[vii] Source: Section 337, Penal Code of the Kingdom of Norway, available at: https://www.legislationline.org/download/id/9055/file/Norway_Penal%20Code.pdf (Accessed on 19.11.2021)

[viii] Ibid, Sections 338-340

the course of action that should be taken to tackle this issue. By taking different roles, students will have an opportunity to practice taking different positions and supporting them with different arguments based on the different perspectives from which the issue in question is viewed. In addition, they can practice comparing and evaluating each other's arguments when trying to reach a generally acceptable solution. Furthermore, they can practice the contextual use of the linguistic forms for participating in a meeting, presenting arguments orally, using the appropriate linguistic means and vocabulary to persuade the other participants in the strength of the arguments etc.

Sample Activity 4: Preparing and delivering a speech to mark the International Day for the Elimination of Violence against Women

The development of English learners' critical thinking skills can also be achieved through the implementation of classroom activities that draw on the synthesis of already acquired knowledge and information and creation of a genuine piece of work that will be communicated with the public. The creative work may appear in many different forms, depending, inter alia, on the context and the message it aims to convey to the target group. The field of law enforcement abounds in topics that may be explored from this perspective. Therefore, we suggest an activity in which the students of English for law enforcement work in two groups. Group A will work on the creation of original written content in the form of a speech on the occasion to mark the *International Day for the Elimination of Violence against Women*. The realization of this task will require organization and combination of knowledge acquired in this area, the issue that needs to be addressed, the points that should be made etc., coupled with the vocabulary and language patterns that should be used for persuading the audience about the importance of the elimination of violence against women and raising the awareness of the public regarding this issue. After the creation stage, the students will simulate a social gathering. The prepared speech will be delivered in front of Group B, in a simulation activity where students from this group will represent the public gathered at the event organized to mark this day. The process of delivering speeches demands employment of critical thinking skills necessary for their coherence (Davis, Leslie & Davis, 2014:379), which makes this type of activity suitable for critically oriented learners of English.

Sample Activity 5: Preparing and evaluating a plan for negotiating with hostage-takers

As we have previously noted, evaluation is positioned on top of Bloom's taxonomy. Its revised version also places it high in the hierarchy, proving its importance as a thinking skill. In the context of law enforcement, this skill can be fostered in numerous ways. One such way is through engaging students in group work, with the focus on tackling a certain issue. For example, students can be divided into three groups and work on creating a plan for negotiations with a group of heavily-armed criminals who are holding hostages in a building on a hardly accessible location. The students in Group A and Group B have the task to assess and analyze the situation and to come up with a concrete plan for carrying out the negotiations. At the end of the task, both groups will have to present their respective plans. The final task will involve the students from Group C who will evaluate the presented plans based on certain objective criteria regarding the characteristics of a successfully though-out plan/strategy for negotiations. They should compare them and prepare a written evaluation report that will be presented to the rest of the students at the end of the activity. They will have to decide which plan would be more effective and present arguments for supporting their decision. Apart from giving them the ability to think critically in the process of preparing the plan, this

activity would be useful for the students for practicing the use of specific language when negotiating, reaching a compromise, making concessions etc. On the other hand, the students from the "evaluation" group will practice the linguistic structures related to comparisons, and will have an opportunity to practice the skills to summarize the key points in a discussion on a given topic, to write a report etc.

5. CONCLUSION

From the arguments presented in the paper, a conclusion can be drawn that critical thinking is an important 21st century skill that should be integrated in the modern classroom with the aim to educate individuals who will be highly competitive in the labor market in knowledge-based society of today.

The ideas suggested in the paper show that critical language skills can serve as the basis for designing classroom activities for students of English for law enforcement through which they will practice contrasting and evaluating definitions and translations of selected law enforcement concepts, simulating meetings, preparing and delivering speeches, as well as preparing and carrying out negotiation plans.

This type of activities that include role-plays and interactive group work will help them acquire lexical and grammar knowledge of English related to specific topics in the field of law enforcement. They will also help them become good critical thinkers, which is an important skill for the professions for which students of this branch of English are educated.

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LEGALIZATION OF INTERCEPTION OF COMMUNICATION FOR NATIONAL SECURITY

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ABSTRACT

Incorporation of interception of communication in legislation is a relatively new development in the comparative and international law. These measures are quite suited for detection, identification and interception of criminal activities even before the commencement of any illegal actions, in compliance with the new concept of preemptive action. They represent a strong and adequate weapon available to security-intelligence services in fighting and intercepting different forms of corruption, terrorism and other severe forms, threats and risk. Those measure are used only, when necessary, in democratic society and with the purpose of securing evidence and data required for the successful management of interests of national security but cannot be collected otherwise.

The concept of preemptive action involves normative regulation of security and defense issues in adequate laws, doctrines and strategies, while operations involve measures and activities by state institutions based on consistent implementation of the normative and theoretical regulations for protection of the state's vital values and interests.

Key words: interception of communication, national security, security-intelligence services

1. Definition of national security

The term national security in our country was defined for the first time in the Law on coordination of the security-intelligence community (Official Gazette of RNM no.108 of 28 May 2019). Namely, national security is a state of social, economic and political stability that is necessary for the survival and development of the country as a sovereign, democratic, independent and social state, as well as maintenance of the constitutional order, the state of unhindered attainment of human rights and fundamental freedoms in compliance with the Constitution. In fact, this legal definition has been aligned with the definitions in the international documents but determines national security in a narrower sense.

The concept of national security is related to the state values: territory, sovereignty, foreign policy interests and national economy, which are protected from

external armed attacks, internal armed rebellions and intelligence subversive activities by domestic and foreign actors.

Article 8 Paragraph (2) of the ECHR explicitly specifies the term of "national security" as one of the legitimate grounds for the use of intrusive measures and restrictions of the fundamental rights and freedoms protected by Paragraph (1) of the same article ("in the interest of national security"). The ECtHR's case law implies on several occasions the justification and importance of this legitimate grounds for state enforcement.

In the case of Klass v. Germany, the ECtHR notes that "the powers of secret surveillance of citizens, characterizing as they do the police state, are tolerable under the Convention only in so far as strictly necessary for safeguarding the democratic institutions." In this sense, it is considered that organized crime, terrorism or espionage can create the need for high-level interference in the private life of the individual, because of their serious threat to the democratic society. In any case, the importance of the purpose on one hand and the level of intrusion in the private lives of citizens on the other, should always be considered.

The Constitution of RNM does not specify the term "national security" and there are no provisions that refer to a different specification of internal and external security. However, like Article 8 of the ECHR, Paragraph (2) of Article 17 (Amendment XIX) of the Constitution (same as Article 122) specifies that one of the legitimate grounds for use of the measures for interception of communications is when that is "required in the interests of the security and defense of the Republic". The provision clearly indicates that the legislator differentiates between the term's "security" and "defense". Namely, the Constitution refers to internal security under term "security" and external security of the state under term "defense". Both represent different levels of security and are mutually linked in an unbreakable unity, representing an equivalent of the term "national security".

Today, national security incorporates the security of the state and the society, regardless of the ethnic, religious, racial and ideological background of its citizens. States allocate significant resources (human, material-technical and organizational) to protect all levels of security against different challenges, threats and risks. Security is a state of continual implementation, development and protection of the national and state interests that are achieved, maintained and improved through the system of national security and security mechanisms, for the purpose of achieving absence of individual and collective fear from threats, as well as creating a collective feeling of calm, safety and control over future events that are significant for the society and the state. This requires the establishment and building of specialized security institutions based on laws in accordance with the Constitution, but also international conventions, resolutions, charters, treaties, recommendations, judgments and decisions by international courts.

2. Role and position of the security-intelligence services in a democratic society

The term "security-intelligence services" refers to all counterintelligence and intelligence, military and civilian services that are authorized by law to undertake measures and activities aimed at protecting the state's national security. They play an important role in the protection of national security and respect to the rule of law. Their main aim is to collect, analyze and transfer information that help national policy makers

and other competent institutions in undertaking measures for protection of the national security and protection of people's human rights and fundamental freedoms. The functions of the intelligence services differ from country to country, but the collection, analysis and spreading of information that is relevant for the protection of national security is their essential task.

In fact, many countries restrict the role of their so-called secret services, in order to prevent them from undertaking other activities related to security that are already carried out by other state institutions and authorities. Many countries clearly define the activities of their intelligence services in laws, thus restricting their activities to the protection of the constitutional values related to national security.

The tasks and competences of the security-intelligence services that are precisely defined in a law, must be limited to protection of the legitimate interests of national security and any identified threats to the national security that are supposed to be prevented by those services. In many European countries, (Romania, Germany, Croatia, Austria etc.) the laws precisely formulate and list all threats to national security, which facilitates the process of accountability, enabling the oversight bodies and legal protection authorities to control the intelligence services in the execution of their specific functions. In addition, many countries have adopted legislation that provides precise definitions on terrorism, terrorist groups and activities, which reduces the possibility of undertaking other activities against individuals and groups that do not represent a terrorist threat under the pretext of the fight against terrorism.

Security-intelligence services are state authorities and part of the executive with an obligation to respect the national legal system and international legal documents ratified by the country, especially those relating to human rights and fundamental freedoms. Therefore, if state security institutions breach certain provisions of the international law, they cannot justify it by national laws or other regulations. The idea of the rule of law requires from these secret services to refrain from undertaking any actions that could violate domestic and international law. In many states, the bylaws referring to the internal organization and systematization of the services, as well as the methods of implementing certain measures are secret, i.e., not accessible by the public, but accessible by controlling bodies.

Domestic laws should ban security services from engaging in any political activities or act in the interest of a certain political, religious, ethnic, social or economic group. States are also internationally responsible for the activities of their security-intelligence services and their staff, regardless of the location of these activities and the victims. The constitutional, administrative and international criminal laws treat the members of the security services as any other civil servant.

On the other hand, staff in the security services should be able to report certain irregularities or violations of laws in the operations of the service. Practice in some countries shows that there are several ways of reporting: to internal controlling departments within the service, to external oversight and controlling institutions, and by addressing the public. Any public disclosures of irregularities refer to severe violations such as death threats.

Institutional culture in the security services relates to the values, attitudes and conduct of staff. In fact, having only a legal and institutional framework cannot ensure that representatives of these services will abide by the rule of law and the respect of human rights.

A few countries and their intelligence services have passed codes of ethics or principles of professionalism in order to promote their institutional culture. The codes

of ethics usually include provisions for proper conduct, discipline and moral values that staff in the services must demonstrate. A good practice is that codes of conduct be subject of control by internal and external oversight institutions.

The code of ethics must be accompanied by continual staff training for the purpose of professional enhancement. Many security services have training programs that give emphasis to professionalism and educate staff over the relevant constitutional and legal standards, and international law. Professional ethics and culture can be enhanced through internal policies for human capital management and if ethical and professional behavior is rewarded.

The security-intelligence community of the Republic of North Macedonia is composed of three security-intelligence institutions:

1. National Security Agency
2. Intelligence Agency; and
3. Organizational unit for military security and intelligence at the Ministry of Defense.

The National Security Agency (NSA) is an independent agency. By nature, it is a counterintelligence, civilian service responsible for detection and prevention of espionage activities of foreign intelligence services, detection and prevention of threats, activities and operations against the constitutional order, detection and prevention of terrorism and other forms of serious and organized criminal activities against the state. It incorporates separate organizational units with a centralized hierarchical setup and linear-territorial operational methods.

The Intelligence Agency (IA) in an agency under the jurisdiction of the President of the Republic of North Macedonia, responsible for collection and processing of political, economic and military data about foreign states, institutions, services and persons of interest for Macedonia. It incorporates separate departments for fighting terrorism and organized crime. It is internally systematized in several organizational units, with a centralized hierarchical setup and linear-territorial operational methods.

The Organizational unit for military security and intelligence at the Ministry of Defense (the former military counter-intelligence and intelligence service), which represents a military counter-intelligence and intelligence agency within the Ministry of Defense, is responsible for detection and prevention of operations by foreign military-intelligence services in Macedonia, as well as for undertaking intelligence activities against foreign states and persons of interest for the country's national security. It is internally systematized in several organizational units, with a centralized hierarchical setup and linear-territorial operational methods.

There are separate units for use of intrusive measures in the NSA, IA, and the Ministry of Defense, especially with regards to the measures for interception of communications. Within these services, there are also units for monitoring and surveillance of persons and objects.

The security system of the Republic of North Macedonia, which incorporates the security-intelligence community, faces several difficulties, one portion being a relic of the past, while the other a consequence of the insufficiently built legislative "architecture" related to the unambiguous establishment and separation of the jurisdiction of security services and their competences.

The following anomalies have been detected in this regard:

- overstepping of legal competencies, i.e., security treatment of issues that do not fall under the jurisdiction of the proper service;
- abuse of intrusive measures as method of collecting indications.
- lack or failure to observe the existing mechanisms for elimination or reduction of the personal or content-wise non-selectiveness of measures for interception of communications etc.;
- there is some overlapping of competences within the security-intelligence community with regards to the subject and scope of work. It often occurs that certain events or phenomena, and certain domestic and foreign individuals whose activities have been classified as threats to the national security, emerge as the objects in focus of all three security services.

3. Intrusive measures as integral part of the working methods of the security-intelligence services

The measures for interception of communications are part of the range of secret means and methods of operation, which have been the exclusive right of the security-intelligence services, i.e., the secret services, for years. This exclusivity was due to the functional task of these services to protect the vital interests of the state. The protection of the state's vital interests can be successfully achieved only if the destructive threats are detected, identified and prevented in the early, preparatory stage, when there is no specific threat on the protected asset yet. The object of protection, which is in the focus of these services, is not directly in jeopardy at this stage, but there are indications or a so-called abstract danger of its endangerment in the near or further future. This concept of pre-offence action that was characteristic only for the secret services, is now imposed as an obligation also for criminal services in charge of detection and prevention of organized crime and terrorism.

Therefore, it was natural to expect that the range of means and methods of operation by the secret services would be inevitably replicated and accepted as an instrument for legal operations of the criminal services as well, because this instrument has been adequate, efficient and verified for years in responding to the challenge of intercepting and preventing crime before it takes place. This legal instrument of pre-offence action is known in the criminal literature under different synonyms: special investigative measures, undercover operations, special measures etc.

The range of intrusive measures legally used by the security-intelligence services should and must comply with the generally adopted principles and standards of using intrusive measures.

Namely, security-intelligence services are part of the state executive, and as such, are not and cannot go beyond the system of control and observance of the generally accepted principle of the rule of law. The fight against terrorism, espionage and other subversive activities cannot turn into an instrument for termination of the democratic society. Therefore, the application of the principles of legality, subsidiarity, proportionality and (prior) judicial approval of intrusive measures, as well as the adopted standards thereof, is compulsory in the work and operations of the security-intelligence services.

4. Prevention in security

The work of the security-intelligence services and the use of special measures for protection of the national security are based on the concept of acting in defense from any threats. Such a proactive concept of acting ante delictum, which is inseparably linked to the penal term of an "abstract threat", incorporates the zone of pre-investigation, i.e., the zone of pre-criminal realization. By their nature, the measures are exceptionally suitable for interception of all activities that pose a threat to national security. Unlike this proactive concept of action, the reactive concept of criminal persecution post delictum begins with the already perpetrated breach or endangerment of the protected asset, encompassing the preliminary stage of the criminal procedure, i.e., the investigation. Therefore, the fear that the use of these measures poses a threat to erase the boundary between the investigation and pre-investigative procedure is entirely justified, which consequently creates "a threat that the substantive and procedural criminal law become, in a way, some kind of police-tactical instruments through the use of these measures." (Bacic F.: 1/1999)

In this case, the legislative sensibility is upped by the fact that the threat or the crime is in its earliest stage of preparation, in the broadest sense of the word, which is by rule unpunishable in principle. It incorporates operations and activities from the earliest stage of shaping the criminal intent, up to the operations and activities related to the preparation of the crime (inciting, organization, planning, preparation etc.). These early, pre-offence stages of the crime are, understandably, rarely sanctioned, and most of them remain in the realm of impunity, because the criminal intent of the perpetrator is still not demonstrating any forms of external reality, which represents, in the criminal-legal sense, a violation or at least a concrete endangerment of the protected asset. In other words, there is no objective damage or endangerment of the protected asset, and the threat is still far away, in the form of an abstract, legally unpunishable threat. All information regard 80- in the suspect's threat of perpetrating a crime is in the sphere of assumptions, which by rule represents grounds for suspicion, sometimes even on a lower scale. Therefore, the legislator proceeds by using great caution and a high degree of selection when establishing the set of crimes for which these intrusive measures can be used, because of the real threat of criminal law entering the forbidden zone of punishing thoughts.

