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Tattoos and Other Body Modification Practices among Child Sex Offenders in Greece

Constantinos Togas[a] , George Alexias[b]

Body modification encompasses procedures to achieve permanent or temporary alterations of the human body. Tattooing and body piercing have become the most prevalent forms of body modification. It is reported that getting tattoos while in detention is reported to be a common practice. Only a few studies have examined the prevalence of body modification practices in prisoners. The objectives of this study were to determine the prevalence of body modifications (tattoos and body piercing) and self-injuries among child sex offenders in a Greek prison, as well as to identify factors associated with having a tattoo or acquiring one while in prison. One secondary aim was to examine this population's main motives for body modifications and shed new light on their functions. The authors present the results of their original quantitative study (with a sample of 181 imprisoned child sex offenders) and discuss them in comparison to those of other studies.

KEYWORDS: body modification, child sex offenders, tattooing, prisoners, self-injury

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Introduction

Tattooing has been used by humans for centuries and is one of the oldest forms of irreversible skin alteration (Awofeso, 2004; Choudhary et al., 2010). Nowadays, its use has increased, and tattoos are accepted by a growing number of individuals as mainstream practices (Cossio et al., 2012; Nowosielski et al., 2012).

Tattoos and body piercing are often categorized as "body art" or "body modification". Body modification encompasses procedures to achieve permanent or temporary alterations of the human body (Patel, Cobbs, 2015). Tattooing and body piercing have become the most prevalent forms of body modification, alongside other practices such as scarification, branding, and surgical modification (Stirn, 2003; Wohlrab et al., 2007). Many individuals undergo their first tattoo or body piercing during adolescence or young adulthood (Braverman, 2006).

A tattoo is a permanent mark or design created by inserting ink into the layers of skin, resulting in dermal pigmentation (Burris, Kim, 2007; McCarron, 2008). The arms, legs, shoulders, and upper back are the most common tattoo locations. However, tattoos can be placed on any part of the body, including the palms and soles, eyelids, face, genitals, and tongue. Men are more likely than women to have visible tattoos (Patel, Cobbs, 2015).

Body piercing is defined as the insertion of jewelry into openings made in various body areas. Common piercing sites include the eyebrows, the helix of the ears, lips, tongue, nose, navel, nipples, and genitals (Patel, Cobbs, 2015; Sindoni et al., 2022). It's important to note that earlobe piercing (ear piercing) is not included in this definition. Unlike tattoos, body piercings are not considered permanent (Stirn, 2003).

Contemporary body modifications may serve different purposes than those in the distant past (Rabinerson, Horowitz, 2005). In Western societies up to the 1970s, tattoos were primarily associated with specific groups, such as incarcerated criminals, gang members, and other marginalized or counter-cultural individuals (Roggenkamp, Nicholls, Pierre, 2017). In modern times, body modifications have become a global trend and are often used to express identity, autonomy, and fashion (Gustafson, 1997; Stirn, 2003; Wohlrab et al., 2007).

The prevalence of tattoos and body piercings has increased in recent decades (Patel, Cobbs, 2015). In Western countries, 10%-56% of respondents have at least one piercing at a site other than the earlobe, while 8%-24% of individuals in North America and Europe have at least one tattoo (Swami, Harris, 2012).

Body modifications signify a unique relationship between individuals and their bodies, often intertwined with concepts of intimacy (Farrell, 1988).

For many, body modification serves as a form of artistic or creative expression, offering long-term enjoyment and thus can be viewed as a recreational pursuit (Patel, Cobbs, 2015).

Tattooing is frequently perceived as trivial, yet research indicates that it encompasses highly complex and social behaviors (Lane, 2014). The symbolic significance of tattoos has evolved over time and is deeply individualized, both from the internal perspective of the wearer and the external perspective of an observer (Roggenkamp, Nicholls, Pierre, 2017).

Tattooing may unveil the participants' process of identity transformation as they acquire tattoos (de Almeida, 2009). In the context of personal and social aspects of embodiment, tattoos could be regarded as a form of visual communication (Frank, 1995). Kosut (2000) argues that the tattooed body is inherently communicative, conveying not only the identity of the wearer but also insights into the culture in which they reside.

Moreover, tattoos function as a repository of memories and evidence of a living body. In this regard, the tattooed body can be seen as an archive or document, immortalizing and symbolizing the events and relationships an individual has experienced throughout their life (Sundberg, Kjellman, 2018). Finally, tattoos present themselves as documents that may represent a critique of the dominant society or simply the voice of the alienated (Sundberg, Kjellman, 2018).

Wohlrab et al. (2007) argue that the primary motivations for acquiring tattoos and body piercings are very similar and can be classified into ten categories: beauty, art, and fashion; individuality; personal narrative; physical endurance; group affiliations and commitment; resistance; spirituality and cultural tradition; addiction; sexual motivation; and no specific reason.

Several studies have indicated that practitioners of body modification exhibit a significantly higher incidence of sexual abuse, physical injury, and a criminal history (Sarnecki, 2001). They also show signs of addictive behavior and substance abuse (Braithwaite et al., 2001; Brooks et al., 2003), and may use body modifications to cope with trauma (Hewitt, 1997; De Mello, 2000). Additionally, individuals with tattoos display enhanced risk-taking behavior (Bui et al., 2010; Cossio et al., 2012), and body piercings and tattoos are significantly correlated with the trait of anger (Carroll, Anderson, 2002).

Furthermore, body modifications can range from a single small tattoo to large areas of tattoos covering the entire body. The psychological reasons for such extensive body modifications may differ from those behind a single body modification (Stirn et al., 2011).

Additionally, other forms of body modification are considered psychopathological, such as self-cutting and self-injury (De Mello, 2000; Stirn, Hinz, 2008). Moreover, there is an association between body modification and deviant or illegal activities (Deschesnes, Fines, Demers, 2006).

At least 50% of individuals regret their tattoos in later years (Burris, Kim, 2007). Moreover, some people may develop acute inflammatory, allergic, hypersensitivity, or granulomatous reactions that necessitate tattoo removal. This process can be painful, expensive, and not without adverse effects (Mafong, Kauvar, Geronemus, 2003).

A special form of body modification is prison tattooing. Getting tattoos while in detention is reported to be a common practice (Tran et al., 2018). McCarron (2008) distinguishes between the tattoos of inmates who are in prison because they are addicted to drugs and those of individuals who are in prison due to criminal activities. Additionally, it is important to differentiate between individuals who have body modifications before imprisonment and those who acquire tattoos or self-injuries while incarcerated.

Tattoos obtain a rather specific meaning if made behind prison walls. This is because of their symbolism, their relation to criminal behavior, their role inside the prison community, their impact on offenders' re-socialization and re-offending, as well as the health risks they are connected to (Batrićević, Kubiček, 2020).

In prison, convicts' bodies are often their only actual possessions, and therefore, these bodies are never uncontested or unproblematic, nor are they even personal (McCarron, 2008). According to Hall (1997), the prison tattoo is also a statement that the convict, though resigned to the reality of prison life, still clings to his right to do what he will with his own body and mind. The skill of the tattoo artist, and the finished work on the wearer's body, provide the freedom of creative artistic expression.

Tattoos seemingly confer status on prisoners, enabling them to transcend and separate themselves from the faceless, homogenized, and uniformed mass that the disciplinary life of prison typically aims to create. For many tattooed inmates, their inked skin serves as visual declarations of emotional pain and sentiments they might otherwise find difficult to express. For instance, symbols of aggression such as dragons and skulls are over-represented in prison tattoos.

Tattooing could also be considered the most common written form of prison argot, and one of its primary purposes is to signify inclusion in a prison group (Awofeso, 2004). Also common are tattoos depicting the names of inmates' mothers, partners, gang members, and/or loved ones. Tattoos may convey coded messages about an inmate's place in the criminal milieu, announcing a particular skill or nefarious predilection, a past criminal career, or a particular fate (Awofeso, 2002; Awofeso, 2004; Awofeso & Williams, 2000). Religious tattoos are also still prevalent within the prison community (Perju-Dumbrava et al., 2016).

While prison tattoos may still be distinguishable from "professional" tattoos due to poor quality, most current prison tattoo designs are similar to those of inmates' peer groups in the community (Wacquant, 2001).

Only a few studies have examined the prevalence of tattooing and body piercing in prisoners. Moazen et al. (2018) found high levels of tattooing reported in Europe and North America (14.7%), Asia Pacific (21.4%), and Latin America (45.4%) prisoners. Abiona et al. (2010) examined prisoners and found that 67% had tattoos, while 60% had body piercings. The prevalence of body piercing in prison was low (1.3%). Factors associated with tattooing in prison included incarceration for 1 year or longer, being 30-39 years old, and having been incarcerated 4 or more times. In another study in Quebec, tattooing in prison was frequent among men (37.2%). A study in Puerto Rico prisons, with a sample of 1,331 sentenced inmates, revealed that nearly 60% of inmates had acquired tattoos in prison (Peña-Orellana et al., 2011). In a large survey involving 4,425 participants across Canadian prisons, 13% had a tattoo done in prison (Robinson et al., 1996).

Tattooing during imprisonment is also a public health issue because the lack of proper equipment and unsterile body art practices among inmates have been implicated in the transmission of bloodborne viruses (Abiona et al., 2010; Poulin et al., 2018). The makeshift ink can also cause infections (Klügl et al., 2010). Prisoners with a history of drug injection are more likely to have tattoos and to acquire them in prison. HCV antibody-positive prisoners are also more likely to have acquired a tattoo in prison compared to HCV antibody-negative prisoners (Hellard, Aitken, Hocking, 2007).

In Greece, there are approximately 10,500 prisoners, with only a small percentage (about 3.48%) being sex offenders. The vast majority of these offenders have committed offenses against children (Hellenic Statistical Authority, 2010). These offenders exhibit many differences in their demographic and criminal profiles, and body modification and self-injury may be among these areas. The objectives of this study were to determine the prevalence of body modifications (tattoos and body piercing) and self-injuries among child sex offenders, as well as to identify factors associated with having a tattoo or acquiring one while in prison. One secondary aim was to examine this population's main motives for body modifications and shed new light on their functions.

Methods

Survey participants

The sample consisted of incarcerated male child sex offenders. To be eligible to participate in the survey, inmates had to understand the Greek language. According to the eligibility criteria, 181 inmates participated in the study. Among those who reported having body modifications or self-

injuries, an additional questionnaire was administered. Thus, a sub-sample of the study was composed of only the inmates who had received tattoos, body piercings, or self-injuries.

Measures

The research instrument was a self-prepared questionnaire containing questions assessing sociodemographic, criminal, and health-related information, as well as an item asking participants if they had tattoos, body piercings, or self-injuries. The sociodemographic and criminal-related items included age, education level, number of siblings, country of birth, occupation, marital/relationship status, age of first imprisonment (for any crime), victim's gender, and conviction for a violent crime. Regarding health-related information, participants were asked if they smoked, had ever used drugs or alcohol excessively, had ever attempted suicide, and if they were taking psychiatric medication.

The prevalence of tattooing, body piercing, and self-injury among inmates was obtained through a self-rated questionnaire. Participants indicated whether they had at least one tattoo, body piercing, or self-injury. Those who reported having body modifications were asked to complete an additional questionnaire, developed based on a previous literature review. Initially, they were asked to provide a brief description of each tattoo (if applicable) in one to two lines. Following this, they answered closed questions related to their body modification practices, experiences, and the meaning behind them. Regarding the motivations for tattooing, the participants could answer (apart from the given items) in their own words to obtain information about unanticipated motives.

Design-procedure

A quantitative cross-sectional survey was conducted at Tripolis Prison, Greece, over six months (April to September 2023). The questionnaires were distributed and collected by an expert mental health practitioner employed at the facility. In cases where offenders were illiterate, the researcher assisted them in providing their answers and completing the questionnaire. Those who reported having at least one of these markings were also asked if they were willing to complete an additional page of questions concerning body modification practices.

Data Analysis

Data analysis was conducted using SPSS, version 29.0. The Kolmogorov-Smirnov test was employed to assess the normality of continuous variables. Descriptive statistics and Pearson's correlation coefficients were used to examine linear correlations among the quantitative variables. T-tests for independent

samples and one-way ANOVA were utilized to identify statistically significant differences between two or more groups. Furthermore, odds ratios (OR) were calculated to assess the relationship between body modification and self-injury status (having vs not having a tattoo, body piercing, or self-injury), as well as several other dichotomous variables (e.g., smoking and alcoholism). Additionally, logistic regression analysis was performed using the backward conditional method, with tattooing status as the dependent variable (having a tattoo vs not having a tattoo). The statistical significance level (p-value) was set at 0.05.

Ethics

All study protocols, informed consent processes, recruitment, and data collection procedures were approved by the Institutional Review Board (IRB) at the Psychology Department of Panteion University. Additionally, approval was obtained from Tripolis Prison and the Ministry of Citizen Protection, Greece, which was granted. Signed informed consent was obtained from all participants, who were fully informed about the purpose of the study and provided assurances of anonymity and confidentiality. They were also assured that the collected data would be used only for the study. All participants volunteered to take part without receiving any compensation.

Results

One hundred and ninety (190) questionnaires were distributed and one hundred and eighty-one (181) of them were given back. The response rate in this study was 95.26%.

Prevalence of body modifications and self-injuries

Out of the 181 participants, 34 individuals reported having at least one tattoo, resulting in a prevalence of 18.8%. Additionally, three participants (1.66%) had a piercing in the past, while none reported a history of self-injury.

Demographic and criminal characteristics of the sample

The mean age of the participants in the total sample was approximately 49.5 years (M=49.45, SD=13.62), with ages ranging from 22 to 82 years. The mean age of first imprisonment was 47.5 years (M=47.43, SD=13.85), with ages at first imprisonment ranging from 16 to 82 years.

In the group of tattooed prisoners, the mean age was 41 years (M=41.24, SD=9.91), with ages ranging from 24 to 73 years. The mean age at first body modification was 21.5 years (M=21.67, SD=8.16), with ages at first tattoo ranging from 12 to 43 years. Additionally, the mean age at first imprisonment for

this group was 39 years (M=38.88, SD=11.03), with ages at first imprisonment ranging from 16 to 67 years.

In the group of non-tattooed prisoners, the mean age was approximately 51.5 years (M=51.35, SD=13.68), with ages ranging from 22 to 82 years. The mean age at first imprisonment was 49.5 years (M=49.4, SD=13.72), with ages at first imprisonment ranging from 22 to 82 years.

The remaining demographics and criminal characteristics of tattooed and non-tattooed offenders are presented in Table 1.

Table 1. *Demographics of tattooed and not-tattooed offenders*

	Tattooed offenders		**Non-tattooed offenders**		**Total**	
	Frequency	**Percentage %**	**Frequency**	**Percentage %**	**Frequency**	**Percentage %**
Country of birth						
Greece	29	85.3	106	72.1	135	74.6
Abroad	5	14.7	41	27.9	46	25.4
Age group						
21-30 years old	3	8.8	8	5.4	11	6.1
31-40 years old	13	38.2	23	15.6	36	19.9
41-50 years old	15	44.1	37	25.2	52	28.7
51-60 years old	2	5.9	37	25.2	39	21.5
61-70 years old	1	2.9	30	20.4	30	16.6
71-80 years old	3	8.8	11	7.5	12	6.6
>80 years old	0	0	1	0.7	1	0.6
Marital Status						
Single	9	26.5	32	21.8	41	22.7
Married/living with a partner	11	32.4	68	46.3	79	43.6
Separated	4	11.8	12	8.2	16	8.8
Divorced	10	29.4	30	20.4	40	22.1
Widower	0	0	5	3.4	5	2.8
Years of education						
0 years (illiterate)	4	11.8	3	2.1	7	3.9
1-6 years	7	20.6	43	29.5	50	27.8
7-9 years	5	14.7	20	13.7	25	13.9
10-12 years	13	38.2	39	26.7	52	28.9
13-14 years	3	8.8	19	13	22	12.2
15-16 years	2	5.9	19	13	21	11.7
More than 16 years			3	2.1	3	1.7
Religion						
Atheist	0	0	2	1.4	2	1.1
Protestant	0	0	3	2.1	3	1.7
Muslim	1	2.9	28	19	29	16
Christian Catholic	0	0	2	1.4	2	1.1
Christian orthodox	32	94.2	111	75.6	144	79.56
Christian orthodox-follower of the old calendar	1	2.9	1	0.7	1	0.6
Job related to children						
Yes	5	14.7	17	11.6	22	12.4
No	29	85.3	130	88.4	156	87.6
Having children						
Yes	25	73.5	115	78.2	140	77.3
No	9	26.5	32	21.8	41	22.7
Having a child <18 years						
Yes	23	67.6	68	46.3	91	50.3
No	11	32.4	79	53.7	90	49.7

The criminal and health-related characteristics of tattooed and not-tattooed offenders are presented in Table 2.

Table 2. *Criminal and health-related characteristics of tattooed and not tattooed offenders*

	Tattooed offenders		non-tattooed offenders		Total	
	Frequency	Percentage %	Frequency	Percentage %	Frequency	Percentage %
Victim's gender						
Boy	3	8.8	20	13.6	23	12.7
Girl	26	76.5	124	84.4	150	82.9
Both a girl and a boy	5	14.7	2	1.4	7	3.9
Both a girl and a woman	0	0	1	0.7	1	0.6
Victim with special needs						
Yes	4	11.8	10	6.8	14	7.7
No	30	88.2	137	93.2	167	92.3
Offender's conviction for a violent crime						
Yes	3	8.8	5	3.4	8	4.4
No	31	91.2	142	96.6	173	95.6
History of drug addiction						
Yes	7	20.6	8	5.4	15	8.3
No	27	79.4	139	94.6	166	91.7
Alcoholism						
Yes	0	0	7	4.8	7	3.9
No	34	100	140	95.2	174	96.1
Smoking						
Yes	27	87.1	69	47.3	96	54.2
No	4	12.9	77	52.7	81	45.8
Psychiatric medication						
Yes	6	17.6	14	9.5	20	11
No	28	82.4	133	90.5	161	89
Disability certification						
Yes	1	2.9	6	4.1	7	3.9
No	33	97.1	141	95.9	174	96.1
History of attempted suicide						
Yes	1	2.9	3	2	4	2.2
No	33	97.1	144	98	177	97.8

Regarding their parenting experiences, 29 of the offenders (16%) had experienced a separation or divorce of their parents during their childhood. In their family of origin, there were, on average, four children (M=4.11, SD=2.60), with the number of children ranging from 1 to 14.

Differences between tattooed and non-tattooed child sex offenders

Individuals with tattoos were significantly younger (mean age=41.24 years old) than those without tattoos (mean age=51.35 years old) (t=-4.962, df=179, p<0.001, Cohen's d=-0.774). Similarly, individuals with tattoos had been imprisoned at a younger age (mean age=38.88 years old) than those without tattoos (mean age=49.40 years old) (t=-4.7728, df=179, p<0.001, Cohen's d=-0.793).

Table 3. *Differences in tattooing status*

	Odds Ratio for a tattoo (Yes/No)	95% Confidence Interval		*p*
		Lower	Upper	
Country of birth (Greece vs abroad)	2.243	0.813	6.192	0.11
Having children (Yes vs No)	0.773	0.328	1.821	0.555
Having a child <18 years (Yes vs No)	2.429	1.104	5.343	***0.025***
Conviction for a violent crime (Yes vs No)	2.748	0.624	12.112	0.166
History of drug-addiction (Yes vs No)	4.505	1.507	13.464	***0.004***
Alcoholism (Yes vs No)	1.050	1.013	1.089	0.194
Smoking (Yes vs No)	7.533	2.509	22.611	***<0.001***
Psychiatric medication (Yes vs No)	2.036	0.720	5.757	0.173
History of attempted suicide (Yes vs No)	1.455	0.147	14.429	0.748

To further examine possible differences between tattooed and non-tattooed child sex offenders, we performed a binary logistic regression analysis, with tattooing status as the dependent variable (having a tattoo versus not having a tattoo) (Table 4).

We employed the backward conditional method for the logistic regression analysis, with tattooing status as the dependent variable (having a tattoo versus not having a tattoo). The final regression model revealed that younger child sex offenders, alcoholics, and smokers were more likely to have a tattoo. Age and smoking were significant predictor variables at the 5% level. However, the Cox & Snell Pseudo-R2 test value was 0.169, indicating that the fit of the model to the data was poor. The accuracy of the model varied,

with correct discrimination observed in 9.7% of cases for having a tattoo and in 97.9% of cases for not having a tattoo.

In the next step, 30 out of the 34 child sex offenders who had at least one tattoo completed an additional questionnaire concerning their body modification practices, experiences, and meanings. These offenders had 119 tattoos in total. The mean number of tattoos was four (M=3.97, SD=2.94), with the number of tattoos ranging from 1 to 13.

Among the offenders with tattoos, only six individuals (20%) reported having a prison-related tattoo, such as a depiction of a prison cell. Half of the offenders (15 out of 30, 50%) stated that they regretted having a tattoo, and twelve of them (40%) expressed intentions to remove their tattoos in the future. In contrast, nine offenders (30%) indicated that they plan to get more tattoos in the future.

The offenders reported having tattoos on various parts of the body. The most common locations were the bicep, with 34 tattoos, followed by the arm with 16 tattoos, and the chest with 15 tattoos. Other parts of the body that were tattooed included the upper back (7 tattoos), wrist (6 tattoos), hand (5 tattoos), neck (4 tattoos), hand phalanx (4 tattoos), palm (4 tattoos), shoulder (3 tattoos), calf (3 tattoos), ankle (2 tattoos), abdomen (2 tattoos), and leg (1 tattoo).

The tattoos depicted on the offenders' bodies included:

-An anchor, a sailing ship, a swallow, a panther's head, a spear, a message in a bottle, the name of a daughter, the sign of Panathinaikos (a football team), Leo (a Zodiac sign), a donkey, a clown with a woman (representing good and bad), roses, Mars, the Archangel Michael, the year of birth, the mother of offenders' child, a group name, a double-headed eagle (symbolizing AEK, a football team), "omerta" (meaning "I don't hear, I don't see, I don't speak").

-An Ancient Greek shield, a winged horse (Pegasus), names of the offender's daughters, first-name initials, a dolphin, the offender's wife, a face with a clock and sun on the head, names of the offender's children, the date of an important event, an AK-47 (a rifle called "Kalashnikov"), the symbol of Olympiacos (a football team), three stars symbolizing loved ones, a heart with an ex-girlfriend's name, an eagle, a band name, a Chinese holy mountain.

-The name of a girlfriend, a holy cross (a Christian symbol) with an ex-fiancée's name, an angel wing with a spear, the name of an ex-fiancée, and yin and yang (a Chinese symbol) representing good and evil, TAE-KWO-DO in Korean, the feet of the offender's son when he was born, the date of birth of the offender's son, angel wings with the dates of birth and death of the offender's father, a cross (a Christian symbol) that says "TAE-KWO-DO",

-Kickboxing, the initials of the name of the offender's daughter, tribal Scorpio, outlaw, and four stars, a cardiogram with the initials of the mother's and father's names, a tribal eagle, a tribal joker (from the movie), a cross (a Christian symbol) with the names of the offender's nieces, an anarchy symbol, omertà, "fuck the police", and A.C.A.B. (which means "All Cops are Bastards").

Some other tattooing-related information is presented in Table 4.

Table 4. *Tattooing-related information*

	Frequency	**Percentage %**
Type of tattoo		
Colored	7	23.3
Black and white	17	56.7
Some colored and some black and white	6	20
Tattoo visible/non-visible (when he wears a short or a short-sleeve t-shirt)		
Visible	4	13.3
Non-visible	4	13.3
Some visible and some non-visible	22	73.3
Tattoos cover more than 1/3 of the body		
YES	0	0
NO	30	100
Having performed any of the tattoos during incarceration		
YES	6	20
NO	24	80
Individuals who performed the tattoo		
Professional	16	53,3
Amateur (e.g. friend)	9	30,0
Some professional and some amateur	3	10
By himself	2	6,7
Hygiene measures taken		
YES	21	70
NO	8	26,7
In some YES and some NO	1	3,3
Pain experienced while performing the tattoo		
No pain at all	6	20
Minimal pain	12	40
Moderate pain	4	13.3
A lot of pain	8	26.7
History of hepatitis		
YES	3	10
NO	27	90
At least one parent has a tattoo		
YES	4	13.3
NO	26	86.7
At least one close friend has a tattoo		
YES	26	86.7
NO	4	13.3

The main motivations for body modifications and the meanings of tattoos are presented in Table 5.

Table 5. *Motivations for body modifications-meaning of tattoo (multiple response)*

Remembrance of beloved persons/loved ones	20
Remembrance of personal history/experiences	9
Remembrance of criminal history	6
Expression of religiosity	8
Expression of ideology	2
Expression of athletic beliefs	5
Affiliation with specific groups/gangs	5
Representation of occupation/job	7
Representation of hobbies/interests	4
Representation of zodiac sign	4
Commemoration of significant dates	5
Artistic expression/band name	4
Expression of one's own name	4
No specific reason, aesthetic preference	9
Passion for collecting tattoos/piercings	0

Discussion

This study aimed to determine the prevalence of body modifications and self-injuries among child sex offenders, identify factors associated with having a tattoo or acquiring one while in prison, and examine the main motives for body modifications in this population. To the best of our knowledge, it is the first study of its kind conducted in Greece, shedding new light on body modification practices and highlighting its novelty.

The main finding is that the prevalence of tattooing among imprisoned child sex offenders is 18.8%. Additionally, these offenders show a low percentage of body piercing (1.66%), and none reported self-injuries. This prevalence of tattooing falls within the range reported in the general population (8%-24%) (Swami, Harris, 2012). Furthermore, it is slightly higher than that found in European and North American prisoners (14.7%) (Moazen et al., 2018), as well as Canadian prisoners (13%) (Robinson et al., 1996). Authors have reported higher prevalence rates of tattooing among prisoners in Asia Pacific (21.4%) and Latin America (45.4%) (Moazen et al., 2018), with some researchers finding even higher percentages (67%) (Abiona et al., 2010). Notably, there are no official data available regarding Greek prisoners.

The prevalence of body piercing at a site other than the earlobe, recorded at 1.66%, was notably lower compared to that reported for the general population in Western countries (10%-56%) (Swami, Harris, 2012). In contrast, Abiona et al. (2010) found a higher prevalence of body piercings in prisoners (60%) and a lower prevalence of body piercing while in prison (1.3%). However, it's important to note that body piercing is generally not permitted in prisons, and our data recorded its prevalence before imprisonment. Additionally, although there is an association between body modification and deviant or illegal activities (Deschesnes, Fines, Demers, 2006), other forms of body modification, such as self-cutting and self-injury, are considered psychopathological (Stirn, Hinz, 2008).

In this study, only 20% of the tattooed participants had performed a tattoo while in prison, particularly in another prison many years ago. This percentage is lower than that recorded in Quebec (37.2%) and Puerto Rico (60%) prisons (Robinson et al., 1996; Peña-Orellana et al., 2011). This finding is significant, as performing tattoos in prison poses a public health issue and increases the risk of transmitting diseases such as hepatitis (Abiona et al., 2010; Hellard, Aitken, Hocking, 2007; Klügl et al., 2010; Poulin et al., 2018). Moreover, in the majority of tattooed offenders, hygiene measures were taken while performing the tattoos.