The fear that measures can be abused in this regard, thus legalizing the totalitarian regime and the political police, is real and omnipresent, but it seems that finding an efficient mechanism for control and oversight of their use can overcome this threat. Security-intelligence services cannot affect the reasons for the security threats and risks but can reduce the possible conditions and causes for activities aimed against the national security. The basic method for this is the use of an intelligence analysis, which represents the collection of data and information, their processing and drawing relevant conclusions regarding certain events or phenomena.

Incorporating prevention as an integral part of a comprehensive approach will help eliminate the prerequisites that might lead individuals into joining violent extremist groups, i.e., the preventive approach in the fight against threats to security and defense is oriented to "early signs". As with crime prevention, results are not immediately visible and require a long-term and patient engagement. Therefore, the use of special measures, interception of communications in this case, requires a longer period when it comes to security and defense, compared to their use in investigations of other crimes.

5. Threats to national security and defense

The Law on the National Security Agency (LNSA) and the Law on Defense list the threats to the security of the state. According to Article 4 of the LNSA, the security threats (and risks) to the state's national security include the following: - Espionage; - Terrorism and its financing; - Violent extremism; - All forms of serious and organized criminal activities directed against the state; - Prevention of crimes against humanity and international law; - Illicit production and proliferation of weapons of mass destruction or their components, as well as materials and devices required for their production; - Obstruction of the vital economic interests and financial stability of the state; - Obstruction of the security of top office holders and facilities of strategic significance to the state; and - Detection and prevention of other activities related to security threats and risks to the national security of the state. According to the Law on Defense, the threats are the following: - Detection and prevention of intelligence and other subversive activities of foreign military intelligence and intelligence services in the country and abroad, aimed at the state's defense; - Detection and prevention of all forms of terrorist activities aimed at the state's defense; and - Counterintelligence protection of tasks and plans, documents, material-technical means, areas, zones and facilities in the interest of the country's defense. According to the Criminal Code, these threats represent serious crimes against the state, armed forces, humanity and international law.

* * *

The security forces undertake activities primarily for the purpose of preventive actions in the event of preparation, organization or participation in crimes against the state's interests or disabling its security system in performing its functions. In the enforcement of their legal competences, the security services can use secret measures and activities established by law and complying with the Constitution. The criteria for the use of the measures for interception of communications for the purpose of protecting the interests of state security and defense are clearly regulated in the Constitution and elaborated in detail in the Law on Interception of Communications and the LNSA. Practical implementation of the legislation will show whether the desired results in the field of security will be achieved.

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Professional paper

EXERCISE OF LABOR RIGHTS IN THE REPUBLIC OF NORTH MACEDONIA AS PART OF THE BODY OF HUMAN RIGHTS

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ABSTRACT

Within the European Union, workers' rights are treated as an integral part of human rights and their protection is closely linked to human rights protection mechanisms.

The protection of workers' rights and the provision of minimum working conditions are part of the process of harmonization of the national legislation with EU regulations and international standards. The Republic of North Macedonia, since its independence until the present moment, has made many changes in the regulations regarding the definition of workers' rights and the creation of effective mechanisms for their protection.

This paper will address the issue of labor rights from two aspects. The first aspect would be to locate the problems for the application of the laws in practice and the problems that arise due to the weak and insufficient protection of the workers' rights through the prism of the EU and the international standards. The second aspect of the paper aims to offer appropriate solutions arising from the EU and international standards which can be applied in the conditions of the Republic of North Macedonia, both within the legislation and in practice.

Keywords: human rights, regulation, labor rights, international standards

1. INTRODUCTION

In the Republic of North Macedonia, the procedures for implementation and protection of workers' rights are regulated by several legal solutions: the Law on Labour Relations, the Law on Labour Inspection, the Law on Safety and Health at Work, the Law on Prevention and Protection against Discrimination, the Law on litigation. In addition to laws, this matter is regulated by collective agreements and bylaws at the level of legal entities, such as rulebooks and the like.

It is important to note that a complementary system of administrative measures, industrial protection and court proceedings is applied in the implementation of the protection of workers' rights in the Republic of North Macedonia.

The moment of judicial protection harmonized with the observance of the provisions of the Labour Law, the Law on Obligations, the Law on Prevention and Protection against Discrimination and the Law on Safety and Health at Work is especially important, and is implemented within the litigation procedure.

2. EXERCISE OF EMPLOYMENT LAW AS A BASIC HUMAN RIGHT

At the moment of concluding an employment contract, the employer is obliged to provide the employee with a job agreed upon by the parties in the employment contract and of course to provide him / her with adequate payment for the performance of the work. The employer must also provide conditions for the safety of life and health of the worker in accordance with the special regulations for health and safety at work and take the necessary measures to ensure that each worker is given sufficient training appropriate to the special characteristics of the worker. work, taking into account his professional training and experience.

According to the Law on Labour Relations, workers have the right to seek security of their rights by the employer as well as the right to seek judicial protection before the competent courts. If the employee considers that the employer does not provide him / her with the employment rights or violates any of his / her employment rights, he / she has the right to submit a written request to the employer to eliminate the violation, i.e., to fulfil his / her obligation. If the employee considers that his / her right has been violated by a written decision of the employer, he / she has the right to request the employer to remove the right within eight days from the delivery of the decision.
If the employer within eight days after the submission of the written request to the employee does not fulfil the obligations from the employment, i.e., does not eliminate the violation of the right, the employee can within 15 days to seek court protection before the competent court.

In case of termination of the employment contract, the employer can terminate the contract only if there is a valid reason for termination related to the employee's behavior (personal reason on the part of the employee), due to violation of work order and discipline or work obligations (fault) or if the reason is based on the functioning needs of the employer (business reason).

The employee has the right to object to the decision for termination of the employment contract to the management body, the employer, within eight days from the day of receiving the decision for termination of the employment contract.

When no decision has been made on the complaint, within eight days from the day of filing the complaint or when the employee is not satisfied with the decision made on the complaint, within 15 days from the day of receiving the decision on the complaint, the employee has the right to initiate dispute before the competent court.
Regardless of the deadlines, the employee can realize the monetary claims from the employment directly before the competent court.

2.1. Judicial practice

A. If the employee as a plaintiff before requesting court protection has not addressed a written request to the defendant in order to resolve the employment dispute amicably, i.e., in this case to request a transformation of employment from fixed to indefinite, the lawsuit will be rejected by the court. as impermissible. (COURT OF APPEAL - STIP, 05.10.2011 ROJ 1224/11 from 05.10.2011.)

B. The fact that the employee did not notify the director within 48 hours that he was on sick leave, but did so the next day, cannot be a basis that the employee committed a violation of work order and discipline in terms of Article 81 paragraph 1 item 6 of the Labour Law. (GOSTIVAR APPEALS COURT, ROJ no. 47/11 from 10.05.2011.)

B. If the employer has provided in a rulebook a deadline within which the results of the employee's work are checked, on that basis the employment of the employee cannot be terminated before the expiration of this deadline. (Judgment of the Supreme Court of the Republic of North Macedonia, Rev. no. 100/2008).

2.2 Degree of compliance with European directives

The EU accession process means alignment of the Macedonian legislation with the EU standards and concrete transposition of the EU directives in this area in the national legislation. It is a long and complex process, which has been started primarily in the area of comparing legal solutions and noticing differences.

1. The Labour Law is largely in line with the thirteen EU directives in the field of labour market and protection of workers' rights. However, recent criticisms by the European Commission of Chapters 19 and 27 indicate that the recommendations made on these issues in the 2020 Report have largely not been implemented. They found a weak response in sections saying that the labour inspectorate needed to be strengthened and collective bargaining between workers and employers needed, and that workers and employers' general awareness of safe working conditions was low.

In relation to Chapter 19, the remarks relate primarily to the need to strengthen the capacity of the State Labour Inspectorate, as well as to improve access for young people and citizens who have been unemployed for a long time and need new job skills to the market labour.

The Commission places special emphasis on the still existing wage inequality between men and women and the necessary changes in the Law on Prevention and Protection against Discrimination regarding protection against discrimination based on sexual orientation.

2. The report on North Macedonia notes the need to strengthen the capacity of the labour inspectorate and collective bargaining, and reiterates the situation of inadequate enforcement of protection regulations and the large number of work-related injuries and deaths.

3. The European Commission's Progress Report on the Republic of North Macedonia in Chapter 19 also notes that changes are needed in the Law on Prevention and Protection against Discrimination. Article 5 lists the grounds for discrimination, but does not list sexual orientation at all as grounds for discrimination, but places it in the category of other grounds.

This problem, which has been noted several times by the European Commission, is also reflected in the workplace because cases of discrimination reported to the Ombudsman have in many cases been related to discrimination in the workplace. Consistent action on the recommendations of the European Commission will significantly reduce discrimination in the workplace on all grounds.

Compliance with EU regulations should be considered at two levels. The first level is the legal solutions themselves, while the second refers to the application of regulations in practice and the existence of factual conditions for their application.

2.3. Inconsistencies in LRO

The protection of workers in the Labour Law in certain articles is unclear. For example, Article 67 1 1 provides that: "Employees to whom the employer has not paid wages and has not paid wage contributions for three consecutive months have the right to bring an action before a competent court to terminate the employer." The initiation of this court procedure delays the payment of salaries to employers because these

processes end with the closure of companies and primary collection of debts by creditors, and the payment of arrears to workers remains late, and in many cases unpaid. In this way, workers are effectively prevented from reacting in the event of non-payment of wages and are penalized for any reaction.

It is necessary to initiate and make changes in the legislation where the payment of arrears of workers will be the primary obligation of the employer and the legally prescribed reaction of workers will not have negative consequences for them.

A similar ambiguity exists in relation to Article 237 paragraph 1 of the Labour Law in the chapter on regulating the conditions for strike. According to this article: "The employer can remove workers from the work process only in response to an already started strike." The very removal of the employee by the employer, which is set as a mechanism for self-defence of the employer from the announced strike, is a violation of the employee's right to work which is guaranteed by the Constitution and international standards and conventions.

Although the following paragraphs of the same article state that the employer may remove workers who incite undemocratic and violent behavior by their conduct, the very removal of the worker is a violation of his rights and the right to strike.

Article 243 of the Labour Law allows the union to ask the court for a ban on the removal of a worker during a strike, which is a mechanism for protection of workers' rights. The union may also seek compensation for dismissal during a strike. However, these are slow mechanisms that cost workers and the union more than the employer. The worker has the right to strike and as long as he does not endanger other workers who do not strike and incite violence, he must not be removed from the workplace.

The Strategy for Occupational Safety and Health, valid until 2020, contains specific remarks on how to improve the condition of workers and safety at work in the context of other laws.

For example, one of the recommendations to be considered is the request to amend the Law on Pension and Disability Insurance to protect the employee from dismissal while on sick leave.

2.4. EU directives on health and safety at work and their application in our country

Compliance with EU standards includes directives from the European Agency for Safety and Health at Work (EUOSHA).

In accordance with them, special attention should be paid to greater prevention and protection of workers from occupational diseases, their exposure to electromagnetic radiation, chemical reagents and generally the negative impact of technology on their health, as well as strengthening micro and small enterprises for better quality. occupational risk assessment.

Article 22 of the Law on Occupational Safety and Health (OSH) states that the employer must provide health examinations to employees at least once every 24 months. This period is unsuitable for sectors where occupational health hazards occur on a daily basis, such as in construction and industry.

The Directive on the Establishment of European Workers' Councils, which is transposed into the Law on European Workers' Councils, regulates the establishment of workers' councils exclusively for companies that are open in the Republic of North Macedonia, but whose headquarters are in an EU member state.

This directive should be used in its broader sense and used within the Labour Law and in fact to return to function the workers' councils that were essential in the past. Such a

step would result in long-term consequences for the strengthening of workers' rights and protection at work.

Directive 2001/86 / EC amending the Statute of European companies on the participation of workers provides for the participation of workers in decision-making in companies. This right does not exist in the Labour Law, nor in the Law on Trade Companies from 2004 and all its amendments, and it needs to be established through regulations in order to provide greater protection of workers' rights and basic working conditions.

3. CONDITIONS CONTAINED IN THE COLLECTIVE AGREEMENTS AND POSSIBLE PROBLEMS LOCATED WITH THEM

In collective bargaining, the legal remedy for protection under Article 215 of the Labour Law is the appeal to the court to resolve the dispute over which union is representative, as well as that of Article 234 of the Labour Law, according to which a party to a collective agreement may file a lawsuit before the competent court requires protection of the rights from the collective agreement.

The general collective agreement for the economy has only two articles which deal with the mechanisms of protection of workers. Both are related only to union involvement, but do not mention other safeguards, tools to support the worker, or procedures that would provide effective and efficient protection.

In some special collective agreements, there is a separate chapter entitled "Protection at work" and a separate chapter entitled "Procedure for protection of workers' rights". However, even where there are specific parts of the contract relating to safety at work, the provisions in collective agreements are satisfied primarily by repeating the same provisions of the law, without specifying or specifying the procedures that workers can use after completion of the procedure within the organization in which they are employed, in order for this protection to become effective.

Unfortunately, the strategic and program documents adopted at the level of the Government and the MLSP do not contain the development of protection mechanisms or the establishment of a system for measuring the effectiveness and effectiveness of protection mechanisms. As an example, only, the Occupational Safety and Health Program does not mention the effective protection of workers' rights, nor does it mention any protection mechanisms available to them or the establishment of procedures in this regard, but they should be specified according to the specific area to which the collective agreement refers.

3.1. Recommendations for improving the situation in the Republic of North Macedonia:

1. Collective agreements must be specific and precise. The provisions of the laws should not be copied in the collective agreements.
2. Collective agreements should offer clear mechanisms for the protection of workers' rights. Each collective agreement should have a separate chapter in which the ways and procedures for protection of workers' rights will be given in great detail.
3. There should be a special section in the collective agreements in which a procedure for protection of workers' rights will be developed.
4. According to the case law, labour disputes and the efficiency of the courts as a tool in the protection of workers' rights are still unacceptably long. The maximum

prescribed half-year duration of this type of procedure is often grossly violated and there are cases where this six-month period has been exceeded several times when the judge must make a verdict, without such developments having any negative repercussions on the professional career of the specific judge.

5. The place of judicial protection should depend on the general concept of protection that will be accepted in the Republic of North Macedonia. If predominantly administrative or industrial protection is accepted, the courts become a necessary exception. If a system is chosen in which the main emphasis is on the courts, it is desirable to establish labour disputes that will specialize not only in substantive but also in procedural law. The existence of special courts implies specific deadlines and exemption from part of the costs related to court proceedings.

6. Labour disputes should be included under the provisions on free legal aid in the Law on Free Legal Aid.

7. Provide special court fees when it comes to labour proceedings.

4. CONCLUDING OBSERVATIONS

Within the EU, workers' rights are treated primarily as human rights and this provides the overall framework in which safeguards are developed at national level. The latest development of the understanding of the protection of workers' rights is moving towards the complementary use of macro and micro means that enable prevention, as well as individual and collective protection. Hence, administrative and judicial protection are not alternative but complementary.

The EU does not offer specific solutions in terms of protection mechanisms and tools, but insists on the existence of effective and efficient safeguards, which means available and appropriate procedures, quick resolution of disputes and informing workers about the protection options available to them available.

At the national level, there are different types of procedures, which in the legislation are provided to be used individually or in a complementary manner. An important aspect in determining the effectiveness of protection is the measurement of the results of protection mechanisms for workers.

The complex and multi-layered system of legal guarantees, procedures and institutions established in the Republic of North Macedonia, ostensibly should be a guarantee for effective and efficient protection of workers' rights and create conditions for better protection of rights when they are not respected.

However, the complexity of the system not only does not provide effective and efficient protection but, precisely, the complexity, on the one hand, makes it confusing and in fact incomprehensible to those who should use it. Exactly the possibility for different protective tools to be used for the same thing, leads to a situation where workers do not know how to protect their rights, and the system can be easily abused with the introduction of the ping-pong effect. All this makes it extremely difficult to use these mechanisms in practice, despite their large number, they make them inefficient and ineffective in terms of the guidelines of the EU directives, the ILO and the Council of Europe. Some provisions in the law allow for different interpretations in the possible procedures for their implementation and may affect the efficiency of the use of safeguards.

Labour inspection is conceived and legally defined as an effective tool in the implementation of legal provisions and protection of workers' rights and in terms of legal solutions this tool fully complies with the requirements for effective protection

provided under EU directives and international documents ratified in the Republic of North Macedonia.

In practice, inspectors do not take full advantage of legally provided opportunities, and the system for reporting violations of workers' rights is not tailored to the needs of workers.

Collective agreements do not specify the matter related to safeguards and do not offer workers understandable and clear procedures for dealing with situations where they need to seek protection. The absence of clear and accessible procedures is not seen at the problem level and is not addressed in the strategic and program documents.

Proceedings before the court, as part of the implementation of the protection of workers' rights, is an irreplaceable and necessary tool, however, in the current set of procedural and substantive provisions in the law, it cannot be used as an effective and efficient mechanism. Procedural connection with the litigation procedure, the absence of high specialization of the court in relation to the working matter, the duration of the proceedings and their cost, are factors that affect the non-use of this mechanism by the workers.

The transposition of the EU directives in the Macedonian labour legislation is at the very beginning. Apparently, most of the areas are already covered, but the situation in practice indicates a large number of legal omissions and inconsistencies.

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PROTECTION AND RESCUE OF POPULATION FROM unexploded ordnance (UXO) – CHALLENGES WITH THE CURRENT PROCEDURES THROUGH CAPACITY GAP ANALYSIS

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ABSTRACT

This Capacity Gap Analysis was conducted to identify current difficulties in the operational effectiveness with the protection and rescue from unexploded ordnance (UXO). It maps out and identifies current capacity gaps in the specific functioning of the Protection and Rescue Directorate (PRD) as well as in the wider NATO scope of UXO and suspicious package response.

The purpose of this paper is to elaborate how an EOD-operations work at the moment within the responsibilities of the institution and to present the analysis of the operational and capacity gaps. It was done by the comprehensive legal framework analysis, as well as the survey (questionnaire and interview) conducted with the EOD technicians/pyrotechnicians from this institution. Such findings can be used to find better and more effective solutions in dealing with UXO.

This capacity gap analysis report tries to explain and elaborate the operational and capacity gaps, challenges and limitations that influence the effectiveness and the efficiency of the overall EOD operations undertaken by the EOD teams.

1. Introduction

The existence and the number of UXOs is a big issue for the people safety, as well as for the security of the objects, buildings and facilities in the areas.

Unexploded ordnances (UXOs)[ix] (Enke, 2015:19-21) are explosive munitions that have been fired, thrown, dropped, or launched but have failed to detonate as intended. UXO include artillery and tank rounds, mortar rounds, fuses, grenades, and large and small bombs including cluster-munitions, submunitions, rockets and missiles.

[ix] Enke, T. (ed.) (2015). Landmines, Explosive Remnants of War and IED Safety Handbook. UNMAS: New York. p. 19-21

UXOs are usually found in areas where fighting has taken place or at military firing ranges. UXOs can be discovered inside and outside of buildings. They can be buried beneath the ground or hidden beneath rubble or collapsed walls. UXOs can even be found lodged in trees or hanging from branches, hedges, and fences as well as a souvenir inside homes.

The identification, classification and assessment of explosive devices such as unexploded ordnances (UXOs), improvised explosive devices (IEDs) is vital to a wide range of Explosive Ordnance Disposal (EOD), law enforcement agency (LEA) and emergency response operations and is of critical importance to NATO and its partners' strategic interests and tactical operations. However, there is a gap in first responders receiving actionable advice on known or suspected threats quickly and effectively upon discovery. Typically, this requires specialized experts to go to the site in order to implement the necessary security, recovery and disposal protocols under high risk and time sensitive conditions. Moving physical evidence is often operationally impossible as it may expose responders and the public to risks in the case of explosive as well as chemical, biological, radiological and nuclear (CBRN) devices or subject artefacts to damage in transit. Overall, the possibility of bringing evidence to EOD experts to provide real-time assessments and advice for first responders has been underexplored.

This Capacity Gap Analysis was done as a task within the VECTOR project[x]. It is a NATO SPS funded research project that is developing an integrated solution for identifying, analysing, classifying and responding to explosive devices. The Analysis was part of the work package which ensures the engagement of multiple relevant stakeholders in the fields of UXO and suspicious package response with the VECTOR requirement elicitation process, as well as supporting detailed capacity gap mapping. It was done to understand the current situation, operating procedures, limitations, and potential ways to enhance remote EOD operations. Ultimately, the purpose of the analysis was to identify ways in which VECTOR can contribute to improving the safety and efficiency of EOD operations.

Gap analysis is a formal study that describes how a process works now and where the project team wants the process to go in the future. Gap analysis is the most used tool, as it has many advantages that can benefit project implementers. Some of the benefits include ensuring that the requirements of the project are met, finding areas of weakness and shortcomings to address, detecting differences in perception and planning versus reality, prioritizing needs, and so on. Gap analysis is SMART (specific, measurable, achievable, relevant, and time-bound). In other words, to be realistic when deciding which areas, subjects, and processes to analyse and which recommendations to adopt.

2. Methodology

In this Capacity Gap Analysis, the following methods were used:

- Desk research:

- Analysis of the available legislation regarding the dealing with UXOs by the PRD,
- Analysis of the literature (publications) about the manner of conducting EOD operations and course of the procedure, rules, and protocols and especially the shortcomings and weaknesses in the system.

[x] Official webpage of the project VECTOR: https://projectvector.net/ [accessed on 10.11.2021]

- Survey – the purpose of the questionnaire is to identify ways for improving the safety and efficiency of EOD operations. One questionnaire for the institution was prepared and electronically sent to the responsible persons. Given that the questions were intended for different employees of the institution, so the Point of Contact (PoC) have coordinated and collected all the answers within their institution. This includes the EOD technicians, heads of departments, etc., and for some of the questions, the answers had to be sought through their internal and periodical reports. The questionnaire has both open-ended and closed-ended questions divided in three sections. The first section asks questions that are intended to understand the current situation with regards to UXOs in their jurisdiction. The second section asks general information regarding current operating procedures. The third section asks participants to provide their opinions on what are the main operational challenges and problems faced in the work and what needs to be done to improve the situation. We asked that they answer these questions in as much details as possible, while avoiding the disclosure of confidential or potentially sensitive information.
- Follow up interviews – interviews with some EOD technicians, EOD team leader and heads of departments within the institution to clarify certain questions and collect wider information related to legal issues, organizational aspects, operational procedures, measures and activities, tasks and responsibilities.
- Summarizing the survey results and their interpretation.
- Drawing conclusions, suggestions and recommendations, based on all provided information on the topic, collected from different methods.

The survey and follow up interviews were completed during September and October 2020.

In the Republic of North Macedonia, two state institutions are responsible for EOD operations.

First one is PRD[xi] which is responsible for conducting the measure of protection against unexploded and other types of explosive ordnances. According to the legislation (Law on Protection and Rescue and the relevant by-laws), the measures include:

- field search and retrieval;
- finding unexploded ordnance;
- marking and securing the terrain;
- disabling and destroying all types of unexploded ordnance and other explosive devices;
- transport to the designated and arranged place of destruction and
- safety measures during transport.

The second institution responsible for EOD operations is the Ministry of Interior (MoI)[xii], which handles improvised explosive devices (IED) and undertakes appropriate preventive measures for protection. Very often, they are made by using UXO or some part of them. If an improvised explosive device is found at the scene, then the experts from the Sector for Countering Terrorism, Violent Extremism and Radicalism are authorized to act. They are taking photographs as evidence for the needs of criminal investigations and are taking a measures and activities to deactivate and destruct the device.

Therefore, the end user participants in the capacity gap analysis were:

[xi] Official webpage of the Protection and Rescue Directorate: https://www.dzs.gov.mk [accessed on 10.11.2021]

[xii] Official webpage of the Ministry of Interior: https://www.mvr.gov.mk [accessed on 05.11.2021]

- EOD technicians – pyrotechnicians from the PRD of North Macedonia,
- EOD technicians from the Sector for Countering Terrorism, Violent Extremism and Radicalism within MoI of North Macedonia.

In this paper, only the current situation and challenges in dealing with UXO by the PRD will be elaborated.

3. Protection from Unexploded Ordnance

3.1. Legal Framework

The legal framework governing the matter of dealing with EOD operations with unexploded ordnance by PRD includes:

Strategic documents

- Assessment of the threat to the Republic of Macedonia from natural and other disasters (Official Gazette of the Republic of Macedonia, no. 117/07);
- Methodology for the content and manner of hazard assessment and protection and rescue planning (Official Gazette of the Republic of Macedonia, no. 76/06).

Laws

- Law on Protection and Rescue (Official Gazette of the Republic of Macedonia, no. 36/04, 49/04, 86/08, 124/10, 18/11, 41/14, 129/15, 71/16 and 106/16, Decision of the Constitutional Court no. 178/08 published in the Official Gazette of the Republic of Macedonia, no. 85/09, Authentic Interpretation of the Law on Protection and Rescue published in the Official Gazette of the Republic of Macedonia, no. 114/09)

Government Decrees

- Decree on implementation of the measure of protection from unexploded ordnance and other explosive devices (Official Gazette of the Republic of Macedonia, no. 101/10);
- Decree on implementation of the measure of protection and rescue from fires, explosions and hazardous substances (Official Gazette of the Republic of Macedonia, no. 100/10).

Rulebooks

- Rulebook on measures for protection from fires, explosions and hazardous substances (Official Gazette of the Republic of Macedonia, no. 32/11).

Guidelines

- Guidelines on the content of the Rulebook on fire and explosion protection of state bodies, state administration bodies, local self-government units, public enterprises, public institutions, trade companies, sole proprietors and other legal entities (Official Gazette of the Republic of Macedonia, no. 80/11);
- Guidelines for the content of the Study for protection from fires, explosions and dangerous substances (Official Gazette of the Republic of Macedonia, no. 139/10).

Internal acts adopted by the Director of the Protection and Rescue Directorate

- Standard operational procedure for protection from unexploded ordnance and other explosive devices no. 10-1760/1 from 07.05.2010;
- Standard operational procedure for humanitarian demining, 2010;
- Standard operational procedure for implementation of the measure of protection and rescue from fires, explosions and dangerous substances no. 01-2969/2 from 09.11.2010.

3.2. Statistics

According to the Government's assessment of the threats to the Republic of Macedonia from natural and other disasters (Official Gazette of the Republic of Macedonia, no. 117/07), the number and quantity of unexploded ordnance and other explosive devices can be difficult to predict and determine, but given the fact that 5-10% due to various reasons are not activated, it is assumed that on the territory of the Republic of North Macedonia there is a presence of huge amounts of UXOs. Most of them date back to the First and Second World War, as a result of the military actions that took place during that period.

Based on the field searches that has been planned, prepared and conducted by the PRD, it can be concluded that the UXOs are present on the entire territory of the Republic of North Macedonia, but as specific areas in which there is the highest concentration of UXOs are:

- Bitola area;
- Prilep-Mariovo area;
- Dojran-Gevgelija area;
- Ohrid-Debar area;
- other areas within the Thessaloniki Front and other armed conflicts on the territory of the Republic of North Macedonia.

According to the assessment, it is noted the presence of UXOs in the waters of Lake Ohrid and for their detection and destruction, it is necessary to be undertaken special measures and procedures.

The terrain structure in North Macedonia is very complex and there are many hard accessible regions (e.g., mountains), and the additional problem is the fact that there are many UXOs in the bottoms of the lakes throughout the country. So far, there was one action for UXOs clearance in the waters of Ohrid Lake. Then, the inaccessible terrain in the high mountains covered with dense forest is also a big problem. During the summer months, often there are many fires in the forests, so the risk for explosion of the UXOs is even higher. The use of technological tools (drones and/or unmanned vehicles) could be of great importance for exploring these areas. These types of modern technological tools, equipped with x-ray devices, are of great importance in the process of identification of the devices in the EOD operations.

The assessment states that in the Republic of North Macedonia, measures and activities for protection from UXOs are being continuously undertaken and that only by 2007, over 200,000 pieces of a different type, calibre, explosive charges, purpose and origin were found and destroyed.

According to the processed data in Department for analytics and research within the Sector for planning, prevention and development in the PRD, a total number of 10.182 pieces of UXOs of different calibres have been found in the territory of the Republic of North Macedonia within the last thirteen years. More detailed information for the period 2007 - May 2020 is given in the table 1.

Table 1. Number of UXOs found in North Macedonia in the period 2007-May 2020.

Year	No. of UXOs
2007	965
2008	821
2009	675
2010	828
2011	831
2012	448
2013	1654
2014	833
2015	999
2016	393
2017	359
2018	610
2019	657
Until May 2020	109
TOTAL	**10.182**

In addition to these statistics, worth for mentioning is the biggest action that lasted a month (during November 2020), in which pyrotechnicians from PRD removed 12,300 artillery shells 75 mm from First World War with 7,5 tons of explosives from near centre of Bitola town, which is the largest arsenal of grenades found so far on the territory of the country[xiii]. The unexploded ordnance is temporarily stored in a warehouse in the old barracks in Bitola, and from December 15 their destruction at the Krivolak Army site begins. This shows the necessity that extensive action is needed to detect the remaining unexploded ordnance on the line where the Macedonian front passed in the First World War.

As a result of non-compliance with the standard procedures, i.e., inappropriate acting in finding the UXOs, certain consequences were caused, whereby total of 1,083 people suffered, of which, 40 people died by 2007. In the last 10 years, 1 civilian died, 3 civilians and 3 EOD technicians from PRD were injured in accidents caused by explosive devices.

North Macedonia is a signatory to the Ottawa Convention[xiv] and has thus accepted all obligations under its provisions. In addition to the Ottawa Convention and additional protocols, North Macedonia has accepted other international regulations that regulate the issue of banning or restricting the use of mines and other explosive devices, according to which it is obliged to implement those measures and activities for protection of the population and material goods. In that context, it should be emphasized

[xiii] Setaliste (02.12.2020). The action for removing the grenades at the stadium in Bitola, over 12,000 pieces, is coming to an end. Retrieved from https://setaliste.com.mk/vesti/binfo/завршува-акцијата-за-отстранување-на/ [accessed on 05.11.2021]

[xiv] The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, typically referred to as the "Ottawa Convention" or "Mine Ban Treaty," seeks to end the use of anti-personnel landmines worldwide. The certified true copy of the Convention is available here: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVI-5&chapter=26&clang=_en [accessed on 05.10.2021]

that North Macedonia fully complies with those international regulations and is a country that does not have and does not use anti-personnel mines.

3.3. Tasks and Responsibilities

Those who found unexploded ordnance and other explosive devices mark the location and immediately notify the Protection and Rescue Directorate, the regional protection and rescue departments or the nearest police station.

After receiving the notification of the discovery of unexploded ordnances and other explosive devices, the Directorate undertakes preventive and operational measures for protection, in accordance with the standard operative procedures for protection from unexploded ordnance and other explosive devices, as well as the standard operative procedure for humanitarian demining.

Within these activities, the responsible entities carry out the following activities:

- The Directorate sends a pyrotechnician for inspection and destruction of the found unexploded ordnance and other explosive devices, informs the local population about the found explosive devices and the activities undertaken for their destruction and performs the destruction;
- The Ministry of Interior performs physical security at the place where unexploded ordnance and other explosive devices were found and provides escort with vehicles of the traffic police;
- The Ministry of Health, through the public health institutions, provides a medical team for first aid and
- The Ministry of Environment and Physical Planning participates in determining the locations where the unexploded ordnance is to be destroyed.

According to the legislation, protection from unexploded ordnance and other explosive devices includes:

- field search and retrieval;
- finding unexploded ordnance;
- marking and securing the terrain;
- disabling and destroying all types of unexploded ordnance and other explosive devices;
- transport to the designated and arranged place of destruction and
- safety measures during transport.

Procedures after finding UXOs:

1. Alert/notification for finding UXOs (people, police, etc.);
2. Reporting to the head of the Sector for prevention, planning and development in the PRD;
3. Entering the data in the records for received reports;
4. A tour of the field for the purpose of reconnaissance, checking the condition and identification of the assets, finding and determining the safest place for destruction, by the nearest located pyrotechnician;
5. The pyrotechnician who is located closest to the place/location of the found UXOs walks around the field to collect all data on the destruction of the assets and performs the following tasks:

- Determines the necessary steps for access to the found asset;
- Performs identification;
- Checks the condition of the asset;

- Finds the most favourable place for destruction and
- Compiles notification for finding and photo documentation.

6. Filling data in the records of additionally found UXOs.

NOTE: If it is impossible to identify the device, photo documentation showing real measurements is sent to the expert team to determine which device is in question and what are its technical characteristics.

In real situation this means that after receiving a call about a found UXO, EOD technician (pyrotechnician) alone goes to the place, identifies the device, regardless of the weight he loads it in a motor vehicle and transports it to a warehouse. Whether it is for on-site destruction, if it has come out of a pipe and has not exploded, which should be destroyed on the spot, EOD technician alone transported UXO, because there are no safety and security conditions (due to the terrain and no equipment for on-site destruction).

The average time between an explosive device being discovered and the arrival of EOD technicians (pyrotechnicians) is between 2 and 4 hours and it depends on several aspects (EOD technicians' availability, transportation, access to the area where UXO is found etc).

The average time it takes to identify the type of explosive device and implement render safe procedures after arrival at the location is up to 15 minutes. This short identification time is due to the long work experience of pyrotechnicians in PRD (about 25 years) and their excellent knowledge of the explosive devices. If it happens a device is found that is unknown to them, then the identification takes more than 8 hours, in order to make consultations and exchange opinions with their colleagues, so the identification process then takes longer. But so far, they have not discovered such unknown devices for them.