An intriguing discovery is that none of the participants reported self-injuries. One possible explanation for this could be the low percentage of serious psychiatric problems, history of drug addiction, alcoholism, and attempted suicide among this population, as recorded in this study. It is hypothesized that the prevalence of self-injury might be higher in other prisons housing offenders convicted of violent crimes.

Individuals with tattoos were found to be significantly younger than those without tattoos. This finding is consistent with the increasing acceptance and popularity of tattooing as a mainstream practice in recent years (Cossio et al., 2012; De Mello, 2000; Nowosielski et al., 2012), making it a rather expected result.

Furthermore, child sex offenders with tattoos had been imprisoned at a younger age compared to those without tattoos. Generally, there exists an association between body modification and deviant or illegal activities (Deschesnes, Fines, Demers, 2006). This finding warrants further examination in future studies, assessing the moderating and mediating roles of various other variables, such as alcoholism, drug addiction, etc.

As expected, a diverse range of tattoo depictions was recorded, including names, animals, stars, etc. Only six tattooed individuals (20%) reported having a prison-related tattoo, such as a depiction of a prison cell. This finding could be explained by the fact that the majority of the tattoos were acquired before imprisonment. Additionally, child sex offenders exhibit significant differences (demographic, criminal, etc.) from prisoners convicted of other crimes.

Half of the tattooed offenders (50%) stated that they regretted getting a tattoo, with twelve of them (40%) expressing intentions to remove their tattoos in the future. Similar results have been found for the general population, where at least 50% of individuals regret their tattoos in later years (Burris, Kim, 2007).

The offenders reported having tattoos on various parts of the body, with the most common locations being the bicep, followed by the arm and the chest. Other parts of the body that were tattooed included the upper back, wrist, hand, neck, hand phalanx, palm, shoulder, calf, ankle, abdomen, and leg. Similarly, Patel and Cobbs (2015) argue that the arms, legs, shoulders, and upper back are the most common locations for tattoos.

In most cases (73.3%), the tattooed prisoners had both visible and non-visible tattoos. However, this study did not examine this topic, and the motivations for this practice should be further investigated.

In this study, the most common motivation for tattooing was to commemorate beloved persons or loved ones, as well as personal history or expe-

riences. Commemoration of significant dates was also prevalent. Similarly, Sundberg and Kjellman (2018) argue that tattoos function as a repository of memories and evidence of a living body, serving as an archive or document that immortalizes and symbolizes the events and relationships an individual has experienced throughout their life.

Moreover, for many individuals, body modification serves as a form of artistic or creative expression, offering long-term enjoyment, and thus can be viewed as a recreational pursuit (Patel, Cobbs, 2015). In this study, nine tattooed child sex offenders reported "no specific reason, aesthetic preference" as a motivation for tattooing.

As argued by Frank (1995) and Kosut (2000), tattoos could also be regarded as a form of visual communication, suggesting that the tattooed body is inherently communicative. Tattoos convey not only the identity of the wearer but also insights into the culture in which they reside. This concept was confirmed in this study, where common motivations for tattooing included the expression of one's own name, religiosity, ideology, and athletic beliefs, as well as the representation of occupation or job, hobbies or interests, the zodiac sign, and affiliation with specific groups or gangs.

Religious tattoos remain prevalent within the prison community, as supported by Perju-Dumbrava et al. (2016), and this was further confirmed in this study. Specifically, many tattooed child sex offenders cited the expression of religiosity as a primary motivation for tattooing, with numerous tattoos depicting religious symbols such as the cross (a Christian symbol), the Archangel Michael, angels, and so forth.

The motivations for tattooing found in this study also align with most of the categories presented by Wohlrab et al. (2007).

One limitation of the study is the small sample size. However, it's important to note that child sex offenders in Greece are primarily imprisoned in only two facilities, one of which is the Tripolis prison where the study was conducted. Therefore, the number of participants can be considered representative of this specific group of offenders in Greece. Another limitation is that the study was conducted by a mental health practitioner who works within the prison, which may have influenced the responses provided by the participants.

Despite the aforementioned limitations, this study provides valuable insights into the prevalence and practices of body modification among child sex offenders, representing the first study of its kind in Greece. Clinicians working with these offenders should consider including questions about body modifications and their motives in their interviews. Engaging in dis-

cussions about their tattoos can offer a valuable window into their psyche, thereby informing clinical practice (Roggenkamp, Nicholls, Pierre, 2017).

Future research is recommended to address the limitations of this study and to enhance our understanding of the prevalence and practices of body modification among child sex offenders. Conducting a qualitative study utilizing in-depth interviews or focus group discussions could provide deeper insights into the topic. Additionally, comparative studies could be conducted, comparing samples of offenders of other crimes (e.g., robbers) as well as perpetrators of other types of sex offenses (e.g., rapists), to further elucidate differences in body modification practices across offender groups.

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Bringing hazardous materials into Serbia and illegal processing, disposal, and storage of hazardous materials – a criminal offence under article 266 of the Criminal code -Concept, application, challenges-*

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This paper scrutinizes Article 266 of the Serbian Criminal Code in the context of hazardous material regulation, highlighting its pivotal role in aligning Serbia's criminal law with global environmental standards and safeguarding public health. Through a detailed analysis, the study examines the effectiveness of Article 266, identifying enforcement challenges and proposing improvements to enhance its application and impact. It presents a legal framework analysis, evaluates alignment with international treaties, and suggests recommendations for better hazardous waste management. The research underscores the importance of international cooperation and the need for increased public awareness and education on environmental laws. The findings indicate that while Article 266 establishes a solid foundation for hazardous waste regulation, there is a crucial need for legislative refinement in the area of waste management, especially enhanced enforcement mechanisms, and broader educational outreach to ensure effective environmental protection and compliance with international norms.

KEYWORDS: Serbian Criminal Code, Hazardous Material Regulation, Public Health Protection, Environmental Crime, Hazardous Waste Management

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Introduction

In an era marked by environmental crises and heightened global awareness of ecological sustainability, the intersection of environmental law and criminal justice has never been more critical. The regulation of hazardous substances represents a significant area within this intersection, addressing both the direct and insidious threats these materials pose to public health, environmental integrity, and socio-economic well-being.

This paper focuses on Serbia's legislative response to these challenges, specifically through Article 266 of the Serbian Criminal Code, which addresses these concerns by criminalizing the import, processing, disposal, and storage of dangerous substances, thereby playing a key role in Serbia's environmental protection efforts.

The regulation of hazardous substances is a concern shared globally, evidenced by various international conventions and treaties aimed at managing environmental risks. Therefore, Serbia's adoption of Article 266 is in line with these international commitments, reflecting a concerted effort to address environmental challenges within its legal framework.

Despite its comprehensive nature, Article 266 faces numerous challenges in its enforcement and application. These challenges include the identification and classification of hazardous materials, evolving types of environmental hazards, and jurisdictional issues in enforcement.

As Serbia continues to navigate the complexities of environmental protection and legal regulation, Article 266 stands as a critical component of its legislative arsenal. So, this work seeks to contribute to the ongoing discourse on environmental law and policy, offering a detailed analysis of one of Serbia's key legal instruments in the fight against environmental crime.

The paper aims to provide a nuanced understanding of Article 266, evaluating its efficacy and identifying areas for improvement in the context of Serbia's environmental and legal framework. So, the objectives of the paper are: to investigate Serbia's adherence to global environmental standards through Article 266 and its alignment with international treaties; to conduct a comprehensive analysis of Article 266's legal framework within both Serbian and international contexts; to assess the challenges in enforcing and implementing Article 266, including logistical and regulatory hurdles; and to propose recommendations to enhance the effectiveness of Article 266 for better management of hazardous substances and international cooperation.

The paper is meticulously structured to sequentially address these objectives, ensuring a logical flow that guides from a broad understanding of the global context to a focused analysis of Serbia's legal framework. It begins with an exploration of the global environmental landscape and the critical role

of hazardous substance regulation. It then transitions to a detailed examination of Article 266, its legislative intent, and its operational mechanisms. The analysis progresses to identify and evaluate the challenges of enforcement and implementation within Serbia's unique legal and environmental context. The paper concludes by synthesizing these insights into a set of targeted recommendations designed to bolster the effectiveness of Article 266 and to foster alignment with international environmental protection efforts.

By providing a detailed examination of Article 266 within this framework, the paper aims to contribute significantly to the discourse on environmental law and policy. It seeks not only to elucidate the complexities of regulating hazardous substances in Serbia but also to offer insights that may inform similar legislative and policy endeavors globally, thereby advancing the collective pursuit of environmental sustainability and legal efficacy in the face of enduring and emergent environmental challenges.

International documents of importance for the prevention of illegal cross-border movement of hazardous materials

The illegal cross-border movement of dangerous substances poses significant risks to public health, safety, and the environment. Recognizing these dangers, the international community has established a framework of agreements and conventions designed to regulate and prevent such activities. The international legal framework plays a pivotal role in addressing the challenges of illegal cross-border movements of dangerous substances. Through a combination of preventive measures, control mechanisms, and cooperative efforts, these documents collectively contribute to the global endeavor to safeguard public health, safety, and the environment from the risks posed by hazardous substances. The most important international acts in this field are as follows:

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989)

The Basel Convention, adopted in response to public outcry over toxic waste dumping in less developed countries, establishes a comprehensive regime for controlling the transboundary movement of hazardous wastes. It emphasizes the reduction of hazardous waste generation and the promotion of environmentally sound management practices. The adoption of the Basel Convention was primarily driven by growing international concerns about

'toxic trades', where hazardous wastes were being exported from developed to developing countries, often without adequate regulation or consent. The Convention also sets forth a mechanism to identify and take necessary measures against illegal trafficking of hazardous wastes (Clapp, 2001:44).

The Convention's primary objective is to control and reduce the movement of hazardous waste across international borders, ensuring that such waste is managed in an environmentally sound manner. It introduces the concept of „prior informed consent", requiring exporting countries to obtain permission before exporting hazardous waste. The Convention also emphasizes the reduction of hazardous waste generation and the promotion of cleaner production methods (Krueger, 1999).

The Basel Convention establishes a framework for documenting and tracking transboundary movements of hazardous waste. Despite its regulatory mechanisms, the Convention has faced challenges in ensuring compliance and enforcement, especially in countries lacking the necessary infrastructure to manage hazardous wastes safely (Nemeth, 2015). Critics argue that the Basel Convention, while pioneering, does not go far enough in prohibiting the transfer of hazardous wastes to less developed countries. These criticisms have led to amendments and protocols aimed at strengthening the Convention, such as the Ban Amendment, which proposes a complete ban on the export of hazardous wastes from developed to developing countries.

Despite its challenges, the Basel Convention has had a significant impact on global hazardous waste management. It has raised awareness about the risks associated with hazardous waste and has prompted countries to develop national laws and regulations in line with the Convention's principles. Furthermore, the Convention has fostered international cooperation in managing hazardous wastes, contributing to global environmental protection efforts (Basel Convention, 2024).

Stockholm Convention on Persistent Organic Pollutants (2001)

The Stockholm Convention targets persistent organic pollutants (POPs), which are chemicals that persist in the environment, bioaccumulate through the food web, and pose a risk of causing adverse effects on human health and the environment. This is a global treaty aimed at protecting human health and the environment from the adverse effects of POPs (Li et al., 2006). As Hagen and Walls (2005) elucidate, the Convention adopts a risk-based approach to manage and reduce the impacts of twelve specifically listed POPs of historical concern. Many of these POPs, including ten no longer produced in the United States, have been subjected to significant regulation due to their

persistence and bioaccumulation in the environment. The treaty particularly addresses unintentional by-products like dioxins and furans, promoting best practices and technologies to minimize their release. Furthermore, the Convention imposes obligations on participating countries to eliminate or restrict the production, use, and trade of these harmful substances and is crucial in preventing the illegal trade and movement of these substances across borders (Stockholm Convention, 2024).

The Vienna Convention on the Physical Protection of Nuclear Material (1980)

The Vienna Convention is a pivotal international treaty that focuses on the protection of nuclear material and facilities. It primarily addresses measures related to the prevention, detection, and punishment of offenses involving nuclear material, particularly during international transport and it obligates signatory states to ensure the security of nuclear materials within their territory, in transit, and at international nuclear facilities. Additionally, the Convention was amended in 2005 to include the protection of nuclear facilities and material in peaceful domestic use, storage, and transport. Article 7 of the aforementioned convention specifically provides for the criminalization of unauthorized receipt, possession, use, transfer, alteration, disposal, or dispersal of nuclear material, its theft, evasion, or obtaining by fraud (Marković, 2022:502).

Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)

The Rotterdam Convention, established in 1998, is an international treaty designed to regulate the global trade of certain hazardous chemicals and pesticides, ensuring that importing countries are informed and consent to the import of these substances. It operates on the principle of Prior Informed Consent (PIC), a procedure that empowers countries to make informed decisions on the import of hazardous chemicals by providing them with essential risk assessment information, enabling them to refuse imports of substances they cannot manage safely. The Convention lists chemicals that have been banned or severely restricted for health or environmental reasons by Parties and facilitates information exchange about their characteristics (Rotterdam Convention, 2024). It plays a crucial role in protecting human health and the environment from potential harm caused by these chemicals, particularly in countries with less regulatory infrastructure.

European Union regulations on waste management

European Union (EU) waste management regulations represent a comprehensive approach to handling waste, aiming to protect the environment and human health. The Waste Framework Directive (2008/98/EC) is a cornerstone of EU waste policy, establishing the legal framework for handling waste in the EU. It introduces key concepts such as the "waste hierarchy", prioritizing waste prevention, reuse, recycling, and recovery over disposal (European Parliament and Council, 2008). The Landfill Directive (1999/31/EC) significantly reduces landfill waste by setting strict technical requirements for waste and landfills (European Commission, Landfill Directive, 1999). The Packaging and Packaging Waste Directive (94/62/EC) mandates member states to achieve specific recycling and recovery targets for packaging waste (European Parliament and Council, 1994). Regulations like the Waste Electrical and Electronic Equipment Directive (2012/19/EU) and the Restriction of Hazardous Substances Directive (2011/65/EU) manage specific waste streams and limit the use of hazardous substances in products (European Parliament and Council, 2012; 2011).

The EU regulation that is particularly important for the prevention of illegal cross-border movement of hazardous materials is the EU Waste Shipment Regulation (EC) No 1013/2006 (European Parliament and Council, 2006). It plays a critical role in controlling the shipment of waste within and outside the EU borders, ensuring that waste is managed in an environmentally sound manner and preventing illegal waste trafficking. When transporting waste across international borders, the owner must adhere to a specific procedure, which includes notifying the intended transport, ensuring proper packaging and labeling, and following prescribed safety protocols. This procedure, detailed in regulations and supplementary annexes, outlines all necessary conditions and documentation for such transportation (Prlja et al., 2012:161,162).

The EU's waste management policies are continuously evolving to address emerging challenges and integrate technological advancements in waste handling and recycling. These regulations demonstrate the EU's commitment to sustainable waste management practices and a transition towards a more circular economy (European Commission, "Towards a Circular Economy: A Zero Waste Programme for Europe," 2014).

Evaluating the Alignment of Article 266 of the Serbian Criminal Code with International Environmental Laws and Standards

In evaluating the alignment of Article 266 of the Serbian Criminal Code with international environmental laws and standards, it's evident that Serbia has made significant strides towards integrating global norms into its national legislation. Article 266, specifically addressing the criminalization of the import, processing, disposal, and storage of hazardous materials, resonates with the objectives and provisions of several key international documents.

Firstly, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989) sets a global standard for controlling hazardous waste movements and preventing illegal dumping. Article 266 aligns with the Basel Convention by establishing a legal framework that not only criminalizes unauthorized hazardous waste activities but also incorporates the principle of "prior informed consent", thus echoing the Convention's emphasis on transparency and international cooperation in hazardous waste management.

Similarly, the Stockholm Convention on Persistent Organic Pollutants (2001) focuses on eliminating or restricting the production and use of environmentally persistent organic pollutants. Article 266's broad scope, which includes managing hazardous substances beyond just waste, supports the Stockholm Convention's goals by penalizing activities that could lead to the release of these persistent pollutants into the environment.

The Vienna Convention on the Physical Protection of Nuclear Material (1980) and its amendment emphasize the protection of nuclear materials and facilities. While Article 266 does not exclusively focus on nuclear substances, its provisions for the management and criminalization of hazardous materials handling indirectly support the Vienna Convention's objectives by ensuring that activities involving potentially radioactive substances are regulated and subject to criminal penalties if mismanaged.

The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998) promotes informed international trade of hazardous chemicals. Article 266 complements this by penalizing the illegal import and management of such substances, thereby reinforcing the Convention's principle of informed consent and safe handling of hazardous chemicals within Serbia.

Lastly, the EU regulations on waste management, particularly the EU Waste Shipment Regulation (EC) No 1013/2006, aim to control the shipment

of waste to ensure it is managed in an environmentally sound manner. Article 266's focus on the illegal movement and management of hazardous materials aligns with the EU's efforts to prevent illegal waste trafficking, showcasing Serbia's commitment to aligning its legal framework with European standards.

In conclusion, Article 266 of the Serbian Criminal Code reflects Serbia's dedication to incorporating international environmental laws and standards into its national legislation. Through its comprehensive approach to managing hazardous materials, Article 266 not only adheres to the spirit of international conventions but also addresses specific challenges within Serbia, demonstrating a balanced integration of global environmental norms and national legal requirements.

It warrants mention that, although Article 266 of the Serbian Criminal Code exhibits rigorous normative conformity with global environmental legal frameworks and standards, the efficacy of its practical execution engenders significant scholarly discourse, a topic that will be explored in further detail within this paper.

What is very important to point out here is that the necessity for ongoing legislative reforms, particularly of other non-criminal regulations that provide the substantive context for the criminal law provision of Article 266, is underscored by the dynamic nature of environmental hazards and the evolving international standards in hazardous waste management. These reforms are crucial not only for maintaining alignment with international conventions but also for ensuring that Serbia's legal framework remains responsive to new types of environmental threats and technological advancements in waste management. Moreover, updating these foundational regulations will enhance the practical enforceability of Article 266, ensuring that it effectively addresses the complexities of modern hazardous waste challenges and reinforces Serbia's commitment to global environmental protection efforts. This process of continual legal adaptation is essential for Serbia to fulfill its international obligations, protect public health and the environment, and promote sustainable development within its jurisdiction.

Legal Analysis of Article 266 of the Criminal Code

The criminal offense of bringing hazardous materials into Serbia and illegal processing, disposal, and storage of hazardous materials from Article 266 of the Criminal Code is regulated in the special twenty-fourth chapter dedicated to criminal offenses against the environment.

The object of protection in all these criminal acts, including the criminal act referred to in Article 266, is the environment as an independent good, or more precisely, the human right to a preserved environment (Stojanović & Perić, 2011:210).

This criminal offense has a basic and serious form, then a qualified and special serious form. The basic form (paragraph 1) is made by anyone who, contrary to regulations, brings radioactive or other hazardous materials or hazardous waste into Serbia, or who transports, processes, disposes of, collects, or stores such materials or waste. For the existence of this offence, it is sufficient that an abstract danger to the environment has been created.

Therefore, from the cited provision described in paragraph 1, the object of this criminal offense is radioactive or other hazardous materials, as well as hazardous waste, for the exact determination of which it is necessary to consult other non-criminal regulations (Marković, 2022:504). In the first place, it is the Law on Radiation and Nuclear Safety and Security ("Official Gazette of the RS", No. 95/18 and 10/19) which in Article 5, paragraph 109) defines radioactive material as material containing radioactive substances, while paragraph 107) defines a radioactive substance as any substance that contains one or more radionuclides whose activity or specific activity cannot be ignored from the point of view of protection against ionizing radiation. Radioactive waste (Art. 5, paragraph 110) is radioactive material in a gaseous, liquid, or solid state, the further use of which is not planned or foreseen.

In order to define the other intended objects of operations in the form of other hazardous materials and waste, the Law on Waste Management is relevant, which in Article 5, paragraph 18) defines hazardous waste as waste that, due to its origin, composition, or concentration of hazardous materials, can cause danger to the environment and health people and has at least one of the dangerous characteristics determined by special regulations, including the packaging in which the hazardous waste was or is packed.

The action of committing this criminal offense is determined alternatively in the form of six actions: bringing in, transporting, processing, disposal, collection, and storage of the mentioned hazardous materials. When it comes to the first specific action - bringing in, it must be carried out "against the regulations". As this criminal offense is blanket in nature, it is necessary to take into account, first of all, the Law on Environmental Protection, the Law on Waste Management, as well as by-laws that regulate the issue of permits for import, export, transit and storage of waste (such as Rulebook on the content of documentation to be submitted with the request for a permit for the import, export and transit of waste) (Marković, 2022:503).

In this way, Article 57, Paragraph 1 of the Law on Environmental Protection absolutely prohibits the importation of hazardous waste, and any action contrary to the aforementioned legal prohibition constitutes a criminal offense under Article 266 of the Criminal Code. The situation is the same with radioactive waste, given that Article 4, paragraph 5 of the Law on Radiation and Nuclear Safety prohibits the import of radioactive waste and spent nuclear fuel of foreign origin into the territory of the Republic of Serbia. Otherwise, importation can be done in any way - by road, rail, river, sea transport, etc. (Stojanović, 2018:842).

When it comes to other acts of committing a crime, for a criminal offense from Article 266 of the Criminal Code to exist, it is sufficient that the transportation, processing, disposal, collection, or storage of radioactive or other hazardous substances or hazardous waste is contrary to the relevant regulations in this area. This is, first of all, the aforementioned Law on Waste Management, which in Article 59 stipulates that permits must be obtained for performing one or more activities in the field of waste management, namely: permit for waste collection, permit for waste transport, permit for waste storage, as well as a permit for waste treatment. One integral permit may be issued for the performance of several activities by one operator.

So, a crime can be committed in waste management if it's done by a party that either lacks a required permit or possesses a permit but not for the specific task being performed (like having a permit for transport but engaging in hazardous waste disposal without authorization). Furthermore, a crime may also occur if the individual has the right permit for a waste management activity but conducts it improperly (Drenovak - Ivanović et al., 2020:130).

The perpetrator of this criminal offense can be any natural person or legal entity. Otherwise, environmental crimes are often committed by legal entities, i.e. powerful (international or national) corporations (Batrićević, 2018:140). The practice has shown that legal entities are primarily responsible for crimes related to environmental pollution and disposal of hazardous waste (Lukić, 2012:223).

The punishment provided for the basic form is imprisonment from six months to five years and a fine.

When it comes to the more severe form of this criminal offense provided for in paragraph 2, it is committed by the person who, by abusing his official position or authority, allows or facilitates the introduction of materials or wastes described in the basic form into Serbia, or enables such materials or wastes to be transported, process, dispose of, collect or store. Therefore, the more serious form of this criminal offense exists if the execution of the basic form is allowed or enabled by abuse of official position or authority, and, as a rule, it can only be done by an official (Drenovak - Ivanović et al., 2020:130).

So, the perpetrator of this form of criminal offense can only be an official - the term of which should be taken in the context of Article 112, paragraph 3) of the Criminal Code and who in the specific case abuses his position or authority - the meaning of which should be taken in the same sense as in the case of the criminal offense abuse of official position from Article 359 of the Criminal Code (Lazarević, 2011:824). The act can be committed by doing or not doing (omission) when an official fails to take certain measures that he was obliged to take based on the law and other regulations (e.g. to prohibit the import of hazardous waste) (Stojanović, 2018:843).

For this more severe form, a prison sentence of one to eight years and a fine is prescribed.

In paragraph 3 of Article 266, a special form of this offense qualified by a more severe consequence is assigned. A more serious consequence consists in the fact that due to the execution of the basic form of the offense, the destruction of animal or plant life on a large scale or the pollution of the environment to such an extent that it requires a longer time or large costs to eliminate it. Therefore, with this qualified form, for the sake of proper application, it is necessary to crystallize in practice clear interpretations of the legal standards "destruction on a large scale", "longer time" and "large costs" which are used in incrimination. According to the legal opinion adopted at the session of the Supreme Court on April 17, 2006. (Bulletin of Judicial Practice of the Supreme Court, 2006:11), "large-scale damage" in certain criminal offenses exists when the value exceeds the amount of 6.000.000,00 dinars, but this opinion does not apply to the criminal offense under Article 266 of the CC, nor other criminal acts from Chapter XXIV of the Criminal Code (Drenovak - Ivanović et al., 2020:130). Given that the consequences of this form are determined in an extremely general and imprecise manner, Lazarević (2011) rightly argues that this will likely create interpretation challenges in judicial practice, resulting in delays in criminal proceedings.

A prison sentence of two to ten years and a fine are provided for this qualified form.

In paragraph 4, the situation is foreseen when the court decides to impose a conditional sentence on the perpetrator for one of the previous three forms of this criminal offense, that it can determine the obligation of the perpetrator to take certain prescribed measures of protection against ionizing radiation or other prescribed protection measures within a certain period. The control of the application of these protection measures is carried out by the competent inspector for environmental protection, based on the authorization from Article 86 of the Law on Waste Management.

At the end of the incrimination in question, in paragraph 5, a special more serious form of this criminal offense is provided, which consists in organizing the execution of its basic form. The term organization should be understood as the association of two or more persons to jointly perform the activities described in the basic form of this part (Lazarević, 2011:689-690). There is a debate in theory regarding when the criminal act is considered complete in this scenario. Lazarević (2011) believes that it is sufficient that some form of organization has been created and that it is not necessary that the basic form of this criminal offense has been committed, while Stojanović (2018) advocates the view that it is necessary to commit at least two basic forms of this criminal offense, organized by the executor of this form, while he did not participate in their execution.

Marković (2020) argues in favor of the second interpretation, stating that merely organizing is insufficient for the execution of the basic form. This is because paragraph 5 would then address the criminalization of preparatory actions, which seems unlikely given the harshness of the penalty. This penalty, as stipulated in Article 266, is notably severe, involving a prison sentence of three to ten years, making it one of the strictest sanctions in this context. The above interpretation should be accepted as clear and logical, and is also shared by Drenovak-Ivanović et al. (2020), who maintain that for this type of serious offense, it's enough if just one criminal act from Article 266, paragraph 1 of the Criminal Code is committed. This applies especially if the organization was established with the intent to carry out several such offenses.

Intention is the only form of guilt in this criminal offense. Given that the object of the act is an essential element of the existence of the criminal act itself, the perpetrator must be aware that it is dealing with radioactive or other hazardous materials or hazardous waste (Marković, 2022:506).