The action plan compiled by the responsible persons in the Directorate, for the purpose of searching the field for finding and determining existence of unexploded ordnance and its destruction contains the following attachments:

1. Excerpt from the assessment of the threat to the territory from military actions, natural disasters, and other accidents of importance for this measure;
2. Overview of areas where UXO is expected to be found;
3. Review of specialized units for protection from UXOs;
4. Review of equipment, material and technical means;
5. Review of vehicles that can transport the UXOs;
6. Map of the respective area and
7. Other attachments.

In order to perform the tasks and duties in the field of protection and rescue, and in connection with finding and destroying unexploded ordnance, the Directorate may call citizens - pyrotechnicians and support workers who will be hired to search the field to find and determine existence of unexploded ordnance, as well as their destruction.

3.4. Marking the Areas

Depending on the urgency and duration of the marking of suspicious areas, the following types of marking are used:

- **Immediate marking** of suspicious or mined areas is a clear visual warning at a time when a field sketch is being created. It is carried out by the general reconnaissance teams, teams for mine warning and other persons. It should be clearly

recognizable from 50 m and markings should be placed at the access points of the suspicious area. It is performed with local means (crossed pegs, stones) and standard mine signs. Without maintenance it should last up to six months.

- **Semi-permanent marking** is a more permanent visual barrier that is set to provide a clearer line between a safe and a suspicious or mined area. The borders are marked with a standard mine fence. This way of marking, without maintenance, should withstand all atmospheric influences for up to one year.
- **Permanent marking** is carried out where the movement of people and livestock is frequent and where the destruction operation is not planned in the near future. There should be a visual and physical obstacle to the movement of people and animals. This way of marking should retain all atmospheric influences for one to five years.

3.5. Equipment

The most important special equipment and material-technical means for dealing with found unexploded ordnance and other explosive devices are: minesweepers, tentacles, protective helmets, diggers, shovels, axes, pliers, etc.

The persons from the EOD team, who perform the activities and control in the dangerous areas, should constantly, in accordance with the conditions, i.e., according to the assessed dangers, have protective equipment. Each EOD technician and controller should owe the minimum standard personal protective equipment, which includes a face mask, protective helmet and body armour vest.

The specific features of the protective equipment are the following:

- Face mask - should cover the whole face including the front and side of the face, forehead, and neck. The mask should cover it around the neck or enter it, to have good visibility without hiding and changing the image.
- Body armour vest - should protect the front of the upper body including the front and sides, neck, shoulders and upper hips with groin.
- Shoes - in order to protect from the conditions in the environment, military boots are used and also, in accordance with the recommendations, boots for protection from explosion are used.
- Other work clothes and personal equipment - during the work a single work uniform will be used (work suits and overalls), marked by the organization and the demining team. When cleaning houses, due to the possibility of injury from building materials, helmets should be used.
- Metal detector - it should have such characteristics to detect the lighter of the explosive device at a minimum distance of 10 cm. The daily testing of the detector before the start of the work is performed by the team leader with the technicians, and the results are recorded in the daily records of the condition of the detector.
- Vegetation removal tool - The tool should have a sharp blade and be suitable for handling (grass scissors or small sickle, bush scissors or fruit tree scissors and a small hand saw).
- Excavation shovel - small shovels with a sharp tip are used to excavate located suspicious objects. A suitable knife can be used on this occasion.

Although the above-mentioned equipment is prescribed to be used by the EOD technicians in their daily work, the only equipment used is a metal detector and hand tools: digger and shovel. They do not have the devices and equipment for personal protection. Ordinary motor vehicles are also used for transportation of the found UXOs.

3.6. UXOs Neutralization

Disabling and destroying all types of unexploded ordnance and other explosive devices is carried out at the place of discovery if there are safety conditions. If the safety conditions are not met, the destruction of unexploded ordnance and other explosive devices is carried out at pre-determined and arranged places for that purpose.

The UXOs neutralization is a procedure for removing, deactivating, and destroying such found assets, and in a broader sense, technically defective and written off explosive devices.

There are two ways to neutralize these assets:

- by detonation;
- by burning.

3.7. Weaknesses

In North Macedonia, the profession pyrotechnician is on the verge of extinction. Currently, there are only seven pyrotechnicians in Skopje, Strumica, Kichevo, Kumanovo, Shtip, Tetovo and Bitola. Macedonian pyrotechnicians are employed by the Protection and Rescue Directorate, in a unit established in 2005. The youngest of them is 50 years old, the oldest are 66 years old and may be retired, but they are extending their working life because there is no one to replace them. In most countries, the pyrotechnician ends work at the age of 55.

One of the problems they face is their employment status. They claim that from the very beginning, the first mistake was made with their status, so they were appointed as civil servants, instead of as officials with special status, a status they deserve because they face daily dangers and risks in their life. According to this, for the authorities, they are the only pyrotechnicians in the world where there is no risk for their work. They do not have any beneficial experience and they have an above-average job. A few years ago, they sued in court for work at risk. In the same court in Skopje, three won the lawsuit and four were dismissed.

Only one of the pyrotechnicians has the appropriate education - graduated from a military academy in the Yugoslav People's Army. The rest possessed a non-formal type of education, through training. The PRD staff have not participated in any EOD training in the last five years. The last training for EOD technicians from PRD was in 2006 year. They are at work 24 hours a day, on-call, on holidays and weekends, constantly on the alert.

In North Macedonia, on average, unexploded ordnance is found every day, which is not the case in either Serbia or Croatia. When there was a big fire in Dojran a few years ago, the planes did not fly there because there were a lot of unexploded ordnances in the area. After the extinction, they visually counted that there were about 470 pieces of UXOs, which were then destroyed. Some were very close to the first houses.

According to the world nomenclature of dangerous occupations, the pyrotechnician is in second place, because it is under daily stress and at maximum risk. To save the citizens, they put their own lives at risk. Each bomb found is a threat to at least one citizen.

PRD currently does not use any technological tools for remote EOD operations but there is a need of unmanned vehicles, PCs/lap-tops, tablets, mobile phones, and

other devices. Based on this, the current tools for remote EOD operations in PRD are very poor.

The communication and coordination between first responders, EOD technicians and headquarters during EOD operations is poor. There is one EOD technician responsible for other 6 EOD technicians in the country.

The first responders, EOD technicians and off-site headquarters/experts when countering explosive devices communicate and coordinate with each other only by phone, although according the SOP there is a need for two-way mobile radios. Therefore, the communication by phone is not always appropriate for EOD operations, since many of them are at places without available mobile network. Also, there is a need to improve the communication and coordination between technicians and headquarters (operations and logistic sector) during EOD operations.

In July 2020, pyrotechnicians destroyed UXOs on three occasions (when all grenades, hand grenades, anti-tank mines found so far in a year or more were destroyed), although it is a time of year when this must not be done because it is done in early spring or late fall. But only then they have received the material they are working with, after a long wait. Some of the collected and undamaged explosive devices were kept in the barracks in Bitola, where a fire could have occurred, as happened in the spring in the barracks in Strumica and had terrible consequences for the environment. Therefore, in the middle of summer they decided to destroy them at 40 degrees Celsius in the military base in Krivolak. From Bitola they were transported to Krivolak, the place intended for destruction. Although according to world standards the destruction of these assets should be done on the spot, where it is found, in North Macedonia, they were transported and, on several occasions endanger the people nearby. Another problem they face is that they do not have adequate vehicles to transport the UXOs. They are currently transporting them in an old terrain vehicle, when at the slightest initiation they can explode. ADR vehicles are needed, in which there is adequate protection for the pyrotechnician and the persons transporting them. According to the world standard, a pyrotechnician must not work alone, because side effects can occur, so his/her colleague is here. There is a total of 7 in North Macedonia, one in different cities. After the destruction by detonation (explosion), a check is made if the terrain where the destruction took place is in order, after which the test site is safely left.

4. Conclusion

The purpose of this report was to elaborate how an EOD-operations work now within the responsibilities of PRD and to present the analysis of the operational and capacity gaps. It was done by the comprehensive legal framework analysis, as well as the survey (questionnaire and interview) conducted with the EOD technicians. Furthermore, this Capacity Gap Analysis was conducted to identify current difficulties and challenges in operational effectiveness that need to be filled in.

For the PRD EOD technicians, the main challenges faced by them in dealing with explosive devices at the stages of identification are: lack of working hardware equipment, lack of personal protective equipment, lack of professional literature, non-existence of catalogue for UXO, continuous training for improving their knowledge, skills and competencies. The main challenges faced by them during the stage of neutralization are: not suitable vehicles for UXOs transport (from the location to the training ground in the military polygon „Krivolak - Mushinci”), as well as the process of destroying of UXO itself (working resources, materials etc), lack of modern

technologies (EOD technicians works only with ignition/slow fuel ignition/DK8). Also, there is not any unmanned aerial vehicle (drones) in possession of PRD. When destroying the UXOs, some national and international regulations and rules must also be observed in terms of protection of the environment.

They concluded that overcoming the limitations and challenges in their daily work will significantly improve the EOD operations and their personal safety, as well as the safety of other people and areas where the UXOs are found. In that regard, they need to procure adequate modern working equipment (including personal protective equipment), unmanned aerial vehicles, appropriate transport vehicles, literature, specialized catalogue with UXOs features and characteristics, training for new EOD technicians, continuous training for the current EOD technicians, regional meetings for exchanging the experiences and good practices, expert support etc.

The embassies of the countries that were active during the First World War were also informed by PRD about the last largest action of the excavation of the artillery shells from Bitola. In the future, to avoid dangers, the entire southern front should be jointly planned to be explored. NATO allies could help the country in this effort a lot. The southern front was perhaps hundreds of kilometres long, and in this regard the support of historians and other experts in this field is needed, so with joint efforts to remove this danger that lurks underground in this area. The need of multi-experts and multi-agency approach is more than needed to explore further this issue and to offer possible solutions. It is a sleeping danger and one never knows when the worst will happen, and no one would want that.

Resolving the status of pyrotechnics requires appropriate programs, which also require foreign professional assistance in terms of their training and new staffing. Since, they didn't have any professional training so far (at least in the last 5 years), especially by the foreign experts, it would be of great importance for them. Perhaps one of the options that can be considered by the national authorities is engaging some of the most experienced and motivated soldiers from the Army who are over 45 years old and who have such practical knowledge, skills and competences. They could be included in the training of future pyrotechnicians to share their knowledge and expertise and thus to slowly renew the human resources in this area.

EOD operations must involve multiple actors and multi-agency cooperation. The experience and the knowledge of different actors and institutions has to be used in the activities for identification and neutralization of the explosive devices. The legal framework needs to provide clear mandates and excellent ground for development of cooperation between involved institutions and mutual acting during all activities.

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HUMAN SECURITY AND SUSTAINABLE DEVELOPMENT

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ABSTRACT

The contemporary world dynamic processes and changes are reflected on others through the demographic growth, dynamic urbanization, environmental degradation and geopolitical instability. In this context, political violence, illegal migration, the proliferation of weapons of mass destruction, crime and natural disasters, become a factor with increased and multidimensional influence in areas with high concentration of people and infrastructure. Therefore, the cities and urban areas security become a natural issue for numerous local, national and international actors today. Moreover, this issue is also one of the Global goals of the UN Agenda for Sustainable Development 2030.

Hence, this paper analyzes the projected goals, as well as the activities undertaken by various actors in order to ensure greater inclusiveness, security and sustainability of cities and settlements. Actually, the analysis focus will be on the urban perspectives and challenges for human security and sustainable development, especially in terms of the UN Agenda for Sustainable Development 2030.

Key words: Urban security, human security, sustainable development, UN Agenda for Sustainable Development 2030

Introduction

The world's rapid urbanization has recently been given special attention by scholars and policy makers because of its security implications, among others. This is not only due to state security, as always expected, but mostly urban environmental security, which could undermine state security. Urban environmental insecurities may affect human securities, which may ultimately affect the security of the state. Thus, scholars and policymakers are under the increased pressure of rapid urbanization and finding ways of ameliorating the effects of urbanization on growing urban centers.

This increased pressure to formulate solutions is because "urbanization and urban growth continue to be a major trend since the urban population increased from 200 million (approximately 15% of world population) in 1900 to 2.9 billion (approximately 50% of world population) in 2000" (McGranahan and others, 2005).

The world population is projected to increase by 2.5 billion passing from 6.7 billion to 9.2 billion between 2007 and 2050 (United Nations 2008), while having a large percentage living in the urban areas. This will invariably increase the population of urban areas of the world from 3.3 billion in 2007 to 6.4 billion in 2050 (United Nations, 2008). It is thereby inferred that the world urbanization is growing faster than the total population of the world (United Nations, 2004).

Rapid urbanization in developing countries has correspondingly given rise to the growth of cities and mega-cities.

From environmental security aspect, it should be noted the environment is very much affected by rapid urbanization, which, in turn, has implications on the environmental security of urban areas. Therefore, the paper analyzes the urban challenges for human security and sustainable development as well.

Human security and sustainable development

The national security is primary to human and socio-economy development. Nevertheless, the sustainable development of every nation must be anchored on its socio-economic development which will require veritable and practicable human security tenets for its success. Convectional security is dependent on human security, where the latter complement national security by protecting people from range of menaces (Commission on Human Security, 2003). Therefore, the human security depicts the assurance of life in every society. It is also in the steps towards reducing poverty, achieving economic growth and at the end preventing conflict (Millar, 2006).

Neethling, gave the definition of the human security as the "comprehensive view of all threats to human survival, life and dignity and stresses the need to respond to such threats" (Neethling, 2005). The components of human security in accordance with 1994 UNDP reports were highlighted as economic security, food security, environmental security, personal security, community security and political security (Svenson, 2007). These highlighted forms of securities are indispensable in every society.

As it was noted above, the economic security is an indispensable component of human security. Therefore, the economic security of urban residents is important for urban sustainability. In this context, Aluko describes poverty as a "state where an individual is not able to carter adequately for his or her basic needs of food clothing and shelter and is unable to meet social and economic obligation, lack gainful employment skills assets and self-esteem and has limited access to social and economic infrastructure such as education, health, portable water and sanitation and consequently has limited chance for his or her capabilities" (Aluko, 2012). Related to the research focus of this paper, it should be noted that poverty and the environmental degradation are inextricably intertwined, resulting in a vicious cycle in which poverty causes environmental stress, which in turn perpetuates more poverty. Actually, the poverty puts pressure on people to engage in unsustainable and environmentally unfriendly practices.

Human security is knitted with sustainable development. They are co-joined together in an inseparable manner. It is interlaced with the developing concept of environmental security. This is because the concept of environmental security advocates for the security of man/woman in relation to his/her environment (Akiyode, 2010).

Sustainable development is been defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs (UN, 2015). Achieving of sustainable development is determined by

harmonization of three core elements: economic growth, social inclusion and environmental protection. These elements are interconnected and all are crucial for the well-being of individuals and societies. As mentioned above, these elements are directly connected with the human security concept. Actually, eradicating poverty in all its forms and dimensions is an indispensable requirement for sustainable development. To this end, there must be promotion of sustainable, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion, and promoting integrated and sustainable management of natural resources and ecosystems. Therefore, all stakeholders: governments, civil society, the private sector, and others, should be involved in contribution to these goals realization.

Moreover, a revitalized global partnership at the global level is also needed for supporting national efforts regarding to this issue. It is the only way for sustainable development promotion and for enhancing human security as well.

Nexus between urban environmental security and human security

Urban environmental security is a new developmental security concept that came into view to preserve urban settings, especially with the expected continuous urban growth of the 21st century. As a branch of environmental security, it is a process of creating environmental sustainability and peace in an urban setting.

The environmental security discussion became prominent after the Cold War, focusing on global and ecological conditions to advance the global environmental sustainability and peace. Environmental security could be defined as the "implications of environmental degradation, scarcity, and stress due to disasters, migration, crises, and conflicts and on the resolution, prevention, and avoidance of environmental damage" (Kreimer, Arnold & Carlin, 2003).

Urban environmental security is a section of environmental security which focuses on urban areas and cities and is defined as the "reasonable assurance of protection against threats to physical and mental health of urban residents, life support systems, and urban, social, and economic sustainable development" (Zhao & Yang, 2007). Therefore, urban environmental security is a process of focusing on the total well-being of urban dwellers through prevention and management of urban ecological degradations and ensuring the provision of sustainable ecological services to urban communities. Steiner gave the definition of environmental security "as issues from energy security and climate security, to water and health security" (Steiner, 2006). This definition is all encompassing making environmental security complementary to the protection of individual and entire society thereby supporting the human security. Actually, it could be noted that the environmental security is an evolving concept developed with the consciousness of the need of societal and global environmental sustainability in the face of uncontrolled environmental degradation that is witnessed in different parts of the world. Therefore, it could be looked at as an offshoot of the principle of sustainable development with the unique aims of preserving the future of our environment for the use of the present and future generation.