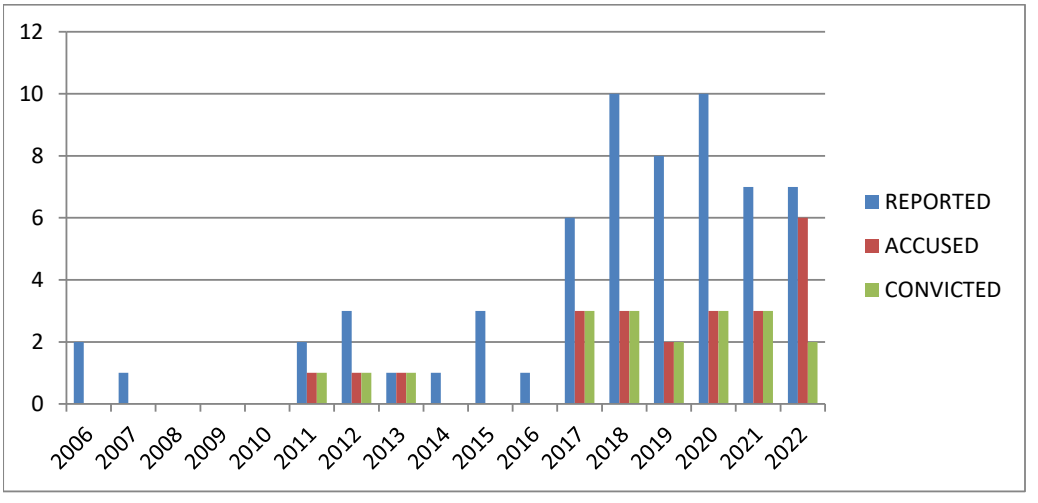
Article 266 in Practice: Application and Enforcement

When it comes to the application of the criminal offense from Article 266 of the Criminal Code, statistical data and judicial practice, unfortunately, do not provide a bright picture. The aforementioned criminal offense follows the general trend of all environmental crimes whose share in the total number of convictions is very low (the highest recorded since the adoption of the Criminal Code to date is in 2006 when the share of these crimes in the total established criminality was only 2.44%) (Marković, 2022:508).

According to the data of the Republic Institute for Statistics of the Republic of Serbia, for adult perpetrators of criminal offenses, in the period

from 2006 to 2022[1], the number of reported, accused, and convicted when it comes to criminal offense under Article 266 of the Criminal Code is shown in Chart 1.

Chart 1. *The ratio of the number of reported, accused, and convicted for a criminal offense under Article 266 of the Criminal Code in the period 2006-2022.*



The first thing to notice is the fact that the implementation of the criminal offense from Article 266 of the Criminal Code in Serbia is more than symbolic and that in the sixteen years of its existence, only 19 legally binding judgments were passed by which certain persons were convicted for its execution. Although there is a noticeable trend of increasing reports and accusations from 2017. onwards, it is too small a figure when one takes into account the numerous cases of illegal storage and transportation of hazardous waste in the public and media, such as non-compliance with prescribed storage procedures and labeling of hazardous waste[2] or finding large quantities of illegally buried hazardous waste at several locations in Serbia. Obviously, the trend of not reporting this environmental crime, which is also a general characteristic of environmental crime in the world in

[1] *Adult perpetrators of criminal offenses in the Republic of Serbia - reports, accusations and convictions* - (2006-2022), Republic Institute of Statistics of the Republic of Serbia. Available at: https://www.stat.gov.rs/oblasti/pravosudje/, accessed on 18.1.2024.

[2] „Hazardous waste in Serbia: It is not known how much there is, how it is stored and marked." Available at: https://n1info.rs/biznis/opasan-otpad-u-srbiji-ne-zna-se-koliko-ga-ima-kako-se-skladisti-i-oznacava/, accessed on 18.1.2024.

[3] „How long will we live with hazardous waste in our yard." Available at: https://www.bbc.com/serbian/lat/srbija-43560981, accessed on 18.1.2024.

general, has not bypassed Serbia either, where "the dark figure of crime" that represents the difference between the number of offenses that are reported and the number of those that have been committed, is particularly high in the cases of environmental criminal offenses (Bejatović & Šikman, 2014:18; Batrićević, 2018:141).

When it comes to the (few) legal opinions of judicial practice regarding the application of the criminal offense from Article 266 of the Criminal Code, it should be mentioned the judgment of the Supreme Court of Cassation, Kzz. 1472/18 of January 22, 2019 related to the case of buried hazardous waste in Vukićevica, Obrenovac Municipality (See more: Drenovak - Ivanović et al., 2020:132-141; Sindjelić et al., 2021:56-66), in which it is stated that the verdicts of the Basic Court in Obrenovac and the Higher Court in Belgrade establish that the accused, knowingly and in a sane state, illegally disposed of hazardous materials and waste, violating specific provisions of the Waste Management Law regarding safe disposal practices. The Supreme Court of Cassation confirmed in this verdict that this act constituted the criminal offense of illegal import, processing, and storage of hazardous materials in Serbia, dismissing the defense's claim of a legal violation in the judgment process.

In the judgment Kzz 1527/20 of 14 July 2021, the Supreme Court of Cassation also emphasizes the necessity of the existence of a subjective element in this criminal act. According to the Supreme Court of Cassation, the factual description in the first-instance verdict demonstrates all legal elements of the crime of importing, processing, and storing hazardous materials in Serbia under Article 266, Paragraph 1 of the Criminal Code, for which the accused, as the director of "BB" LLC, was found guilty. This includes both the objective aspect of the crime, involving the collection and storage of waste in violation of Waste Management Law without the required permits, and the subjective aspect, which encompasses the accused's accountability, intention (awareness and will), and knowledge of the illegality of their actions.

In the absence of a serious number of proceedings for the criminal offense referred to in Article 266 of the Criminal Code, even the highest court instances do not have the opportunity to significantly deal with the quality application of this criminal law provision. Therefore, publications such as the *Guide to Procedures in the Case of Improper Hazardous Waste Management* (Sindjelić et al., 2021) *and Public prosecution and environmental protection: normative framework and analysis of problems in application* (Vučković, Komlen - Nikolić & Samuilov, 2022) must certainly be more accessible to all key actors in the detection and prosecution of this form of environmental crime in order to reduce the "dark figure" in this area.

It is precisely in these publications that some reported cases of the criminal offense referred to in Article 266 of the CC are listed, of which we single out two where the proceedings have been legally terminated and they are an example of good cooperation of all relevant participants in the proceedings:

1. **Pancevo Case:** Police uncovered substantial hazardous waste across three sites, prompting a search warrant from the preliminary proceedings judge. Despite possessing comprehensive permits for hazardous waste management, the accused lacked authorization for waste storage at these locations. An extensive forensic analysis revealed significant quantities of hazardous waste, leading to an indictment for violating Article 266, paragraph 1, of the Criminal Code. The accused, upon extradition from Romania, received a one-year prison sentence, a 500,000 dinar fine, and a security measure for the confiscation and mandatory destruction of the waste, subsequently managed by the Ministry of Environmental Protection (Sindjelić et al., 2021:44-47; Vučković, Komlen - Nikolić & Samuilov, 2022: 56-60).
2. **Kikinda Case**: An investigation by Kikinda Police, upon reviewing operational intelligence, found that a Novi Sad-based company was improperly storing both hazardous and non-hazardous waste in leased facilities within Kikinda's industrial zone, in violation of their storage permits. Visual inspections and expert assessments confirmed the illegal storage of hazardous waste in quantities far exceeding permitted levels. This led to a criminal complaint against the company and its director for storing hazardous waste thirty times the legal limit. The court's final judgment imposed bans on all waste collection, treatment, and disposal activities for two years, confiscated the company's illicit gains and assigned the cost of criminal proceedings to the responsible individual. (Sindjelić et al., 2021:68-72).

Detecting and prosecuting crimes involving the illegal import, processing, disposal, and storage of hazardous materials in Serbia is crucial, as citizens often lack awareness of what constitutes such an offense, including common examples like the disposal of old batteries. Furthermore, the public very often does not know about the absolute prohibition on the import of hazardous materials and waste, which highlights a general lack of environmental awareness among the public regarding the significance of environmental pollution and its consequences (Marković, 2022:509). The lack of knowledge becomes particularly concerning when considering the impact on vulnerable groups of citizens, such as how violating environmental regulations can lead to breaches of children's rights (Batrićević & Stevanović, 2023).

The insufficient awareness among citizens regarding criminal activities associated with hazardous waste can be seen as a result of a lack of information and inadequate education across all segments of the public about what constitutes hazardous waste and how to properly manage it. Initiatives to inform and educate the public about hazardous waste and its proper management are crucial activities aimed at elevating citizens' knowledge and understanding of these issues, intricately connected to the broader topic of environmental pollution. Three recently conducted case studies will highlight specific problems directly linked to hazardous waste:

Why should used creosote-impregnated wood waste be characterized as hazardous?

Wood products are a following element of human society. Wood is a renewable construction material and is used in the manufacture of various timber products. Every year, a large number of old and damaged wooden structures such as wooden railway sleepers, utility poles, residential buildings, fence posts, furniture, and bridge constructions are demolished and dismantled for repair or replacement. Mechanical and biological degradation is the main disadvantage of using timber for railway sleeper production.

Creosote is used as a wood preservative all over the world for the purpose of protecting wood products from biological degradation. Large quantities of creosote-impregnated sleepers have been installed in the average railway system. Impregnated wooden railway sleepers are usable for up to 50 years and it is considered that the protective agent used for impregnation is safe for the environment while the sleepers are in operation. Damaged creosote-impregnated wooden railway sleepers become wooden waste. Creosote consists of more than 1500 different chemical compounds (Gallacher et al., 2017). The vast majority of those compounds manifest toxic characteristics individually (have the potential to cause cancer or birth defects). The main constituents of creosote, up to 85 % are so-called polycyclic aromatic hydrocarbons (PAHs). U.S. Environmental Protection Agency (EPA) in 1976. made up a list of 16 PAHs to estimate risks to human health from drinking water (Andersson & Achten, 2015). Those 16 "priority PAHs" represent only 15 % of all of those present in creosote. Furthermore, referred to the Waste Catalogue (Instructions for Determining the index number, Environmental Protection Agency, Republic of Serbia, 2010.) waste creosote, which was declared as waste, is hazardous regardless of the composition or concentration of dangerous substances. It would be listed under the index number 03 02 01* as non-halogenated

organic wood preservatives. On the contrary, out-of-service wooden railway sleepers are declared as non-hazardous waste under the index numbers 17 02 01 and 17 02 04* as Construction and demolition wastes (including excavated soil from contaminated sites).

Waste creosote impregnated wooden railway sleepers should be always listed as hazardous because they contain a complex mixture of different chemical compounds with mutual health and environmental effects that cannot be calculated (Nikolić, Radović & Tešović, 2023a). Characterization of waste like this as hazardous would impact its processing, disposal, and storage practices.

Managing the hazardous chemical waste in laboratories: are we on the right path?

It is noteworthy that even professionals working in laboratories in Serbia harbor uncertainties regarding the management and primary separation of hazardous chemical waste generated during laboratory analyses, experiments, and research. The complexity in effectively sorting this waste at the primary stage arises due to the imperative of preventing undesirable interactions and the production of potentially more hazardous secondary substances.

Research on this matter (Radović, Nikolić & Tešović, 2023b), led to the conclusion that all surveyed chemists and physical chemists (n=11) agreed about the need for additional education on laboratory hazardous chemical waste and its primary sorting, considering it an integral part of their daily work. Furthermore, an analysis of the current legal regulations in Serbia concerning the management of hazardous waste (Law on Waste Management and Waste Management Program of the Republic of Serbia for the Period 2022-2031) exposed a deficiency in explicit and unequivocal protocols outlining specific methods for the primary sorting of hazardous chemical waste in laboratories.

Exploring trends in environmental pollution and hazardous chemical waste reporting

In light of the frequent coverage of environmental pollution (EP) and hazardous chemical waste (HCW) in the global media, an analysis of reporting data from the websites of five selected daily newspapers (Financial Times (International edition); The Australian Financial Review; The Wall Street Journal; China Daily (English); The Times of India) and

seven scientific journals websites (Nature-all journals; Science-all journals; Environmental Pollution; Journal of Hazardous Materials; Waste Management; International Environmental Agreements: Politics, Law and Economics; Review of European, Comparative & International Environmental Law) on these topics from 2000 to 2022 revealed specific trends (Radović, Nikolić & Tešović, 2023c).

Notably, the year 2013 witnessed the highest number of articles on these topics (a total of 20449 in all selected daily newspapers and scientific journals). During the 2000-2022 period, The Wall Street Journal recorded the highest ratio of published articles on HCW to the number of published articles on EP (expressed as HCW/EP in %) - 149.52%. This can be explained by assuming that the editorial board of The Wall Street Journal recognizes the importance of informing the general public about EP and HCW topics.

Moreover, the study unveiled a significant increase in the publication of articles covering EP and HCW topics in the following scientific journals: Nature, Science, Environmental Pollution, and the Journal of Hazardous Materials throughout the COVID-19 period (2000-2022), compared to the pre-COVID-19 timeframe (2017-2019).

Upon analyzing the aforementioned case studies, it becomes evident that the continuous dissemination of information and education is of paramount importance for both the general public and professionals. These efforts should center around topics such as the identification, characterization, and management of hazardous waste, with a necessary emphasis on reporting criminal activities arising from actions contrary to the provisions of legal regulations governing hazardous waste.

Conclusion

In recent years, the global increase in cross-border waste transport via road, rail, and water has included hazardous waste, posing significant risks to human health and the environment. This hazardous waste, found in various forms including solids, liquids, and gases, often consists of manufacturing by-products and discarded items like cleaning agents and pesticides and is exacerbated by the rising challenge of e-waste. This trend amplifies environmental pressures from both domestic and industrial waste, irrespective of its physical state, recyclability, or level of danger (Ćesarević, 2023:74).

Also, organized criminal groups have expanded their illicit activities to encompass environmental crimes related to waste management. These groups, involved in waste trafficking and smuggling, display distinct characteristics unlike those of “traditional-classic” criminal organizations, resembling

commercial enterprises where each member has specific roles, structured similarly to business entities with various forms of control and disciplinary accountability for members (Bugarski, 2015:1101).

The comprehensive analysis of Article 266 of the Serbian Criminal Code in this paper reveals the critical role of this legislation in Serbia's environmental and public health safety framework. The study highlights that while Article 266 is robust in its conceptualization, aligning with international norms like the Basel and Stockholm Conventions, it faces significant enforcement and implementation challenges (Ćesarević, 2023; Clapp, 2001; Hagen & Walls, 2005).

It should be emphasized that there is a great need for improved collaboration between institutions for effective enforcement of Article 266 and, also, the necessity of constant legislative reforms primarily of other non-criminal regulations in the field of hazardous waste management that give content to the criminal law provision from Article 266, according to international standards in this area. This is particularly pertinent in the context of the evolving nature of hazardous materials and the complexities of jurisdictional enforcement (Nemeth, 2015; Marković, 2022).

The international framework, as outlined in conventions like the Vienna and Rotterdam Conventions, along with EU waste management regulations, plays a pivotal role in shaping Serbia's approach to hazardous waste management. The emphasis on global cooperation and alignment with international standards is crucial for Serbia to effectively mitigate the risks posed by hazardous substances (Stockholm Convention, 2024; Vienna Convention, 1980; Rotterdam Convention, 1998; European Parliament and Council, 2006).

Furthermore, the authors underscore the importance of raising public awareness and understanding of environmental laws. Considering that a lack of environmental consciousness can lead to a rise in environmental crimes, promoting environmental awareness through media outlets and educational systems, from elementary level to higher education and universities, is seen as an effective strategy for preventing such crimes (Batrićević, 2018:144). So, the lack of awareness, as evidenced in the case studies presented, underpins the need for comprehensive educational and outreach programs to bolster environmental consciousness and compliance (Batričević, 2018; Bugarski, 2015).

In conclusion, it is important to say that there is a need for a multi-faceted approach to combating environmental crimes related to hazardous substances in Serbia. This approach should integrate legislative refinements, enforcement enhancements, international cooperation, and public education. Such a strategy is imperative for Serbia to address the challenges of environmental protection effectively and align itself with global environmental safety standards.

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Unošenje opasnih materija u Srbiju i nedozvoljeno prerađivanje, odlaganje i skladištenje opasnih materija – krivično delo iz člana 266. Krivičnog zakonika -Koncept, primena, izazovi-

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Ovaj rad proučava član 266. Krivičnog zakonika Srbije u kontekstu regulative opasnih materija, ističući njegovu ključnu ulogu u usklađivanju srpskog krivičnog zakonodavstva sa globalnim standardima u oblasti zaštite životne okoline i zaštite javnog zdravlja. Kroz detaljnu analizu, studija ispituje efikasnost člana 266., identifikujući izazove u sprovođenju i predlaže poboljšanja za unapređenje njegove primene i uticaja. Rad predstavlja analizu pravnog okvira, procenjuje usklađenost sa međunarodnim ugovorima i sugeriše preporuke za bolje upravljanje opasnim otpadom. Istraživanje naglašava važnost međunarodne saradnje i potrebu za povećanjem javne svesti i obrazovanjem o zakonima iz oblasti zaštite životne sredine. Nalazi ukazuju na to da, iako član 266. uspostavlja čvrstu osnovu za regulaciju opasnog otpada, postoji presudna potreba za zakonskim poboljšanjima u oblasti upravljanja otpadom, a posebno za poboljšanjem mehanizama za sprovođenje i šire obrazovne aktivnosti kako bi se osigurala efikasna zaštita životne sredine i usklađenost sa međunarodnim normama.

KLJUČNE REČI: Krivični zakonik Republike Srbije, pravno regulisanje opasnih materija, zaštita javnog zdravlja, ekološki kriminal, upravljanje opasnim otpadom

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The challenges of defining the term "Intelligence-led Policing Model" in the scientific literature

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The implementation of the intelligence-led policing model in policing has been a topic of interest to the scientific and professional public, particularly in developed countries at the beginning of the 21st century. In the international scientific literature, there are many definitions of the intelligence-led policing model, while in the domestic scientific literature, there are definitions related to police intelligence work as a police (investigative) activity and a new approach (philosophy) in police work. This is due to the lack of a uniform approach in terms of defining terminology, goals, and necessary organisational elements. Defining the term of the intelligence-led policing model contributes to the improvement, strengthening, and further development of police work and more efficient implementation in the field of public security within strategic planning and coordination. This paper aims to point out the main challenges of defining the term of this model in the international and national scientific literature.

KEYWORDS: intelligence-led policing model, defining the term, international scientific literature, national scientific literature, Strategic Assessment of Public Security, Security Management

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Introduction

At the beginning of the 21st century, tremendous changes took place in the world, which forced police organisations to face increasingly bigger obstacles in their work. The unstoppable economic, social and political reforms affected the efficiency and effectiveness of the government and society. The modern types of criminality that countries face today are complex and unpredictable considering the fact that they constantly change their forms of manifestation by skillfully adapting to current trends in all social areas. They are characterized by a strong transnational interconnection, and due to the accelerated development in the field of information technologies, they are gaining more and more sophistication. The manifestation of the sophistication of criminality is a consequence of the abuse of modern technologies and makes it more covert than ever - therefore, more difficult to detect (IACP, 2018). The immense profit that motivates and incites criminality causes increasingly unscrupulous and violent forms of action, on the one hand, and the use of legal business structures to conceal the source of profit, on the other hand. Profit strengthens the power of individuals and organised criminal groups and represents a threat both to the security and to the economic and financial system of every country that encounters it. In order to reduce the negative consequences of global changes, the intelligence-led policing model is used to assess the state of security and identify potential threats and risks from serious and organised crime via producing criminal-intelligence information (such as the Serious and Organised Crime Threat Assessment). (Racić, Radović, 2018).

The implementation of the intelligence-led policing model essentially implies a transition from reactive to proactive police work. Namely, the philosophy of the reactive way of working implies that the starting point in the work of the police is the committed criminal offence, which is why all activities are directed towards its solving and detecting the perpetrator. In contrast to the reactive, the philosophy of the proactive way of police work involves carrying out activities against a potential perpetrator or recidivist with the aim of preventing a criminal offence (Racić, 2023:42).

Defining the Main Terms Referring to the Intelligence-Led Policing Model

Terminologically, different words are used for the same term depending on the country that implemented the model. Most countries such as the United

States of America, Germany, Sweden, the Netherlands, Australia, and Canada use the term "Intelligence-Led Policing", compared to Great Britain which uses the "National-Intelligence Model" to denote the same term. The phrase "Intelligence-Led Policing" is used in the Serbian legislature as "policijsko-obaveštajni model" (Marković, 2019:172). The English term Intelligence has multiple meanings in the Serbian language. Various terms in use are aimed at general concepts such as criminal intelligence, crime intelligence, and intelligence analysis, or at a special topic of operational work, such as law intelligence, business intelligence, geospatial intelligence, and cyber intelligence (Đurđević, Radović, 2017: 444). The main meaning of the word Intelligence in the application of the intelligence-led policing model implies analyzed and interpreted information about criminality, which contributed to the fact that analysis occupies a central place as an essential function of supporting managers to make decisions and implement operational police activities to combat crime more efficiently, effectively and economically. In addition to its main meaning, the word Intelligence can also refer to the process of converting raw data into final analytical products based on which an event can be evaluated and projected, a target (a person of security interest) can be searched, or a trend of criminal events can be determined. Intelligence can also refer to the product of an analytical process that provides an integral perspective for various information on criminality (Klisarić, 2012:84-88).

In a general theoretical sense, data is an informative notification that carries new facts that do not have to be correct, but indicate the need to act on them. Despite the many definitions that have been published so far, it is the simplest and clearest to say that: "data + analysis = information". The above formula clarifies the difference between the collected data and the obtained information, where analysis plays a key role. In order to create criminal intelligence information, it is necessary to evaluate, process, and analyze the collected data (U.S. Department of Justice Office of Justice Programs, 2005:6). Swanson gives a more comprehensive definition of the term Intelligence: "Data and information that have been evaluated, analyzed and produced with careful conclusions and recommendations." Intelligence is also the product of systematic and thoughtful inquiry, contextualized and provided to law enforcers with facts and alternatives based on which key decisions can be brought" (Swanson, et.al, 2008:74). According to the definition of the mentioned authors, the term data evaluation refers to an evaluation in terms of source reliability and credibility. It is estimated how reliable the data source is and how likely it is that the data coming from that source is correct. Police managers can bring decisions based on such analyses for tactical and strategic planning. For law enforcement, data is collected in several ways: by performing patrol and policing activities, through informants and associates, engaging undercover investigators,

and applying special evidentiary measures, such as the measure of secret surveillance of communications, based on forensic evidence and various types of personal records. (Thibault, et.al, 2007:191).

Defining the Term "Intelligence-Led Policing Model" in the International Scientific Literature

In the international scientific literature, there are numerous definitions of the intelligence-led policing model indicating that it represents a managerial philosophy whose goal is to make decisions about organizing police tasks based on relevant, complete, timely, and usable information about crime (Tomašević, Racić, 2019: 84).

Among the few authors from the academic environment who addressed the definition of the intelligence-led policing model, Ratcliffe and Carter should be mentioned, as they are considered the originators of the theoretical presentation of this model. Ratcliffe defines the intelligence-led policing model as follows: "A business model and managerial philosophy where the data analysis and information about criminality is of primary importance for an objective decision-making framework that enables the reduction of criminality and problems, prevention through strategic management and effective enforcement of the strategies aimed at serious offenders" (Ratcliffe, 2008:85). Having analyzed the Ratcliffe's definition of the intelligence-led policing model, it can be concluded that the basic elements of its definition are: business model (managerial philosophy), data and information analysis, decision-making, strategic management, proactive and preventive work. Investigating the inreducing criminal offences and misdemeanors. The mentioned author points to the intelligence-led policing model as a proactive model of work, the need to direct a larger number of police officers to proactive investigations compared to reactive investigations, to focus activities on improving work in the collection and analysis of intelligence data, in order to use it atelligence-led policing model in relation to other proactive models of police work, Ratcliffe mentions four characteristics that distinguish it from other police strategies, which represent, in his opinion, the best police strategy in the 21st century. These characteristics are: the identification of individuals and criminal groups; the use of covert investigative methods to identify current perpetrators of criminal offences; the detection of crime hotspots; crime investigations related to a series of criminal offences; implementation of preventive measures through work with local security councils, with the aim of s a basis for choosing an adequate strategy of police action. It is a model that objectively formulates strategic priorities for police work, as a basis for allocating police resources, and directing investigative activities towards perpetrators who represent the greatest social danger and towards areas with the highest crime rate. The point is that the intelligence-led

policing model, i.e., the collected and analyzed data serves as a foundation for operational work and does not allow that operational work to define the requirement for the collection of operational (intelligence) data. In the analysis of the challenges in combating crime, the issues reflected in the registered criminality by the police, the number of court proceedings initiated and convictions made are pointed out. In addition, as a particularly important subject of analysis, there are repeat offenders and places where the largest number of crimes are committed (hotspots). According to Ratcliffe, the focus of police work should be on the repeat offenders, mainly the multiple offenders who represent the greatest danger to society, and on crimes that cause the greatest degree of fear in society. (Ratcliffe, 2008:80-95).

Authors David Carter and Jeremy Cartera define ILP as follows: "The collection and analysis of information related to criminality and the conditions that contribute to the occurrence of criminality, resulting in effective criminal intelligence intended to assist law enforcement agencies and the development of tactical response to threats and/or strategic planning related to the emergence or change of threats" (Cartera J., Carter D.: 2009: 312). The application of the police-intelligence model encourages the police to create partnerships with non-governmental organizations and communities in order to prevent criminality. In order to improve relations with the community, it is first necessary to establish joint working bodies with the local community in order to identify priorities, taking into account the opinion of the citizens. Secondly, it is necessary for uniformed police officers to patrol the identified crime hotspots, such as residential areas with high crime rates, to establish contacts with citizens and private security providers in order to collect data. In some cities, a significant role in crime prevention have local volunteers who voluntarily and consciously perform the function of a police officer (a type of auxiliary police) in places designated as crime hotspots. (Billante, 2003:5).

Fuentes (Fuentes) defines the intelligence-led policing model as: "A philosophy of police work that is based on the collection of information at all levels of the police organization" (Fuentes, 2006:3). A group of authors consisting of Wiggett, Walters, Hanlon and Ritchie, F.H., define the police-intelligence model as: "Collection and analysis of data aimed at producing criminal-intelligence information on the basis of which strategic and operational decisions are brought" (Wiggett, 2002, et. al:113). Based on the above definition, it can be concluded that, unlike the assessment of the collected data, in this case, it refers to an assessment of the situation that is reached based on the processing and analysis of the timely, accurate, and relevant data collected. According to the authors Taylor, Boba, and Egge, the intelligence-led policing model is: "A contemporary business model and management philosophy that places the intelligence function in the overall mission of the police organization and seeks to reduce and prevent criminality" (Taylor, 2011, et.al:49). From the above definitions,

it can be deduced that analysis represents a key role for intelligence work within the police organization. In fact, the criminal-intelligence process begins with the submission of a request for drafting criminal-intelligence information and ends with its submission to the Strategic Group and the operational group. Adequate decisions are made on the basis of criminal-intelligence information that should direct further operational work.