A relationship between urbanization and human security is often associated with population growth and development with no compromising infrastructural development. The concept of security in general, aligns with the protection of human and society from threats. In this context, the human security concept takes a comprehensive view of all threats to human survival, life and dignity and stresses the need to respond to such threats as well. This approach, makes it to be far different from the traditional security that only focuses on the physical threat or aggression to the

society. Thus, it is not only protecting the integrity of the state but also emphasizes the importance of environment sustainability.

Actually, with the number of people living within cities projected to rise to 5 billion people by 2030, it is important that efficient urban planning and management practices are in place to deal with the challenges brought by urbanization (UN, 2015). Many challenges exist to maintaining cities and urban centers in a way that continues to create jobs and prosperity without straining land and resources. Common urban challenges include congestion, lack of funds to provide basic services, a shortage of adequate housing, declining infrastructure and rising air pollution within cities.

Rapid urbanization challenges, such as the safe removal and management of solid waste within cities, can be overcome in ways that allow them to continue to thrive and grow, while improving resource use and reducing pollution and poverty. There needs to be a future in which cities provide opportunities for all, with access to basic services, energy, housing, transportation and more. It is directly interlinked with the human security goals.

Actually, the human security and environmental security are interconnected to the extent that environmental security can be assumed to stem out of human security while human security could also be seen to come out of environmental security. The environmental security issues in the urban centers may affect the total well-being of human and its society thereby making them not to fully access the expected benefits of urban society and may thereby hinder its human security. Therefore, the underlining goals of the both concepts (Human and Environmental) are aligned towards achieving sustainable development.

The UN Agenda for Sustainable Development 2030

The UN Agenda for Sustainable Development 2030, identifies 17 main objectives whose implementation should initiate appropriate sustainable development by 2030. Some of these goals are directly related to the environmental and human security goals.

Regarding the first goal: *End poverty in all its forms everywhere*, the Agenda stress out that one in ten people in developing regions are still living with their families on less than the international poverty line of US$1.90 a day, and there are millions more who make little more than this daily amount (UN, 2015) Therefore, it is noted that the economic growth must be inclusive in providing sustainable jobs and promoting equality. Social protection systems need to be implemented to help alleviate the suffering of disaster-prone countries and provide support in the face of great economic risks. Actually, the Agenda aims a need for reducing at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions, by 2030. Therefore, all men and women, in particular the poor and the vulnerable, should have equal rights to economic resources by 2030, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance. It is also noted the necessity of ensuring significant mobilization of resources from a variety of sources, including through enhanced development cooperation, in order to providing adequate and predictable means for developing countries, in particular least developed countries, to implement programmes and policies for ending poverty in all its dimensions. The last challenge related to this goal is necessity of creating sound policy frameworks at the national, regional and

international levels, based on pro-poor and gender-sensitive development strategies, for supporting accelerated investment in poverty eradication actions.

Related to the 9th goal: *Building resilient infrastructure, promote sustainable industrialization and foster innovation,* it is noted that the investments in infrastructure – transport, irrigation, energy and information and communication technology – are crucial in achieving sustainable development and empowering communities in many countries.

The UN Agenda, recognizes technological progress as the foundation of efforts in achieving environmental objectives, such as increased resource and energy-efficiency. Therefore, the focus by 2030 should be on developing quality, reliable, sustainable and resilient infrastructure, including regional and trans-border infrastructure, and on supporting economic development and human well-being as well, with affordable and equitable access for all. It is also important to enhance scientific research, upgrade the technological capabilities of industrial sectors in all countries, in particular developing countries and to encouraging innovation in this area as well.

The 11th goal: *Making cities inclusive, safe, resilient and sustainable*, stress that the cities are hubs for ideas, commerce, culture, science, productivity, social development and much more. At their best, cities have enabled people to advance socially and economically. At the same time, rapid urbanization challenges very often limit people's needs for their normal functioning. Therefore, the UN Agenda has projected several targets regarding to this issue. The Agenda, in fact, pointed out that by 2030 it should ensuring access for all to adequate, safe and affordable housing and basic services and upgrade slums. It should also, enhancing inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries.

Hence, the UN Agenda recognizes a need of adopting and implementing integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change, resilience to disasters. At the same time, strengthen efforts should be taken in protecting and safeguarding the world's cultural and natural heritage. Providing universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities is needed as well. Additional efforts are planned as well in supporting positive economic, social and environmental links between urban, peri-urban and rural areas by strengthening national and regional development planning. As the last target, UN Agenda recognizes a need for Support least developed countries, including through financial and technical assistance.

Conclusion

The paper analyzes the nexus and interconnection between contemporary urbanization challenges and human security and sustainable development. Practically, the paper pointed out that human security and sustainable development are directly affected by the rapid urbanization process. Actually, environmental security and sustainability of urban centers in most developing countries have been affected by weak projections and inadequate planning with management. Thus, with continuous urbanization the urban society is thereby, subjected to myriad of problems and hazards that impinge on its growing population and its human security. The implications of diverse environmental problems caused by continuous rapid urbanization in the (most) urban centers could hinder their human and societal development. This thereby may lead to the inability of some urban seekers and dwellers to access the expected benefits

of socio-economic and human development inherent in a supposedly urban society. Thereby, the focus of environmental security in an urban setting is the sustainability of its environment with the intent of making it an ideal society. Therefore, the consequences of urbanization in relation to the concept of environmental and human security as well, should be assessed by linking the concept to urban poverty situations and some of the relevant components of security such as water security, food security and community ecological security.

The analyze recommends that in the next period the focus should be put on establishing a direct and closer connection between rapid urbanization process and human security and sustainable developments goals as well. Therefore, the sustainable urban environmental security policy and framework must be formulated and implemented on national, regional and global level as well. This should be an integrated approach and the formulation should be based on contributions and participations of all urban stakeholders, which include the general public, governmental agencies, community-based organizations, faith-based organizations, labor organizations, and nongovernmental organizations.

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SECURITY AND INTELLIGENCE SYSTEM OF TURKEY

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ABSTRACT

The intelligence sector is undoubtedly one of the basic elements for decision making and policies for planning the most basic and necessary activities. Intelligence is based on making decisions and policies in their entirety, and making management clearly focused on achieving strategic goals. In this context, for the system of intelligence and security bodies in order to achieve the national goals set by national policies, the state should guarantee security by creating internal and external government intelligence system.

Intelligence agencies are classified in terms of organization and action by countries, governing structures and political regimes, political structures, geostrategic positions, etc. In addition, the structure of intelligence agencies may be developed, developing or underdeveloped. General intelligence, from a functional point of view of the state, is classified into internal and external intelligence, military intelligence and electronic intelligence.

The intelligence system in Turkey is structured in two ways: State intelligence system involving central institutions and Provincial structuring of the state intelligence system. The authors of the paper make a comprehensive analysis of the security system of the Republic of Turkey, with special emphasis on intelligence.

Key words: security, intelligence service, system, Turkey, etc.

1. National Intelligence Organization (MIT)

The National Intelligence Organization (MIT) is Turkey's government intelligence organization. It was founded in 1965 to replace the National Security Service. It originally reported to the Office of the Prime Minister. In 2017, the National Intelligence Service was subordinated to the Presidency.[xv] According to the former director of foreign operations Yavuz Atak, the military presence in the organization is neglected.[xvi] In 1990, the share of military personnel was 35%. Today it fell to 4.5% in the lower echelons.[xvii]

MIT exists to protect the Turkish nation and has an obligation and duty to gather security intelligence information on existing and potential threats from internal and external sources aimed at disrupting territory, people and integrity, existence, independence and security, all elements that make it the constitution and national power of the Republic of Turkey.

Organizational structure of MIT

The MIT organizational structure is divided into:[xviii]

- **Strategic Analysis Directorate** - This Directorate is in charge of preparing strategic analyzes.
- **Signal Intelligence Directorate** - Basic Signal Intelligence.
- **Electronic and Technical Intelligence Directorate** - The main tasks of this Directorate are ELINT (Electronic Intelligence) and SIGINT (Signal Intelligence) activities. As part of its duties and responsibilities, as defined by law, MIT is successfully carrying out its primary mission of dealing with all electronic and technical attacks against Turkey.
- **Intelligence Security Directorate** - The Directorate is responsible for determining the necessary information on internal and external elements that threaten the national and territorial integrity, existence, freedom, security, constitutional order and institutions of the Republic of Turkey; to address the needs of operational units and to disseminate intelligence activities after assessing the information gathered to relevant institutions in a timely manner. Directorate of Operations Abroad - At the request of the intelligence, the page of the Directorate of Intelligence, the Directorate of Operations, will be determined. This unit collects information from secret sources in Turkey and abroad about MIT. The directorate also collects intelligence on organized crime, such as drug trafficking, money laundering and the proliferation of weapons of mass destruction, or for terrorist or ideological purposes. In accordance with Law 2937, the interests of MIT include external organizations, financial resources, procedures and movements of subversive or separatist elements working against the constitutional order of the Republic of Turkey. Another task of the Directorate is to prevent the activities of foreign intelligence organizations in Turkey, such as gathering information or manipulating certain individuals or groups.
- **Counterintelligence Directorate** - Performs counterintelligence activities in intelligence. In Turkey, three major changes have been made regarding the role of MIT in the labor administration. First, two new departments were created. One refers

[xv] MİT official website, https://www.mit.gov.tr/eng/gorev.html
[xvi] Ünlü, Ferhat (2007-07-16). "İngiliz general Apo'nun başına beş milyon sterlin istedi" Sabah
[xvii] Ünlü, Ferhat (2007-07-19) Sabah
[xviii] Ninetieth edition of the N&O column / Spooks newsletter , 2 Jan 2005
http://www.cvni.net/radio/nsnl/nsnl090/nsnl90tr.html

to the establishment of the position of Deputy Undersecretary for Co-ordination between Institutions. This unit is important for the realization of the communication between the state institutions. This change has enabled MIT not to act as an isolated institution, but to have daily communication with the Ministry of Interior, as well as with other ministries and state agencies. The second refers to the establishment of the position of Deputy Undersecretary for Special - Special Operations. This unit was established to coordinate the Turkish intelligence presence in Syria and Iraq from one place. MIT remains the main driver of intelligence activities in Syria and Iraq above all other Turkish institutions. The other Undersecretaries are not in charge of the following units: Security Intelligence, Strategic Intelligence, Technical Intelligence, and Internal Administrative Affairs. All these units, except the administrative one, have operational activities. MIT plans changes that expect external intelligence and domestic counterintelligence to be run by two different entities - entities.[xix]

2. National Security Council (MGK)

The National Security Council (MGK) consists of the Chief of General Staff, the elected members of the Council of Ministers, the President of the Republic (who is also the Commander). As with national security councils in other countries, the MGK is developing a national security policy. The policy is expressed in the National Security Policy document known as the "Red Book"[xx]. The Red Book is sometimes called the "more secret" document in Turkey. It is updated once or twice a decade. [xxi]

The creation of the MGK was the result of a military coup in 1960, and is part of the 1961 constitution. The MKG's role was further strengthened by the 1982 constitution, adopted by the military junta based on the consequences of the 1980s. Since then, its recommendations have been given priority by the Council of Ministers. Also, the number and weight of senior military commanders in the MGK has increased at the expense of its civilian members.[xxii] In 1992, then-Chief of General Staff, the General Dogan Gures confidently declared that "Turkey is a military state."[xxiii]

In order to meet the EU's political demands for the start of membership negotiations, the Copenhagen criteria, Turkey has undergone a number of reforms aimed at strengthening civilian control over the military. These reforms are mainly focused on the duties, functioning and composition of the MGK. On July 23, 2003, the Turkish Grand National Assembly adopted the "Seventh Reform Package", which aims to limit the role of the military through MGK reforms. According to an article in the Financial Times, the "seventh reform package" is nothing short of a "silent revolution".[xxiv]

[xix] Sputnik News online. (2016). Why Turkish Intelligence Agency Failed to Uncover Coup Plot, https://sputniknews.com/middleeast/201607161043124874-turkey-military-coup-mit/

[xx] Mercan, Faruk (2006-08-14). "Kırmızı Kitap'ı uyguladık" Aksiyon (in Turkish) (Feza Gazetecilik A.Ş.) 610

[xxi] Ergin, Sedat (2004-11-24). "Milli Güvenlik Siyaset Belgesi değiştiriliyor" Hürriyet http://webarsiv.hurriyet.com.tr/2004/11/24/558422.asp

[xxii] Sakallioglu, Cizre. The Anatomy of the Turkish Military's Autonomy, Comparative Politics, vol. 29, no. 2, 1997, pp. 157-158.

[xxiii] Özcan, Gencer, "The Military and the Making of Foreign Policy in Turkey", In: Kirişci, Kemal (red.) & Rubin, Barry (red.): *Turkey in World Politics. An Emerging Multiregional Power*, Lynne Rienner Publishers, London, 2001. pp. 16-20.

[xxiv] A quiet revolution: Less power for Turkey's army is a triumph for the EU", Financial Times (editorial), July 31, 2003.

It is first emphasized that the MGK is a consultative body, with a civil majority. A package of seven reforms called for the appointment of a Secretary-General of the MGK, which first took place in August 2004. The Council is a body that can implement the MGK "recommendations" on behalf of the President and the Prime Minister. In addition, MGK already has unlimited access to all state institutions. MGK has a representative on the Cinema, Video and Music Supervisory Board. He was represented in state institutions such as the Radio and Television High Commission (RTÜK) and the Higher Education Commission (YOK), but was criticized by the European Commission in 2003 for withdrawing from the two institutions in 2004.[xxv]

Despite impressive institutional changes, a 2004 European Commission report concluded that "Although the process of aligning civil-military relations with EU practice is ongoing, the armed forces in Turkey have continued to use their influence through a series of informal channels."[xxvi] The commission's report that year stated: "Reforms in civil-military relations continue, but the armed forces still have a significant impact by issuing public statements on political developments and government policies."[xxvii]

3. Sub-Secretariat for Public Order and Security (KDGM)

The sub-secretariat for Public Order and Security was established in 2010 within the structure of the Prime Minister's Ministry under Law 5952 to ensure productivity and effectiveness in the fight against terrorism, in coordination with other institutions so that it can meet most needs. In the framework of the fight against terrorism, it undertakes the following activities:[xxviii]

- Creates policies and strategies through analysis, monitoring, research and evaluation,
- Provide**s** analysis, sharing and efficient use of strategic intelligence in security forces and intelligence agencies,
- Increases efficiency and productivity to facilitate coordination through relevant institutions and organizations,
- Informs about public opinion and gaining public support through national and international affairs,

Fulfillment of the legislation, obligations provided by the superiority within the law and respect for human rights are the goals of the Undersecretariat for Public Order and Security. The Undersecretariat is established as an independent intelligence agency, and as such reviews operational operational activities related to security. The Undersecretariat for Public Order and Security is structured as an organization that plans the fight against terrorism with a multidimensional and holistic approach and effectively coordinates social values, plays a pioneering role in minimizing terrorism through its policies and strategies, brings superiority to fundamental rights and respect. and freedoms as well as principles. The Undersecretariat creates a proactive approach

[xxv] European Commission: 2003 Regular Report on Turkey's progress towards accession, November 5, 2003; European Commission: 2004 Regular Report on Turkey's progress towards accession, October 6, 2004 and European Commission: Turkey 2005 Progress Report, Brussels, 9 November 2005. http://ec.europa.eu/enlargement/archives/pdf/key_documents/2004/rr_tr_2004_en.pdf

[xxvi] Ibid

[xxvii] Ibid

[xxviii] Undersecretariat of Public Order and Security - http://www.kdgm.gov.tr/?ax=kdgmalangsmainpage&l=en

through open cooperation projects with effective communication and social responsibility.

4. General Secretariat for Security Affairs

In 2006, the Ministry of Security was abolished and the General Secretariat for Security was established. This department is responsible for internal security, external security and the fight against terrorism and has achieved cooperation with the institutions responsible for the implementation of these activities, where it is necessary to ensure coordination between internal and external security as well as issues related to the fight against terrorism. To this end, it is necessary to conduct research and meetings to assess the situation in order to be able to perform its tasks.[xxix] In addition, the General Secretariat for Security Affairs operates in areas of crucial importance, such as declaring martial law or state of emergency, with the aim of gathering information, assessing these issues and coordinating tasks to can inform the public about issues related to the situation.

The General Secretariat for Security Affairs is an institution that evaluates and analyzes information that enables coordination between security agencies.

5. Ministry of Interior

The internal security in the Republic of Turkey is regulated by the Ministry of Interior which aims to govern the territory as an indivisible whole and nation, to ensure internal public order and peace, morality, as well as the protection of the rights and freedoms of the Constitution.[xxx]

The Ministry of Interior conducts intelligence and security activities in coordination with institutions and organizations that have the authority to enforce laws and activities to enforce security, public order and peace.

6. Ministry of Foreign Affairs

The intelligence within the Ministry of Foreign Affairs dates back to December 3, 1983. The General Secretariat for Intelligence and Research and the Ministry of Foreign Affairs are gathering information on activities against Turkey in order to conduct an investigation. The General Secretariat for Intelligence and Research was established in 1980 and has been part of the Ministry of Foreign Affairs since 2010. The main task of the intelligence unit is to provide legitimate information from international law that can be submitted to the government.

7. Intelligence and related boards

Intelligence activities in Turkey are based on institutional coordination and cooperation between individual units:

a. Coordination Committee,
b. National Intelligence Coordination Board, and
c. Anti-Terrorism Coordination Committee.

Coordination Committee

[xxix] Türkiye Cumhuriyeti Başbakanlık, Teşkilat, http://www.basbakanlik.gov.tr/Forms/pOrganization 05.01.2012

[xxx] 3152 sayılı İçişleri Bakanlığı Teşkilat ve Görevleri Hakkında Kanun, İkinci Madde, a fıkrası.

In accordance with Article 26 of the Law on Trade Organization, the Intelligence Coordination Committee: abroad and at home undertakes activities to combat smuggling, tactics and procedures that will help achieve such goals, and among other things to ensure coordination between ministries, institutions and organizations. The regulations governing the functioning of the Board are implemented by the Ministry of Interior, under the direction of the Deputy Undersecretary or representatives of the relevant ministries and agencies. The board meets regularly every four months.[xxxi]

National Intelligence Coordination Board

The National Intelligence Coordination Board (Mikk) was transferred to the Presidency in 2017 with the Decree No.694 issued during the State of Emergency (OHAL). Previously the Board convened under the chairmanship of the MIT President until the regulation. The Board is consisted of MIT President, Minister of Interior, Minister of National Defence, Intelligence Chief of the General Directorate of Security, the intelligence chiefs of the General Staff and force commands, the MASAK Chairman, the Secretary General of the NSC and the names the President will invite.[xxxii]

Anti-Terrorism Coordination Committee

Security agencies and related organizations in the field of counter-terrorism provide the necessary coordination, policies and practices in this area.[xxxiii] An Anti-Terrorism Coordination Committee has been established to assess the board's co-ordination. Under the direction of the Deputy Chief of General Staff, the General Gendarmerie, the Undersecretary of the National Intelligence Agency, the Undersecretary of the Ministry of Justice, the Undersecretary of the Ministry of Interior, the Ministry of Foreign Affairs, the Undersecretary of Security, the Director General of Police and the Coast Guard. If necessary, other institutions and organizations related to the agenda may be invited to the meeting.

[xxxi] Kaçakçılık İstihbarat Koordinasyon Kurulunun Toplanma, Çalışma Esas ve Usulleri Hakkında Yönetmelik, Birinci Madde

[xxxii] Takvim, Milli İstihbarat Koordinasyon Kurulu ilk kez toplanacak, 23.12.2019, https://www.takvim.com.tr/guncel/2019/12/23/milli-istihbarat-koordinasyon-kurulu-ilk-kez-toplanacak

[xxxiii] 5952 sayılı Kamu Düzeni ve Güvenliği Müsteşarlığının Teşkilat ve Görevleri Hakkında Kanun, Dördüncü Madde.

CONCLUSION

Efforts to provide the necessary information base for decision-making to protect the country's interests from external dangers, in fact, represent the intelligence work, i.e., intelligence. Simply put, intelligence is the process of planning, collecting and interpreting, processing and using information relating to the secret activities, capabilities, plans and intentions of one country aimed, or which may be aimed, at endangering the interests of another ground.

Turkey's security intelligence system is built on the model of world powers and all institutions, units and bodies involved in the security intelligence system are accountable to the Prime Minister for their activities and tasks. The difference is that this system is structured in two ways: State intelligence system involving central institutions and Provincial structuring of the state intelligence system.

Turkey's national security policy is determined by the National Security Council, which is created by the President, the Government and the Ministry of Defense, ie the General Staff of the Turkish Army. Turkey's national security relies on regional co-operation and contributions to the security of the region and the wider world through NATO partners.

In order to ensure international stability, countries have reached bilateral and multilateral agreements, which to some extent include the exchange of intelligence and international cooperation.

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16. 3152 sayılı İçişleri Bakanlığı Teşkilat ve Görevleri Hakkında Kanun, İkinci Madde, a fıkrası.
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CRIME ON PUBLIC TRANSPORT: CERTAIN RESEARCH DATA AND PERCEPTIONS FOR THE CITY OF SKOPJE

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ABSTRACT

Public city transport is an important segment of the everyday life. Based on a planned and announced timetable, many citizens plan their trips and choose to use public city transport, expecting to be safe and secure not only at the bus stops but also on the buses, respectively, in every segment of the transportation net.

The article analyses the delinquent behaviour in the public city transport focusing on certain phenomenological traits related to the perpetrators, the victims and the offence. It is of crucial importance to consider the manner in which transport companies, more precisely JSP Skopje deals with the delinquent behaviour on the public city transport. Also, there is a need for additional training and education about public city transport code not only for the employees directly involved in the public transportation but also for the citizens as consumers of transport services.

Key words: city transport, passenger, deviant behaviour, travel safety.

1. INTRODUCTION

Public transport is a microcosm, which has many forms and special features. It has own infrastructure and staff with specific functions, and represents “blood flow” of the city, an essential element for its development and for interconnections among people who live, work, study, etc., at different locations in the city. Having in mind that the public transport facilitates daily travel of people in the urban environment, its organization and function, particularly in larger cities represent a necessity in many respects. But, an already chronic and more evident problem in the bigger cities is the heavy traffic, respectively congestion of the roads and slowness in the traffic, the big losses of time, the lack of parking space, increased air pollution and noise. The main generator of these problems is that too many trips to the city are made with individual cars, which requires a large area, both for driving and parking. Therefore, one of the most efficient ways, for significant alleviation of this acute problem, is certainly the reduction of the number of vehicles that participate in the traffic in a certain period of time. From practically applicable and efficient ways to alleviate this situation, the

organization and functioning of the public transport can provide an optimal urban transport system. So, the public city transport of passengers, as an activity of special social interest is an important and particular precondition for successful work and life of all citizens and workers who travels to certain destination in the cities or municipalities.

However, as cities expand, the number of inhabitants' increases, and consequently the number of passengers, as well, which leads to an increase in public transport problems. In that context the issue of safety in the public transport, along with public travel accuracy, frequency and efficiency is increasingly becoming a central topic in the public transport debate. Namely, the security refers to transport companies (their staff, vehicles and infrastructure), which affects public transport users. Therefore, it is a key issue for service delivery as it involves all stakeholders.

In that sense, all citizens can witness occurrence of inappropriate behavior of passengers (shouting, driving without a ticket, listening to loud music), and even more serious forms of violent behavior among passengers. The events take place both on the buses and at the bus stops and bus surroundings. But the levels of delinquent and criminal occurrences in public transport vary considerably from city to city. This is because transport systems are strongly influenced by their urban environment and reflect the dynamics of local crime.[xxxiv] In general, deviant and criminal phenomena have a negative effect on the way of using the transport service, and thus on the development of the city, because they pose a risk to the physical safety of passengers and staff, and at the same time create financial costs for the public transport system.

2. DEVIANT BEHAVIOURS ON THE PUBLIC TRANSPORT: TYPES AND OTHER SITUATIONAL FACTORS

Crime and the fear of crime on the public transport represent an important issue because affect millions of city travelers who travel every day, potentially risking their physical safety. On the other hand, both, crime and fear of crime have impact on the development of the city as a whole, and especially on social inclusion. In fact, violence in public transport means abuse, harassment, insults, treats to personal safety, beatings, abuse of passengers and the like. It causes feelings of insecurity and fear and affects the safety and quality of life of many bus passengers. Among criminal offences, the most common are thefts (insolent and pocket thefts) and robberies. Pocket thefts are specific property offences that juveniles and other persons may commit in several ways, but usually, by stealing certain valuable items and money from women open shoulder - bags. They are executed in those spaces and facilities where there is a greater concentration and mobility of people and where offenders adapt their criminal activity to a certain situation so as to avoid any suspicion for their behaviour. These are mainly larger shopping malls, bus and train stations, buses, market promenades and rallies waiting rooms. Pocket thefts are committed individually or in small groups of two or three perpetrators who are organized and their role in the crime execution is previous divided and determined. They usually create a fake situation of confusion, pushing, arguing with each other in order to divert attention of the victim. Another situation is when the offender, using both, the crowd and the carelessness of the victim cut the

[xxxiv] Jaramillo, C., Lizárraga, C. & Grindlay, A. L. (2012). Spatial disparity in transport social needs and public transport provision in Santiago de Cali (Colombia). Journal of Transport Geography, 24, http://doi.org/10.1016/j.jtrangeo.2012.04.014

handles of the victim's bags (shopping bag, shoulder bag etc.) and steal them. Pocket thefts usually occur on buses, especially during market, non-working days and in places where there is a higher frequency of people and passengers. On the other hand, areas near bus stops might make good candidate locations for robberies because potential victims are forced to wait in a public place with little or no obvious protection, particularly when these areas are in remote locations or deserted.[xxxv] Violence and physical attacks among young people, especially in groups, are also recorded by law enforcement agencies. They create a sense of insecurity and fear among citizens, which deters them from frequent use of public transport. Some of these events are motivated by certain ethnic tensions and prejudices, other by unresolved issues between groups of young people. Based on the place and time of the event, certain critical places or so-called criminal hotspots where there is a risk of committing property and violent crimes.

Apart from the criminal acts, as part of the structure of delinquent behavior, there are violations against public order and peace, especially scolding, shouting or indecent and insolent behavior, throwing or breaking bottles, glasses or other harassment and intimidating behavior that creates fear towards drivers and passengers. Another deviant acts usually registered, are throwing objects or making other intentional damage to buses, smoking cigarettes or using illicit narcotics. In addition, graffiti and vandalism are growing concerns of the public transport industry. Whilst operators strive to provide high-quality services for their passengers, graffiti tags and pieces have a substantial impact. The presence of graffiti within a public transport system gives the impression of a neglected environment and negatively affects the comfort and security perception of passengers.

2.1. Certain research results

Public transport is crucial for the everyday activities of most citizens. Therefore, in order to gain a more accurate understanding of delinquent behaviours that occur on the public transport, it is necessary to investigate whole process and different aspects of the transport. The last one, because, the public transport is not consisted only of travelling in vehicles, but also includes waiting at bus stations and bus stops, as well as transfer from one vehicle to another. But, nevertheless, most of the limited empirical evidence related to crime on public transport focuses on individual offenses that occur when vehicles stop at bus stations or while passengers are waiting for the required bus (at and around bus stations and bus stops)[xxxvi]. At the same time (Smith and Cornish, 2006) identify six categories of crime, which are usually recorded in the public transport network, (a) offenses and crimes against passengers, including theft, robbery and physical assault; (b) misdemeanors and crimes against employees, including assault and robbery; vandalism and graffiti; as well as (c) traffic violations that cause transport delays or affect safety.[xxxvii]

Some studies have shown that the consequences of property crimes committed on public transport are very serious, as they affect poor people more than others. People from poor backgrounds tend to carry cash because they usually don't have bank

[xxxv] Stucky, T. D., & Smith, S. L. (2014). Exploring the conditional effects of bus stops on crime. Security Journal. http://dx.doi.org/10.1057/sj.2014.16

[xxxvi] Lamplugh, T. (2005) Anti-social behaviour on buses, Scottish Executive Sue Granville and Diarmid Campbell-Jack George Street Research.

[xxxvii] Newton, Andrew D. (2014) Crime on Public Transport. In: Encyclopedia of Criminology and Criminal Justice, Springer, London, pp. 709-720. ISBN 978-1-4614-5689-6

accounts, making them easy targets for potential thieves. According to certain research study conducted in England, attitudes of those passengers that use bus transport in the city of West Midlands in England showed concern about the behavior of some passengers. The most common examples of inappropriate behavior that make the trip uncomfortable are: listening loud music, putting legs on the seats, passengers under the influence of alcohol or drugs, eating food, throwing garbage, noise and loud talking, smoking cigarettes and verbal insults between passengers.[xxxviii]

In Croatia, (Croatian branch of the international movement against sexual harassment in public places), in 2014 has conducted an online survey, which was answered by 446 women aged 13 to 74. Interesting to note, but almost all of them (99.6%) confirmed that they were exposed to at least one form of sexual harassment in the public space. Minor threatening behaviors were more common: such as uncomfortable staring (experienced by 94% of women), unwanted comments about their appearance (look) (93% of women) or embarrassed whistling (92% of women), while more threatening behaviors such as: stalking has experienced (53%), touching (55%) %) or sexual assault (32%) of the respondents. The places of harassment are: streets (57%), then **public transport (17%), stations-stops of public transport (7%)** and other places (15%). Hence, having in mind that around a quarter of the places of crime is the public transport, the research study has concluded that sexual harassment increases the feeling of fear among women when using the transport network, because buses and bus stops are risky places where women can be victims of sexual harassment[xxxix].

Another Research on Sexual Harassment in Public Transport in Belgrade (2007) confirms that sexual harassment in the public transport is present but is not given enough attention as a serious offence that increase fear and leave certain negative psychological consequences on the harassed passengers (anxiety, fear, humiliation, shame, degradation). For the needs of that research, 76 women, aged 20 to 29, participated. Most of the respondents, almost half of them (46%) were sexually harassed two or more times on public transport, while only (4%) did not have such experience. They were most often victims when they travel alone, while a significant percentage of women (26%) had a disturbing experience in company of friends or partners. Usual form of sexual harassment they experienced was intentional direct physical contact for most women, (when the abuser deliberately touches their body) (66%) when standing near them (46%). A significant percentage of respondents reported non-verbal harassment (30% for indecent viewing) and verbal harassment (8% for flirting). It is interesting to note, that even (22%) of the respondents had a disturbing experience, according to which they were witnesses of perpetrator's visible masturbation on the public transport (mainly in the buses).[xl]

Also, in Macedonia in one study about the scope of different shapes of sexual violence in our country, done by the National network against women violence and family violence in 2017, citizens (respondents) claim that are both, witnesses and

[xxxviii] Paes-Machado, E. &Levenstein, C. (2004). 'I'm sorry everyone, but this is brazil'. British Journal of Criminology, 44(1).

[xxxix] Horvat, M. i Cigrovski, B., (2014), Uznemiravanje žena na javnim mjestima – osvrt na uzroke, oblike i učestalost problema uznemiravanja u Hrvatskoj i svijetu, DOI 10.5673/sip.52.3.4, UDK 316-055.2, Pregledni rad, file:///F:/New%20folder/4_horvat.pdf

[xl] Tanasković, B. i Milena Račeta,(2007), Istraživanje seksualnog uznemiravanja u javnom prevozu u Beogradu, TEMIDA, ISSN: 1450-6637 DOI: 10.2298/TEM0704023T, file:///F:/New%20folder/Tem0704.pdf

victims of these behaviors in public life (85% of respondents believe that cases of sexual violence most often occur in poorly lit places, such as the quay, parks and dark streets in Macedonia). But, regarding public transport, so far, the research study has not found data on sexual harassment on public transport in the city of Skopje.[xli]

3. CHARACTERISTICS OF PERPETRATORS AND OTHER SITUATIONAL FACTORS

Because the bus drivers are the most involved, their opinion about the rate of delinquency on public transport is that the problem with the antisocial behaviour is increasing. They identify young people between the ages of 12 and 16 as main offenders. Travelling from school to home, when students are in groups (after 4:30 pm) is the period when criminal situations and damages are most likely to be caused. For example, throwing objects at the windows of the bus, vandalism, verbal arguments, indecent behaviour and shouting are most common. In addition, certain behaviour and activities by the passengers who are under the influence of drugs might be impulsive and unpredictable, and thus potentially violent.

In terms of the riskiest period of the day, the antisocial behavior of students is usually expected and considered after school, when they go home, at a time when many travelers are returning from work, as well. Equally worrying is their behavior in the evening hours, especially when they are in groups, (going or returning from sports competitions, certain protests or music concerts). Such events are good opportunity to use alcohol or other narcotics and psychotropic substances.