According to Leman-Langlois, the intelligence-led policing model consists of three elements: 1) a risk management approach in crime control based on directed action taken against identified individuals or criminal groups, which requires the targeted collection of intelligence data and information; 2) collection of intelligence data related to recidivists; and 3) criminological knowledge useful for mapping criminality, monitoring and evaluating criminal behavior (Leman-Langlois, Shearing, 2011:33). Schreier advocates the thesis that the basic principle of the intelligence-led policing model is the collection and analysis of data, which is the basis for managers in making decisions on a strategic and tactical level, and that criminal-intelligence tasks represent the basis of proactive police work. He also states that the collected intelligence data serves as a guide for further operational action and that the task of the police is to prevent and detect a criminal offence, not to react to it only when the criminal offence is committed. (Schreier, 2009: 61).

Defining the Term "Intelligence-Led Policing Model" in the National Scientific Literature

When the implementation of the intelligence-led policing model was originally proposed at the end of the 20th and the beginning of the 21st century, the conceptual model was based on the analysis of criminality based on the collected intelligence data, with the aim of creating strategic documents in which individuals and criminal groups will be identified and strategic goals for further police action will be defined. The tactics aimed at reducing criminality were based on the submission of requests to managing groups in order to produce criminal intelligence information, where collected data and information were processed and analyzed, citizen phone calls were registered, records of suspected persons were recorded, and surveillance (monitoring) of persons of security interest was carried out. Managers who made strategic plans and implemented defined activities had greater success in relation to measures and actions that were undertaken as a means of producing evidence, which is particularly characteristic of reactive strategies (Skogan, Hartnett, 1997:20-25). According to Stevanović, the Pareto principle, as a specific

technique for determining priorities when solving problems, indicates the exceptional importance of a proactive approach in preventing and suppressing crime. According to this principle, 20% of perpetrators commit 80% of criminal offences, which means that by identifying those 20% of perpetrators and focusing police work on preventing their criminal activity, a significant number of criminal offences can be prevented (Stevanović, 2019:108).

Among the few attempts to define the police-intelligence model in the national scientific literature, we can single out Simonović's definition, in which he states that police-intelligence work is: "Police (investigative) activity and a new approach (philosophy) in police work, which implies the construction of systems and the creation of legal, organizational, personnel and technical capabilities and assumptions that will ensure standardized, continuous (public and covert) collection of security-interesting data, as well as their evaluation, analysis and forwarding with the aim of supporting the decision-making process and action in combating crime at all levels" (Simonović, 2012:25). The authors of the manual entitled "Intelligence-led policing model" define the implementation of the intelligence-led policing model as: "A system of managing criminal-intelligence and planned operational-police affairs, according to which criminal-intelligence information is the basis for defining priorities, strategic and operational goals in the field of prevention and combating crime and other security-threatening phenomena, as well as making appropriate decisions on operational-police tasks and actions, rational engagement of available personnel and allocation of material and technical resources"
(MUP R.Srbije, 2016:3).

The great importance of the ILP model, in our country, is reflected in Security Management, specifically in its part related to public (internal) security, primarily within the function of (strategic) planning, i.e. preparation of the Strategic Assessment of Public Security. The strategic assessment of public security, in our country, was established for the first time by the Law on Police in 2016 as the first task of the General Police Directorate. The General Police Directorate prepared the first Assessment in 2017, which presented the results of police work for the period from 2017 to 2020. After the experience gained, at the end of 2021, the second Strategic Assessment of Public Security for the period 2022 to 2025 was prepared. These two assessments, with key elements (Strategic Analysis and Strategic Assessment), represent a criminal-intelligence product within the Intelligence-Led Policing Model (ILP). Previous experiences in their application have also identified certain areas of police work that need to be improved (normative framework and practical work, prevention and cooperation at the national, regional and local level), strengthened (institutional and professional capacities), and developed (operational procedures). (Dostić, Forca, 2022:161-162).

Conclusion

Analyzing the international and national scientific literature, it can be concluded that the problems in defining such a work model are understandable and quite obvious if we compare different approaches when theoretically determining the intelligence-led policing model in different countries, institutions, and police organizations. Intelligence needs are different depending on the organizational level of the police organization (strategic, regional, and local) and the type of organizational structure, particularly considering whether the organizational units are centralized or decentralized. Very often, the decentralization of organizational units influences decision-makers to use different approaches to solve specific problems, which results in different needs for intelligence data (Đurđević, Radović, 2017:449). By applying the intelligence-led policing model, police work is upgraded with missing elements, such as: collection, processing, and analysis of data, preparation of criminal-intelligence information, making decisions and plans, and their implementation which includes coordination, control, and quality management. Therefore, police tasks are focused on: a strategic approach aimed at combating criminality, coordinating the work of all police officers (uniformed and crime police), establishing a balance, especially in reactive and proactive actions, planning operational actions aimed at multiple perpetrators of the most serious crimes that cause public disturbance and incorporate proactive work as an integral part of the crime control strategy (Đurđević, Radović, 2017:447).

The standardization of work through the implementation of this model contributes to a more efficient application of the Security Management functions in public (internal) security, primarily in (strategic) planning and coordination, as well as transparency, through raising the qualitative and professional level in police work.

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Inmates education as a function of developing socio-emotional competences*

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Imprisonment is a means of depriving a person of his freedom due to behavior that has been assessed as socially harmful and dangerous. The prison sentence should re-educate the inmate so that he no longer behaves in a way that endangers society. However, the prison environment itself has a negative impact on inmates, and education is proposed as a way of influencing inmates to increase the likelihood of positive behavior. Of the various forms of education, the one focused on the development of socio-emotional competencies is particularly effective. Taking into account the theoretical models and research results of the education of inmates, especially socio-emotional education in this work, we will provide a framework for the implementation of socio-emotional education programs in prison.

KEYWORDS: education, inmates, prison, socio-emotional competences.

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Introduction

Imprisonment is a complex process that affects vital aspects of life. The prison environment is characterized by uncompromising isolation, an inflexible environment, constant surveillance, a lack of intimacies, and frustrating situations, which, among other things, condition interpersonal relationships based on distrust and aggressiveness (Grandos et al., 2023). On the other hand, lack of contact with family, loss of usual habits, integration into a restrictive environment and social isolation can cause a significant deterioration in the emotional and social competences of inmates (Grandos et al., 2003; Pérez-Ramírez et al., 2022; Ruiz, 2007). Also, as an environment involving social, sensory, and intellectual deprivation, prison led to a decrease in inmates' quality of life (Skowroński, Talik, 2023). These negative effects of imprisonment are inconsistent with the basic purpose of imprisonment, which is reflected in the fact that during the execution of the sentence, the inmates, by applying appropriate treatment programs, adopt socially acceptable values with the aim of easier inclusion in the environment after the execution of the sentence so that they do not commit criminal acts in the future (Law on the Execution of Criminal Sanctions, 2014, 2019). This discrepancy can potentially be overcome by introducing education aimed at the individual needs and characteristics of inmates. Related to this is the position of certain authors who emphasize the need to recognize the numerous benefits of formal education in prisons, which, in addition to raising the level of knowledge, skills, and abilities, on a personal level, enables the development of the potential for transformation and change (Tønseth, Bergsland, 2019), In other words, personal development is a significant effect of education (Manger, Langelid, 2005). Riply (1993) emphasizes that education should provide inmates with the development of social, artistic, and other skills, as well as the acquisition of self-esteem, which certainly has a positive impact on their family life, but also on the understanding of their own emotions and behavior (Ilijić, 2014). Improving the educational level of inmates should not only be aimed at acquiring formal knowledge and skills, but should also have other positive effects, such as increasing self-actualization and self-realization, developing economic abilities, improving social relations, but also developing civic responsibility (Ilijić, Pavićević, & Glomazić, 2016).

Research indicates that education can influence a lower rate of recidivism (Hull et al., 2000; MacKenzie, 2006; Steurer, Smith, 2003; Vacca, 2004). In this paper, we are particularly interested in education focused on the development of socio-emotional competencies, because it has been shown that the program of socio-emotional education is the most effective in terms of reducing the criminal behavior and reintegration of inmates

(Casado, Ruano, 2018; Redondo, Mangot, 2017). The competencies that are most often developed are empathy, reasoning, and problem-solving skills, skills for evaluating one's own behavior and the behavior of others (Fovet et al., 2020; Papalia et al., 2019; Ricardo et al., 2019). Research suggests that prosocial behavior, emotional maturity, empathy, and emotional control can lead to a reduction in the frequency and severity of assaults in prison and a reduction in criminal behavior (Greer, 2002; Farrall, Maruna, 2004; Roger, Masters, 1997; Farley, Pike, 2016).

In the paper, we will emphasize the importance and role of the concept of education in prison, especially the concept of socio-emotional education or socio-emotional reintegration of inmates. First, we will start from the consideration of the theories of the effect of imprisonment, which consider the influence of the prison environment, and then we will summarize some previous considerations about the problem and goals of prison education. In the end, we will deal with the question of the necessity and importance of education aimed at the development of socio-emotional competencies, but also the challenges of implementing educational programs and conducting research in the given area.

Effects of imprisonment

Imprisonment can lead to a series of psychological reactions, which negatively and irreversibly affect vital aspects of life (physical, psychological, social, emotional, and professional) (Grandos et al., 2023). In order to adapt to the prison environment, inmates must make a great personal effort. The application of punitive and restrictive measures often has the opposite effect: a greater prevalence of anti-social behavior, criminalization, and social exclusion. In other words, imprisonment increases the development of maladaptive feelings and behaviors that, in the long term, lead to inmate recidivism (Chaguendo-Quintero et al., 2023; Cruz, Castro-Rodrigues, & Barbosa 2020; Meijers et al., 2017; Wallinius et al., 2019). A detailed explanation of the negative effects of prison on individual behavior is provided by theories of the effects of imprisonment: Deterrence theory (Masters et al., 1987; Matson, Dilorenzo, 1984), Schools of Crime theory (Cullen, Fisher, & Applegate, 2000; Gendreau, Goggin, 2013), and Behavioral Deep Freeze theory (Thomas, Foster, 1973).

Deterrence theory is based on the idea that prosocial behavior can be elicited by exposure to specific „punishers" (i.e., prison time, corporal punishment, etc.) (Gendreau, Goggin, 2013). Psychological understanding of the utility of punishment as a behavior change mechanism has been derived from numerous experimental studies in the field of learning theories.

For example, based on findings from certain studies, specific punishers have been documented to suppress identified behaviors (e.g., physically aversive and/or painful stimuli, response cost), and conditional factors (e.g., punishment is administered immediately, at maximum intensity, with no opportunity of escape) (Masters et al., 1987; Matson, Dilorenzo, 1984). For example, they are mentioned as specific punishers: loss of income, stigmatization, and dehumanizing prison-based psychological events (Gendreau, Goggin, & Cullen, 1999; Nagin, 1998). Contrary to psychologists, supporters of the deterrence model from the fields of criminology and economics reduce this model to a simple economic cost-benefit equation (Listwan et al., 2013). Accordingly, it is assumed that inmates are capable of quantifying the exact dosage of pain that prison life has imposed on them and are then able to predict with absolute certainty whether they will desist from crime upon release (Gendreau, Goggin, 2013).

Studies on the impact of prison on subsequent recidivism have shown that prison significantly increases recidivism (Gendreau, Goggin, & Cullen, 1999; Jonson, 2013; Nagin, Cullen, & Jonson, 2009; Smith, Goggin, & Gendreau, 2002; Villettaz, Killias, & Zoder, 2006). The implementation of harsher prison conditions led to a 14 percent increase in recidivism (Gaes, Camp, 2009). Consequently, prison does not reduce future criminal behavior (Gendreau, Goggin, 2013).

The Schools of Crime theory is based on the assumption that the prison environment encourages criminal behavior and attitudes (Gendreau, Goggin, 2013). Namely, the length of stay in prison affects the development of criminal skills (Jaman, Dickover, & Bennett, 1972). According to the negative impact of imprisonment on the criminal behavior of inmates, various theories of prisonization have been postulated (Gendreau, Goggin, 2013): differential association, general strain, labeling, and self-control theories in criminology (Agnew, 2006; Akers, 1977; Colvin, 2000; Hirschi, 1969; Lemert, 1951); and social learning in psychology (Buehler, Patterson, & Furniss, 1966; Bukstel, Kilmann, 1980). Based on the aforementioned theories, studies were conducted that examined the influence of the prison environment on the behavior of inmates. Results of the studies indicate that peers and staff influence the reinforcement of antisocial behavior and tendencies (Bukstel, Kilmann, 1980). In other words, the research points to the importance of the risk level in the explanation of prisonization (Gendreau, Goggin, 2013). Some authors suggest that the exposure of low-risk inmates to higher-risk peers in prison leads to an increases in anti-social behavior in prison and postrelease recidivism (Latessa, Lovins, & Smith, 2010; Latessa et al., 2010; Smith, Gendreau, 2012; Wooldredge, 1998). This theory gains importance if it is considered that the rate of imprisonment of low-risk criminals is increased and that their exposure to the negative influence of high-risk criminals is also higher (Gendreau, Goggin, 2013). The problem of prisonization was solved

in the first prisons that emerged at the turn of the 18th and 19th centuries with a cell system of execution of punishment based on complete isolation (Philadelphia system) or on silence or prohibition of communication (Auburn system) (Majdak, Jandrić Nišević, Duvnjak, 2023). It was assumed that in this way they could limit the negative influence among the inmates, however, it turned out that this system of execution of the sentence, in addition to being inhumane, endangers the psychological state of the inmates (Majdak, Jandrić Nišević, Duvnjak, 2023).