Regarding the most common places, in France, for example, research shows that violence against employees is more common in poorer areas where surrounding neighborhoods have lower socio-economic levels, especially high unemployment.[xlii] Other study in 1980 (Pearlstein and Wachs) examined California bus network crime and concluded that 88 out of 233 bus lines (less than 40%) are targeted by crime. Those risky bus lines most often travel through areas with high crime rates. The researchers also found that crime was disproportionately high at night when violent crime was most common, while pick pocketing and other forms of theft were more common during busy traffic periods.[xliii]

Studies in Chicago explain that robberies have changed over time and are concentrated overnight (between 11 pm and midnight, culminating at 2 am), while another study in New York found that although all identified hotspots were near subway stations, those that happened during the day (at 15:00) were near high schools. In California in the 1980's, a study by Levin, Wax, and colleagues found that certain crimes, such as rape, murder, and theft, were more common in low-traffic areas, with smaller mobility of people, with poor surveillance and many hidden areas. In such situational circumstances security was probably low or was hampered by inappropriate environmental design which reduces the scope of view field. According to another study

[xli] Трајановска, Љ. И Димушевска, Е., (2017), Студија на опсег на различните форми на сексуално насилство во Р.Македонија, Национална мрежа против насилство врз жените и семејно насилство – Глас против насилство, Скопје, file:///D:/New%20folder/studija-za-seksualno-nasilstvo-vo-rm-1.pdf

[xlii] Jaramillo, C., Lizárraga, C. & Grindlay, A. L. (2012). Spatial disparity in transport social needs and public transport provision in Santiago de Cali (Colombia). Journal of Transport Geography, 24, http://doi.org/10.1016/j.jtrangeo.2012.04.014

[xliii] Newton, Andrew D. (2014) Crime on Public Transport. In: Encyclopedia of Criminology and Criminal Justice. Springer, London, pp. 709-720. ISBN 978-1-4614-5689-6

in relation to graffiti and bus vandalism carried by Wilson and Healy in the 1980s in New South Wales, Australia, most of the offenders were minors who committed such offenses in unprotected areas during busy hours.

In the UK, according to one study, (supported by Newton and Bowers) bus station crimes were concentrated in a small number of bus shelters. In fact, the risk of damaging bus stops is higher in areas with high levels of antisocial behavior, with a lack of proper supervision and a greater presence of young people. For example, they found a positive association between damage to bus shelters and proximity to parks, playgrounds, and schools, and a negative association with the presence of pubs and bars, nightclubs, and liquor stores operating late into the night.[xliv]

Also, several studies have shown that crime at bus stops is generally higher in local communities where crime rates are also high. In Bogota, for example, people are five times more likely to be killed near bus stop (TransMilenio) in a poor area than in other areas. Other studies show that perpetrators are characterized by their low socioeconomic status. In that context, certain study in Brazil about phenomenological features of perpetrators has found that they came from poor areas without completed primary school. In addition, in some cases, in Honduras and El Salvador, taxi drivers and bus companies, are forced by street gangs who use force and threats to pay huge sums of money annually in order to do their job (to drive a taxi or buses).[xlv]

Citizens' concerns about their safety in public transport also vary considerably between cities, ranging from (5%) in Auckland and New Zealand, to (68%) in Mexico City and (74%) in Bogota. In Bogota, the most unsafe place is the path (road) to the station, as 95% of the respondents answered that they feel insecure on those paths. High 79% feel insecure at the bus station, while 68% of respondents in the buses.[xlvi]

In the United Kingdom, the Ministry of Transport (2004) noted that the biggest antisocial problem in public transport was vandalism (criminal damage to the windows and seats). Even relatively minor offenses (graffiti drawing) caused around 0.6 million pounds damage in 2002, while in 2004 the Department of Transportation spent 150,000 pounds for repairing damaged vehicles (Department for transport, 2004).[xlvii] Research on bus vandalism in public transport in France points out that passenger seats are often damaged and each bus loses three or four seats due to vandalism each year. If we consider this average figure in relation to all urban transport companies, every year the delinquents destroy more than 50,000 bus seats - a small fortune in terms of the cost of equipment and the effort invested and spent on repair. The annual cost of bus vandalism is over 20 million or around 1,500 to 2,000 pounds a year per vehicle. The cost of such damage has been increased by 386 percent between 1980 and 1983, a significant percentage that requires analysis of passenger seat design.[xlviii]

In London, Synovate (Research Company) examines bus drivers' perceptions of crime and anti-social behaviours, as well of prescribed and imposed penalties against offenders. In general, they have positive attitudes regarding travel safety. 21% of the

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[xliv] ibid

[xlv] Jaramillo, C., Lizárraga, C. & Grindlay, A. L. (2012). Spatial disparity in transport social needs and public transport provision in Santiago de Cali (Colombia). Journal of Transport Geography, 24, http://doi.org/10.1016/j.jtrangeo.2012.04.014

[xlvi] ibid

[xlvii] Scott, K. (2008) A study of antisocial behavior on Dublin Bus Routes, Dissertations, Dublin Institute of Technology

[xlviii] Report of the seventy-seventh-round table on transport economics, Pariz, 9th october 1987, Delinquency and vandalism in public transport, Economic Research Centre

respondents answered that the most common reason for safety feeling was the increased presence of Closed-circuit television (CCTV), (13%) the presence of police officers in and around buses, and similar percent (12%) answered that the introduction of driving cards for children has increased the feeling of security. While, (30%) of the drivers answered that the most common reason for feeling less safe was the circumstance that people are more and more violent and aggressive. One out of ten respondents think that people behave aggressively compared with the previous years. In terms of whether they experienced certain incidents on duty, big percent (93%) of drivers gave an affirmative answer. Three-quarters (76%) witnessed incidents of harassment of passengers by other passengers, mostly by young people. Drivers who worked in the second shift (in the afternoon) were more likely to witness an incident (75%), indicating that it happened when students were returning from school. Seven out of ten drivers (70%) have personally experienced or witnessed maltreatment of other drivers or bus controllers. This included verbal abuse by teenagers or other passengers (44% and 42%), as well as physical abuse (36%). Regarding the presence of formal control on public transport (for example presence and patrolling of security of police officers) two-thirds of the drivers (67%) confirmed their presence. Most experienced drivers were more likely to notice an increase of police officers on buses and bus stops (36% of those who drove buses for more than 1 year, versus 20% of those who drove for less than 1 year). Hence, drivers often suggest that enhanced presence of police officers is preventive measure, but also prove that bus offences are increased in certain locations. Nevertheless, a quarter (27%) of the respondents claims that bus locations need presence of more Police Community Support Officers (PCSOs), mostly during busy (rush) hours when there is a heavy traffic at the begging and the end of the working day.

Regarding the victims' reactions to certain harassment or other verbal or physical attacks, the "Survey on Sexual Harassment on Public Transport in Belgrade" gives certain data. Namely, the reaction of the victims - respondents at the time of the harassment is different. 28% of them verbally opposed and resisted the unpleasant behaviour of the perpetrator while (11%) of them have slapped him. A significant percentage of respondents behaved as if they did not notice what was happening (29%), while an even larger percentage were convinced that the situation was just happening to them. Most of the women in this study still reacted to this harassment, although this reaction can be assessed as passive, which means moving away from the abuser or giving a sign by looking at the abuser that he was spotted. Because public transportation is a public place where there are usually many people, the reaction of other passengers to sexual harassment is very important. However, during the research, the results showed that the other passengers do not want to get involved in the situation and they usually avoid direct contacts with both, the offender and the victims, in such cases. Only in (10%) of the cases, other passengers react in some manner, while in (45%), did not, although they noticed harassment.[xlix]

Having in mind the above stated, it can be concluded that the behavior of potential victims and offenders, location and surroundings, time of the day, and other individual characteristics in each situation affect the risk of crime on public transport. In addition, such crimes are higher on roads passing through high-crime zones. Regarding the other situational factors, violent crime tends to occur in the late evening

[xlix] Tanasković, B. i Milena Račeta,(2007), Istraživanje seksualnog uznemiravanja u javnom prevozu u Beogradu, TEMIDA, ISSN: 1450-6637 DOI: 10.2298/TEM0704023T, file:///F:/New%20folder/Tem0704.pdf

/ night hours when there is less surveillance, while pocket thefts more common during traffic jams and rush hours.[l]

4. CERTAIN DATA AND CHALLENGES IN SKOPJE CITY RELATED TO CRIME ON PUBLIC TRANSPORT

In our country, in the Skopje City, public transport is organized through the Public Transport Company (PTC Skopje). It is an organized system and the largest passenger transportation in the capital city. It serves the organized transport network of lines, with clearly defined routes, bus starts, bus stops and end stops, turning points and terminals. In addition, as the main public city transport system, the PTC - Skopje has long time faced challenges and safety risks in performing its transport services, both for its staff, fixed assets, as well as for the passengers within transport networks. Namely, the transport company has register numerous violations, such as: driving without a ticket, destruction of inventory, inappropriate and insolent behavior, shouting and driving under the influence of alcohol, thefts, violent behaviors, and even more serious physical fights not only between passengers but with bus drivers, as well. JSP Skopje in a press release (2017), declare that the most common reports declared by the victims are for theft of stolen wallets and free tickets, but that they are not informed about the number of thefts, because the Ministry of Interior is responsible for the scope and rate of that offences. The Ministry, on the other hand, explains that they do not keep special records for crime on public transport (such as thefts that are performed in the buses) which indicates that there are no special and proper crime statistics on property crimes according to the place of perpetration.[li]

Related to modus operandi, the general findings show that the perpetrators use the crowd in the buses during the free days (Tuesdays and Fridays) for elderly passengers (mostly for retires), because those days the buses are overcrowded with passengers. The perpetrators use the crowd and de-concentrations of the people and steal wallets, phones and other valuables from the passengers' bags.[lii] In addition to violent and property offences, the transport company faces large material costs from violent behaviour of citizens, mostly by the youngsters. Breaking windows, mirrors, cutting the seats, burning and breaking seats, brackets, speakers, interior lights, etc. are usual phenomena noticed and registered by the transport company.

In the research study conducted in 2012, named "The role of the community and the police in crime prevention: situation in the city of Skopje" (Stefanovska, Gogov, 2012), in order to understand the views of the police about the security situation in the city of Skopje, police respondents were asked about the most common places where the street crime occur. Over (60%) of the respondents answered that the crimes most often occur in places without street lightening, on dark streets and in the buses. In addition, according to the analysis of the Ministry of Interior about the juvenile delinquency, 50% of the registered violent behaviors of young people have occurred in buses, and at the bus stops. Findings show that more than 70 people were injured within committed physical attacks, and four buses were damaged. Such conditions require greater

[l] ibid

[li] https://vecer.mk/skopska/parichnikot-chuvajte-si-go-cvrsto-v-raka-koga-se-vozite-vo-gradski (accessed on 03.12.2018)

[lii] https://sdk.mk/index.php/dopisna-mrezha/2237-krazhbi-za-9-mesetsi-vo-skopje-najmnogu-se-krade-vo-avtobusite-vo-vtornik-i-petok/ (20.12.2018г)

protection and increased police presence in those places (like hot spot policing), as well as taking measures by the local community, mostly for street lighting and proper design and maintenance of poor, disorganized and abandoned areas.[liii] Also, certain articles about bus offences can be found in the media which publicly report for concrete incidents. To illustrate, in the text below are some examples:

Example 1 - misconduct of several high school students who, returning from school, got into a fight on a bus from line number 5 of JSP that was traveling on the boulevard "Teodosij Gologanov" towards Center. There were no damages to the bus, no injured passengers, but some of the participants in the physical fight were detained.[liv]

Example 2 - A seventeen-year-old juvenile was beaten in a JSP bus on line 50. He was attacked by several juveniles for no reason, injuring his right hand.[lv]

Example 3 - In one incident, four juveniles were reported due to a well-founded suspicion that they had committed the crime of "violence" on a JSP bus on line number 64, during which they physically attacked and brutally abused their peers without any reason.[lvi]

Example 4 - during a fight in a bus, a seventeen-year-old boy was injured in a vehicle of JSP, on line number 57, when on the upper floor of the bus there was a fight between two groups of minors.[lvii]

Example 5 - Some of the protesters who protested in front of the Parliament vandalized a JSP bus, and previously attacked the police officers with stones, glass bottles and eggs, and a journalist team was also attacked.[lviii]

Also, the research study of the Helsinki Committee for Human Rights (2013), has noted that the occurred violence on public transport was mostly committed due to ethnic or religious reasons and impatience and intolerance among youngsters. Most of the violence took place on public transport buses, provoked by angry and outraged conflicts between ethnic Macedonian and Albanian pupils and students, which resulted in violent incidents.[lix]

5. CONCLUDING REMARKS

As safety becomes one of the key expectations of the public and affects the entire production system, it is important to apply a systematic approach to ensure the safety of passengers and employees.[lx] Especially important is to analyze the role and interrelationship between all elements of the system: passengers and staff, equipment and facilities, procedures, time and environment. This makes it essential to develop policies to prevent crime and the fear of crime in urban public transport. Recent research data show that crime and fear of crime are related to the transport network itself, to the

[liii] Стефановска, В. и Гогов, Б. (2015) Улогата на заедницата и на полицијата во превенцијата на криминалитетот: состојби во градот Скопје, Факултет за безбедност – Скопје, Скопје, Ван Гог

[liv] Дневен весник Курир, Македонија, Хроника, https://kurir.mk/makedonija/hronika/tepachka-vo-avtobus-na-jsp-popladnevo-eve-gi-detalite/ (04.04.2019 г.)

[lv] https://www.mkd.mk/82856/crna-hronika/novo-nasilstvo-vo-avtobus-na-jsp, (accessed on 29.04.2019)

[lvi] https://kajgana.com/privedeni-chetvorica-maloletnici-vmeshani-vo-incident-vo-avtobus-na-jsp

[lvii] https://infomax.mk/wp/видеокурир-мк-детали-за-крвавата-тепа/ (25.12.2017 г.).

[lviii] https://netpress.com.mk/video-nasilni-demonstranti-napadnaa-i-avtobus-na-jsp/ (06.04.2019 г.)

[lix] https://balkaninsight.com/2013/05/22/helsinski-makedonija-go-krie-podemot-na-zlostorstva-od-omraza/?lang=mk (20.04.2019 г.).

[lx] Petrea Marius Catalin (2010), The Privatization of the Security Function in the Public Transport Sector. A Comparison between Belgium and Romania, Dissertation, Master of European Criminology and Criminal Justice Systems, Faculteit Reichtsgeleerdheid, Univerziteit Gent.

organization and environmental design of the public space. Certain situational circumstance around bus stops can influence decision of the individual whether to commit a crime or not. Namely, the dark areas, absence of capable guardian, low visibility, the presence of hiding places and the possible escape route are elements that reduce the likelihood of being caught. Additional factors that cause delinquent behavior are: congestion and lack of supervision during busy hours, lack of safe waiting areas and inadequate lighting. Therefore, the design and arrangement of the space should facilitate natural supervision, so that public transports users to feel safer in the areas around bus stops. If possible, there should be good planning and certain design (for examples use bars or other design elements to separate bus patrons from pedestrian flow) at the transport terminals as long as possible, in order to provide continuous opportunities for passive surveillance and to reduce the vulnerability of passengers during peak hours.[lxi] So, the transit companies have to admit that both, the bus and bus stop wait are significant parts of the overall transit system. Therefore, they should target resources for the safety of their customers by improving and maintaining the public environment at places where their buses stop, including safe travel to the required destinations.

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PROPORTIONALITY AND REASONABLENESS IN THE USE OF COERCIVE MEANS BY POLICE OFFICERS

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ABSTRACT

In performing their tasks, the police make contact with a relatively large number of citizens, and in certain situations, this includes the use of coercion as the ultimate means of carrying out police tasks. For their application, the objective conditions prescribed by laws and under legal acts must be met.

Under CPT standards, the use of force should be proportionate and to the extent necessary to bring violent and/or agitated persons under control. When using coercive means, it is particularly important to establish that the application was justified and lawful and to assess this within the prescribed time limit.

Following the case law of the ECHR (European Court of Human Rights), the state needs to prove with arguments that the use of coercive means was not excessive. Complaints of excessive use of coercive means, especially when visible injuries and a medical examination did not immediately follow, may indicate their unjustified or illegal use and possible torture, inhuman or degrading treatment.

Therefore, it would be good to establish a video or audio recording that would be an additional measure to protect citizens from violations of their rights, including persons deprived of their liberty from abuse and police officers when there are unfounded allegations of abuse. At the same time, to improve police officers' conduct, especially in the first phase of deprivation of liberty, it is necessary to educate police officers on domestic and international standards of conduct and the practice of the ECHR.

When the use of coercive means is exceeded, i.e., it is disproportionate to the goal, it is necessary to conduct an effective investigation. The lack of an effective investigation has led to a procedural violation of Article 3 of the ECHR in both the Republic of Croatia and North Macedonia.

This analysis will present international and domestic standards for the use of coercive means, standards in effective investigations, and ECHR practice. Particular attention was given to the documents and reports produced by the National Preventive Mechanism within the Ombudsman/Ombudswoman office.

Keywords: police, means of coercive, effective investigation, ill treatment

Introduction

In the Republic of Croatia, the notion of coercion is defined in the Law on Police Affairs and Powers[lxii]. Means of coercion are physical force, nebulizer with irritants, police stick, means of restraint, a device for forcible stopping of motor vehicle, service dogs, service horses, special motor vehicles, chemicals, firearms, a device for ejecting water, special types of weapons and explosives. By prescribing which means of coercion a police officer may use in the performance of his / her official duties, the principle of legality of the use of means of coercion is realized.

In line with the law, coercive means may be used to protect people's lives, overcome resistance, prevent escape, repel attacks, and eliminate danger, if it is likely that warning measures and orders will not achieve the goal and through this provision, the principle of reasonableness is achieved.

In doing so, the police officer must always use the mildest means of coercion to achieve the goal, and only to the extent necessary as well as until the end of the reasons for which the means were initially used, or until he brings under control a person who acts violently and/or agitated.

Naturally, they are applied with special regard to the child, a person with a disability, a person whose movement is significantly impaired, pregnant women in the visible stage of pregnancy, and a person who is obviously ill. Furthermore, when acting, it is necessary to respect the dignity, reputation, and honor of every person as well as other fundamental human rights and freedoms, which is required by the Law on Police, according to which officers are obliged to perform duties in accordance with the law, other regulations, and rules of the profession compliance with the provisions of the Code of Ethics for Police Officers.

The police officers are authorized to use physical force to overcome the resistance of a person who disturbs public order or who is to be brought, detained, detained, or arrested; preventing self-harm of a person; refusing to attack oneself or another person or the facility or space it secures; preventing the arbitrary distancing of a person from a particular place of detention. Also, a minor, a pregnant woman in a visible state of pregnancy, an elderly and visibly ill or infirm person, and a severely disabled person must not be tied up, unless they directly endanger their own or the life of a police officer or other person.

Police officers have specific powers that, if not proportionate and well-founded, can lead to inhuman or degrading treatment. Therefore, the use of coercive means is prescribed in detail by national laws and international documents, and clear standards are established by the case-law of the European Court of Human Rights. All allegations of their excessive use must be adequately investigated in order to protect citizens from violations of their rights, and police officers from unfounded allegations of abuse of power.

[lxii] Law on Police Affairs and Powers (NN 76/09, 92/14, 70/19), Republic of Croatia 2019, available at: www.zakon.hr (visited on 25.10.2021);

International and domestic standards for use coercive means by police officers in context of proportionality and reasonableness

International sources regulating the rights of citizens also include the actions of the police, and in this context, the Universal Declaration of Human Rights[lxiii], what is prescribed in Article 5 is important the prohibition of torture, cruel, inhuman, or degrading treatment or punishment, and the International Covenant on Civil and Political Rights[lxiv], in Art. 9. stipulates that everyone has the right to liberty and security of person, no one shall be arbitrarily arrested or detained and no one shall be deprived of his liberty unless in accordance with a procedure prescribed by law.

The use of coercive means is regulated by international instruments, so the UN Code of Conduct for Police Officers[lxv] stipulates that police officers may use force only when absolutely necessary and to the extent necessary for the performance of tasks (Article 3), while the Basic Principles on the Use of Force and Firearms of Police Officers[lxvi] state that it is necessary, as far as possible, to use non-violent means before resorting to the use of force and firearms, and force and firearms they may be used only when other means are ineffective or when it is not certain that the stated objective will be achieved. According to the 1979 Police Declaration[lxvii], police officers may not use more force than is reasonably necessary, while according to the 2001 European Code of Police Ethics, the use of force may be used only when necessary and to the extent necessary to achieve a legitimate purpose.

On the other hand, the Constitution of the Republic of Croatia states, among other things, freedom, respect for human rights, and the rule of law as the highest values of the constitutional order of the Republic of Croatia. It also stipulates that freedoms and rights may be restricted only by the law in order to protect the freedoms and rights of others and the rule of law, public morals, and health and that any restriction of freedom or rights must be proportionate to the nature of the need for restriction in each case.

In accordance with the Law on Police[lxviii], the police provide citizens with the protection of their fundamental constitutional rights and freedoms and the protection of other values protected by the Constitution. A police officer is obliged to perform his / her duties in accordance with the law, other regulations, and rules of the profession, in compliance with the provisions of the Code of Ethics for Police Officers. He is also obliged to respect the dignity, reputation, and honor of every person as well as other fundamental human rights and freedoms.

[lxiii] Universal Declaration of Human Rights, United Nations General Assembly in Paris on 10 December 1948;

[lxiv] International Covenant on Civil and Political Rights, adopted by United Nations General Assembly Resolution 2200A (XXI) on 16 December 1966 and entered into force 23 March 1976 after its thirty-fifth ratification or accession;

[lxv] UN Code of Conduct for Police Officers, Amendment to UN General Assembly Resolution 34/169 of 17 December, 1979;

[lxvi] Basic Principles on the Use of Force and Firearms of Police Officers, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990;

[lxvii] Police Declaration, Res.690, adopted in May 1979 by the Parliamentary Assembly of the Council of Europe;

[lxviii] Law on Police, (NN 34/11, 130/12, 89/14, 151/14, 33/15, 121/16, 66/19) 2019, Republic of Croatia, available at: www.zakon.hr (visited on 25.10.2021);

The Law on Police Affairs and Powers stipulates that a police officer acts, keeping in mind the relationship between the authority he/she exercises and the purpose of performing police work, and he/she is always obliged to apply police authority which interferes with human freedoms and rights to the least extent, in accordance with the Constitution and the law.

A police officer must not use coercive measures to a greater extent than necessary to achieve the purpose of the action and should stop using them immediately upon the cessation of the reasons for which the coercive means were used. When using coercive means, police officers are obliged to respect the principles accepted in the international community, namely: legality, necessity, proportionality, gradualness, precision, and selectivity[lxix]. In addition to the above principles, the general principle is the pyramidal use of coercive means, and as a last resort, firearms are used, which most endanger the lives and freedoms of citizens.

Jurisprudence of the ECtHR regarding the effective investigation when the use of coercive means is exceeded

According to the case-law of the ECtHR, there should be an absolute necessity for the use of force and the principle of strict proportionality should be applied. Thus, in McCann v. the UK (1995)[lxx] the Court reasons that the force used must be strictly proportionate to the achievement of the purpose, while in the case of Nachova and Others v. Bulgaria (2005)[lxxi] it is stated that necessity cannot exist when it is known that the person arrested does not pose a threat. According to the case-law of the European Court of Human Rights, cases, where the use of coercive means has been exceeded, require an effective and independent investigation, with the role of the State Attorney's Office, which should investigate all allegations and decide to launch an investigation.

Furthermore, given the practice of the ECHR in complaints of police violence, the State Attorney's Office should investigate allegations of inhuman treatment, not relying solely on police documentation. Thus, for example, the ECHR in the Decision Štitić v. Croatia (2018)[lxxii] found that there was no effective investigation because the State Attorney's Office and the court did not make serious efforts, limiting themselves to statements by police officers. In the Decision of the ECHR V.D. v. Croatia (2011), the Court also found that there was no independent investigation, as it was based solely on the actions and evidence of the police, and in accordance with that Decision, the competent State Attorney's Office repeated the investigation. With the new Decision of 2018, the ECHR found that the new investigation was independent because it was conducted by the State Attorney's Office, not only relying on information provided by the police but also investigative actions that were adequate, effective and could lead to clarify the situation and establish responsibility.

At the same time, according to the case-law of the ECHR, the state needs to prove with arguments that the use of coercive means was not excessive. Complaints of excessive use of coercive means, especially when there are visible injuries and a medical

[lxix] Škrtić D. (2007), Zakonita uporaba sredstava prisile policijskih službenika, Zagreb;

[lxx] CASE OF McCANN AND OTHERS v. The UK. 1995, Application no. 18984/91, - available at: www.hudoc.echr.coe.int (accessed on 05.10.2021);

[lxxi] CASE OF NACHOVA AND OTHERS v. BULGARIA, Applications nos. 43577/98 and 43579/98, available at: www.hudoc.echr.coe.int (accessed on 05.10.2021);

[lxxii] CASE OF STITIC v. CROATIA 2018, Application no. 29660/05, available at: www.hudoc.echr.coe.int (accessed on 05.10.2021);

examination did not immediately follow, may indicate their unjustified or illegal use, but also possible torture, inhuman or degrading treatment. Excessive use of force may lead to a violation of Article 2 and Art. 3. of the ECHR. There are three basic obligations under Art. 2. and Art. 3. ECHR which are: negative - where the obligation of the state to refrain from unlawful taking of life and abuse; positive - where the obligation of the state to adopt effective normative and implementing measures for the protection of life and protection from abuse and procedural safeguards which is the obligation of the state to investigate suspicious death and abuse.

For example, in Rehbock v. Slovenia (2000). The ECHR found that the use of force was excessive because police officers inflicted grievous bodily harm on the detainee while resisting arrest even though they were able to prepare the arrest in a way that minimized the use of force. Similarly, in Çalışkan v. Turkey (2007), the court found that injuring a detainee by a police officer in retaliation for slapping her was not necessary to use force.

If there are allegations of excessive use of coercive means in which the principle of proportionality has not been applied, the ECHR requires an effective investigation and in the cases Mađer v. Croatia, 2011, Đurđević v. Croatia, 2011, V.D. v. Croatia, 2011, Mafalani v. Croatia, 2015 also found a violation of the procedural aspect of Art. 3. ECHR due to ineffective investigation of allegations of ill-treatment.

The existence of an unbiased investigation in situations when there are justified reasons to suspect that the rights of a person deprived of liberty have been violated, as well as the possibility of public verification of the investigation and efficient access of the complainant to the investigation procedure. In the matter of Mafalani vs. Croatia (2015)[lxxiii], the European Court of Human Rights ruled that state authorities were obligated to conduct, at their own initiative, an efficient and independent investigation at all times when the medical records lead to the conclusion that the person had suffered injuries during arrest. In accordance with the ECHR case law, it is not sufficient to just conduct an investigation, but rather this investigation has to be efficient, thorough and independent, which includes the obligation of presenting the required evidence. An investigation is not independent if it has been carried out by the police, because in that case there is a hierarchical and institutional connection. In this specific case, the ECHR found that even the competent state attorney's office failed to undertake independent steps in implementation of an efficient investigation and gathering of required evidence but rather that they limited itself to a police-internal evaluation of legality and justifiability of the use of means of coercion. A violation of the procedural aspect of Article 3 of the Convention on Human Rights was confirmed and it was indicated that whenever there is a credible allegation that an individual suffered serious abuse by the police, it is implicitly required for an efficient official investigation to be conducted and for it to lead to identification and penalizing of the responsible parties. For the purpose of ensuring that the investigation is thorough, the authorities always have to invest serious efforts to determine what actually happened, and in concluding the investigation the authorities should not rely on hasty or unfounded conclusions.

There are also verdicts in the Republic of North Macedonia related to the violation of Article 3 from the procedural aspect. Mention should be made here of the

[lxxiii] CASE OF MAFALANI v. CROATIA 2015, Application no. 32325/13, available at: www.hudoc.echr.coe.int (accessed on 05.10.2021);

case of Jašar v. Macedonia[lxxiv], which concerned torture and inhuman treatment during arrests, but also due to an ineffective investigation. In the present case, having regard to the lack of any investigation into the allegations of inhuman and degrading treatment by the police at the time of their arrest, the Court found a violation of Article 3 of the ECHR.

Excessive use of coercive means is also alleged in the case of Kitanovski v. the Republic of Macedonia (2015)[lxxv] and the ECtHR, having in mind the presented facts, concluded that there was no effective investigation into allegations that the police used life-threatening force and tortured him. In this context, the Court ruled in breach of Articles 2 and 3 from a procedural point of view.

Reports from international and domestic institutions regarding means of coercion

Reports from the Croatian Ombudsman, which is implementing the mandate of the National Preventive Mechanism (NPM), state that citizens mostly complain to the police about exceeding the use of coercive means at the time of arrest and overcoming resistance. The Ombudsman is an independent institution in the Republic of Croatia that receives complaints about the work of state bodies and, after all, about the application of police powers. In addition to the Office of the Ombudsman, citizens can complain to the Internal Control of the Ministry of the Interior and the Commission for Work on Complaints, which represents civil supervision over the work of the police.

The 2019 NPM Annual report[lxxvi] states that an effective investigation should also be conducted when serious bodily injuries are inflicted while using firearms by police officers. At the same time, in addition to an effective investigation, it is necessary to continuously warn and educate police officers on the application of safety rules when using firearms, in order to avoid accidental firing and endangering human lives.

The Ombudsman's annual report from 2020[lxxvii] cites an example of the disproportionate use of coercive means during the treatment of police officers by a citizen who refused to wear a mask on a train and disturbed public order. The use of coercion and arrest was not necessary, but police officers were able to establish the commission of a misdemeanor and file an indictment, exercising police authority that least infringed on the freedoms and rights of citizens.

During 2018, the Ombudsman received complaints of ill-treatment while detained at police stations[lxxviii]. However, the legality of the proceedings could not be unequivocally established, so the Ombudsman's annual report recommended the introduction of video surveillance in all police stations where persons deprived of their liberty are or move, which would provide additional protection against their abuse, but also additional protection for police officers.

[lxxiv] CASE JASAR v. MACEDONIA 2007, Application No. 69908/01, available at: www.hudoc.echr.coe.int (accessed on 05.10.2021);

[lxxv] CASE KITANOVSKI v. Macedonia 2015, Application No 15191/12, available at: www.hudoc.echr.coe.int (accessed on 05.10.2021);

[lxxvi] Ombudsman of the Republic of Croatia, NPM Annual report 2019, www.ombudsman.hr (accessed on 05.11.2021);

[lxxvii] Ombudsman of the Republic of Croatia, Report 2020, www.ombudsman.hr (accessed on 05.11.2021);

[lxxviii] Ombudsman of the Republic of Croatia, Report 2018, www.ombudsman.hr (accessed on 05.11.2021);

When using coercive means, it is especially important to establish that the application was justified and legal and to assess it within the set deadline, which was not the case in 2016 in some police stations. Complaints of excessive use of coercive means, especially when there are visible injuries and a medical examination did not immediately follow, may indicate their unjustified or illegal use, but also the possible torture of inhuman or degrading treatment. Police officers have specific powers that, if not proportionate and well-founded, can lead to inhuman or degrading treatment. According to the APT Guide to Monitoring Police Detention, torture and other cruel, inhuman, or degrading treatment or punishment occur more frequently in the earlier stages of deprivation of liberty, when a person is arrested or detained in a police stations, and the risk is certainly higher in the first hours when under greater pressure for the necessary information[lxxix].

In the 2017 CPT report it is stated that "The vast majority of persons met by the delegation indicated that they had been treated correctly by police officers at the time of their apprehension and while in police custody. However, the delegation did receive several allegations of physical ill-treatment by police officers. In the course of the visit, the CPT's delegation met with representatives of the Office of the State Prosecutor of the Republic of Croatia who informed the delegation that following the Mafalani v. Croatia case an action plan had been adopted and forwarded to all prosecutors nationwide. Further, the Zagreb County Prosecutor, after re-examining the dismissal of criminal proceedings in the case of Mr Mafalani had decided to conduct a detailed and thorough investigation into the allegations, which is still on-going. The CPT's delegation was also informed that since its 2012 periodic visit a total of 13 criminal proceedings had been initiated throughout the country in respect of 24 law enforcement officials, for physical ill-treatment of persons deprived of their liberty[lxxx].

The CPT recommends that the Croatian authorities reiterate the message that all forms of ill-treatment (be they at the time of apprehension, transportation or during subsequent questioning) are absolutely prohibited, and that the perpetrators of ill-treatment and those encouraging or condoning such acts will be punished accordingly.

[lxxix] Association for the prevention of torture, APT Guide to Monitoring Police Detention,2013, https://www.apt.ch/en/resources/publications/monitoring-police-custody-practical-guide-2013, (accessed on 15.10.2021);

[lxxx] European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report for visit to Croatia 2017, https://www.coe.int/en/web/cpt/Croatia, (accessed on 15.10.2021).

CONCLUSION

In performing their tasks, the police make contact with a relatively large number of citizens, and in certain situations, this includes the use of coercion as the ultimate means of carrying out police tasks. For their application, the objective conditions prescribed by the Law on Police Affairs and Powers and the Ordinance on the Manner of Conduct of Police Officers must be met. In doing so, police officers are always obliged to use the mildest means of coercion that guarantees success, i.e., the one that inflicts the mildest consequences on the person or object to which they are applied. In accordance with the international standards, the use of coercive means should be used only proportionately and necessary in order to bring violent persons under control. The use of means of coercion of lower intensity may also constitute a violation of Art. 3. ECHR, e.g. tying up a person who cannot escape due to his or her age or illness. The use of coercive means that can be lethal also requires appropriate operation planning, where possible, to minimize the use of force.

Police officers are faced with the complex task of carrying out an arrest operation because at the same time, usually in a very short time, they need to analyze whether the conditions for deprivation of liberty exist and whether, and to what extent, coercive means are necessary. The constitutional principle of proportionality is particularly important in such cases, and it is necessary to keep in mind the extensive practice at the international level, and in particular the decisions of the European Court of Human Rights.[lxxxi]

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