Behavioral Deep Freeze theory starts from the role of imported inmate experiences, both pre-and postprison, in explaining inmates' degree of adjustment to the conditions of prison life (Gendreau, Goggin, 2013; Thomas, Foster, 1973). Research has shown an increased rate of recidivism in those inmates who have not adapted well to prison conditions (Zamble, Porporino, 1990). In her research, Goggin (2008) concluded that high scores on the Correctional Climate Scale correlate with poorer prison adjustment and a higher rate of recidivism in low-risk inmates compared to high-risk inmates, especially in conditions of maximum security (Gendreau, Goggin, 2013). Given the role of the environment in the implementation of correctional programs, climate studies in prison should be aimed at understanding how the correctional climate affects the behavior and attitudes of inmates (Gendreau, Goggin, 2013). In this regard, certain factors of the prison environment stand out as predictors of psychosocial well-being, such as: prison overcrowding (inmate perceptions of control, prison management style, staff supervisory practices, sudden changes in the prison population demographic (e.g., influx of younger inmates), and design capacity (Bonta, Gendreau, 1990; Steiner, Wooldredge, 2009). In essence, supporters of this theory advocate for employing treatment programs to assist inmates' prosocial adjustment to prison and improve their reintegration potential (Gendreau, Goggin, 2013; Zamble, Porporino, 1990).

In addition to highlighting the suppression of criminal behavior by imposing certain punishments (Deterrence theory), then the degree of adaptation to prison conditions (Behavior Deep Freeze theory) or indicating the negative impact that the environment has on criminal attitudes and behavior (Schools of Crime theory), these theories do not examine, or ignore, the role of appropriate (alternative) programs for the reduction of criminal behavior and integration into the social environment. Only Behavior Deep Freeze theory highlights the importance of employing treatment programs to assist inmates' prosocial adjustment to prison and improve their reintegration potential (Gendreau, Goggin, 2013; Zamble, Porporino, 1990). However, employing treatment programs cannot be the only and most adequate approach to resocialization and reintegration of inmates.

Prison education

The goal of serving a prison sentence should not be reduced to the social isolation of the inmates, but to see the sentence as an opportunity to implement appropriate programs aimed at (positively) changing the individual's behavior, with the aim of better social integration (Ilijić, Pavićević, & Glomazić, 2016). Education is one of the possible approaches to change inmates way to social integration (Ilijić, 2022). However, as Paul Kirk points out (see Ilijić, 2022), inmates are required to undergo a process of change, as the most difficult of all human processes, in an environment that often does not support or encourage these changes. The prison environment is „often dark and contrary to the educational mission" (Gehring, Eggleston, 2006; Ilijić, 2022). The potential of creating a positive space for changes and participation in the educational process is influenced by the nature of the prison environment, conditions (physical, material, social, etc.), institutional dynamics, the educational level of the group (inmates), growing managerialism and the way the prison is managed, as well as tendencies towards redefining the goals of education (Ilijić, 2022).

Typically, rates of inmates engagement with education are low, particularly in the first years of a sentence or while awaiting sentencing (Farley, Pike, 2016). There are several explanations for the limited implementation of educational programs and the low levels of inmates participation in education and training. In addition to the factors of the prison environment, and related to the prison context, the availability, attitude, and perceptions of prison staff (i.e., those in authority) and limited program availability (focusing only on basic literacy and numeracy programs) stand out (Gillies et al., 2014). It is not possible to bypass the prison staff in studying the problem of inmates education, because the outcome of inmates training and education depends on their knowledge, abilities, interpersonal relations, and motivation. Also, the relationship between education and criminological-penological characteristics of the environment and actors of resocialization can be seen depending on: the type of crime, the way the crime was committed, the relationship to the crime, the amount of the sentence, recidivism, disciplinary measures against the inmates while serving the sentence, rewards and commendation while serving the sentence (Knežić, 2011: 85).

Changes in behavior required of inmates in the process of prison treatment depend on the acquisition of new knowledge, abilities, habits, and skills, the development of new, socially desirable values and norms of behavior, and attitudes towards themselves and society. Education is a process in which personality traits "behavior regulators" (values, attitudes, norms), knowledge, habits, and skills are formed and changed, and the result

of education is conditioned, among other things, by "existing" personality characteristics (Knežić, 2011: 85). Therefore, according to the report adopted by the Council of Europe in 1989, education in prison shall aim to develop the whole person bearing in mind his or her social, economic and cultural context, which implies that the curriculum should be broad-ranging; as well as the regular classroom subjects and vocational education, creative and cultural activities, physical education and sports, and social education (Warner, 2007). Adapting to the prison environment, strengthening self-confidence, correcting violent behavior, developing communication and civic responsibility, literacy, reducing recidivism, professional training and finding a job, improving social skills and inclusion in society, etc., are some of the concrete reasons why it is necessary to organize education inmates (Knežić, 2017). Consequently, we cannot agree with the statement that one of the most important answers to the question of why education in prisons is important is the low educational level of the prison population (Ilijić, Pavićević, & Glomazić, 2016), especially if we look at it in the context of functional compensation for what was missed in regular schooling or, as already stated, focusing on limited programs for acquiring literacy and numeracy skills that are missing (Gillies et al., 2014). Seen from this perspective, the education offered may be suitable only for professional or technical training, and not for personal development. Good practice in adult literacy starts with the needs and interests of individuals and involves more than technical communication skills (Derbishire et al., 2005: 3). Literacy increases the opportunity to understand oneself and the community, explore new opportunities and initiate change, and thus contributes to personality development as a broader goal of education. (Warner, 2007).

Through the process of education, it is possible to influence the positive development of an individual's personality, and the development of a mature and responsible individual who has a positive influence on peers and prison officers (Ross, 2009). Education can contribute to solving the issues of prisonization, the process whereby inmates become acculturated to the negative values of the prison sub-culture (Brazzell et al., 2009; Farley, Pike, 2016). Earlier studies have revealed the potential for prison education programs to create positive institutional cultures. These changes are caused by the inmates exposure to positive role models (educators), because the inmates are „occupied with education" and out of trouble (Adams et al., 1994), but also by improving the ability to make decisions and prosocial tendencies (Brazzell et al, 2009). Making decisions, but also working on developing problem-solving and goal-setting skills, are key factors for dealing with various difficulties upon release (Maloić et al., 2015). Some authors point out that inmates who participate in prison education programs are less dangerous to other inmates, staff, and visitors (Žunić-Pavlović,

2004), and that they have a lower rate of disciplinary violations and violent behavior (Knežić, 2017; Vacca, 2004). Certainly, the results of numerous studies indicate that education in prison can increase an individual's ability to solve problems, strengthen social interaction skills, stimulate a sense of self-efficacy, and thus increase the chance of establishing prosocial behavior (Ilijić, Pavićević, & Glomazić, 2016; Ross & Fabiano, 1985). These studies speak in favor of planning and developing educational programs aimed at the overall development of the personality, which would represent the core of an adequate approach to resocialization and reintegration of inmates.
Research shows that education can reduce recidivism (Hull et al., 2000;

MacKenzie, 2006; Steurer, Smith, 2003; Vacca, 2004). This is accomplished by increasing cognitive skills that change behavior and socialization towards a crime-free life (Bozos, Hausman 2004). Inmates who attended prison education programs were 10-20 percent less likely to commit crimes in the future (Bozos, Hausman 2004). However, the reduction of recidivism must not be the primary purpose of prison education, especially when we consider the prison context that leads to harmful effects (isolation, inhumane conditions, abuse, etc.), and especially in Western penal systems, unlike the Nordic countries (Warner, 2007). Recidivism is a multi-causal phenomenon, and the inclusion of imates in the educational process does not mean that they will no longer commit criminal acts, but that the inmates increase their opportunities for inclusion in pro-social activities at liberty (Jovanić, Ilijić, 2015: 165). Prison education programs are effective only if work with inmates includes understanding the consequences of behavior and work on prosocial behavior, i.e. work on the development of the entire personality. The above must be accompanied by a humane approach, recognition of individuality, autonomy, potential, and acceptance of the person (Warner, 2007).

Specific goals of prison education

Considering the tendencies towards innovation of prison education, the literature highlights specific goals that prison education programs strive for, such as (Ryan, 1997): 1) self-actualization and self-realization of inmates; 2) improvement of social relations; 3) developing economic capacity; 4) developing civic responsibility.

In relation to the first goal, self-actualization and self-realization, the role of the prison education program is to provide inmates with a basis for the realization of their potential, a realistic and positive self-concept, and a value system that is in accordance with socially acceptable norms and

values (Ilijić, Pavićević, & Glomazić, 2016). Improving social relations, as another goal, implies the acquisition of (social) knowledge and skills that will provide inmates with the opportunity to change their behavior, apply prosocial patterns of behavior in relation to others, and respond adequately in challenging social situations (Ilijić, Pavićević, & Glomazić, 2016). The development or improvement of these skills can be encouraged by organizing special programs on the topic of constructive problem solving - techniques of self-control, non-violent communication, solving problems, and reacting in provoking situations, or through a formal education program (within the subjects of Serbian language and literature, and others). In the context of developing economic skills (the third goal), the emphasis should not be exclusively on professional training, but also on developing the ability to find employment, adequate information, and the like. This implies certain technical knowledge, but also communication skills, and the ability to establish functional relationships. Within the framework of developing civic responsibility (fourth goal), emphasis is placed on developing a sense of responsibility for one's own behavior and respecting legal norms of behavior (Ilijić, Pavićević, & Glomazić, 2016).

In addition to the stated goals, certain education and professional training programs are focused on risk factors, for example, control of aggressiveness or prevention of domestic violence (Ilijić, Pavićević, & Glomazić, 2016). In the world, there is a tendency for education programs to focus more and more on the development of the quality of individuals and social competences (Jovanić, 2010).

Socio-emotional education of inmates

In contrast to theories of the effects of imprisonment, two approaches to the explanation of criminal behavior can be observed in the literature: Risk - Need - Responsivity Model (Andrews, Bonta, 2010), and the Good Lives Model (Ward et al., 2022). These models provide a basis for understanding the role that social and personal factors play in the emergence or modification of criminal behavior, but also the role played by the prison re-education model implemented through education and teaching. The RNR model seeks to explain individual differences in criminal behavior by identifying influences in the immediate social, cultural, and family context, and by personal variables (biological, psychological, cognitive, behavioral, educational, etc.) (Grandos et al., 2023). The GLM focuses on moving from a therapeutic and rehabilitative approach to an educational approach. Unlike the first model, this model does not start exclusively from the reduction of risk

factors. In other words, GLM starts from the theory of prison re-education. which focuses on the legislative, ethical, and criminological framework of human rights that help to identify basic human needs, an appropriate way of life, and facilitate adaptation to the prison environment, but also acquire the resources necessary for a better life in freedom. The theory of prison re-education focuses on the legislative, ethical, and criminological framework of human rights that help identify basic human needs, an appropriate way of life and facilitate adaptation to the prison environment, but also acquire the resources necessary for a better life in freedom (Grandos et al., 2023).

The idea of prison re-education encouraged the development and implementation of the cognitive-behavioral psychological approach. The cognitive-behavioral approach is based on the principle that if a person changes their thoughts, attitudes, reasoning, and interpersonal problem-solving cognitive abilities (which also involves improving their emotional control and teaching them new skills and behaviors), it is more probable that they will experience prosocial behavior and a reduction in the frequency and severity of their criminal activities (Grandos et al., 2023; Papalia et al., 2019; Santana-Campas, Hidalgo, & Santoyo, 2019). The idea of re-education together with the cognitive-behavioral approach represents a starting point for a broader consideration of the role and importance of prison education, and especially education directed towards the individual needs and characteristics of inmates. The cognitive-behavioral approach defined in this way implies both cognitive abilities and socio-emotional competencies. This is significant because some earlier research has shown that cognitive abilities are relevant only for academic success (Moraru et al., 2011), while recently emphasis has been placed on cognitive abilities that are also mediated by socio-emotional competencies.

Research shows that socio-emotional competencies are the basis for psychosocial well-being and adaptation and that they play a significant role in the prevention of internalized and externalized behavioral problems (Moraru et al., 2011). Socio-emotional competences refer to the interpersonal and intrapersonal emotional domain (e.g. knowledge of emotions and emotion regulation), the social domain (e.g. solving social problems, processing social cues), and the cognitive domain (e.g. executive function) (Berg et al., 2019). Executive functions are cognitive, emotional, and motivational processes essential for regulating behavior, developing adaptive behaviors, and facilitating the social integration of individuals (Chaguendo-Quintero et al., 2023). SEC include „… *inhibition of impulsive behavioral responses, awareness and regulation of feelings, accurate perception of the perspectives of others, correct identification of problems, and development of positive and informed problem solutions and goals*" (Riggs et al., 2006: 300). In other words, emotional competence refers to a set of skills such as emotional

understanding, emotional expression and emotional regulation, while social competence implies respect for rules, social interaction and prosocial behavior (Stefan et al., 2009). In order to adapt to the social context, a person must recognize, interpret, and understand different emotions in himself and others, and respect social norms in expressing them (Moraru et al., 2011).

Programs focused on the development of socio-emotional competencies of inmates showed the greatest effectiveness (Casado, Ruano, 2018; Redondo, Mangot, 2017), and various socio-emotional competencies were examined: empathy, reasoning and problem-solving skills, skills to evaluate one's own behavior and the behavior of others, and social skills that inmates often lack (Fovet et al., 2020; Papalia et al., 2019; Ricardo et al., 2019). It has been shown that inmates often do not have developed social skills and are not able to respond adequately to the problems and situations they face in prison (Azevedo et al., 2020). Also, research shows that time spent in prison weakens social skills due to limiting and inhibiting social connections and interactions (Grandos et al., 2023).

In addition to social skills, it was observed that inmates do not have developed self-awareness and skills of emotional control and regulation, as well as self-esteem. (Grandos et al., 2023). The research that conducted by Fillela and others (Fillela et al. 2008) showed that the program aimed at improving attention, awareness, and emotional repair contributes to improving emotional control and regulation and reduces aggressive and impulsive behavior. In general, prosocial behavior, emotional maturity, empathy, and control can lead to a reduction in the frequency and severity of assaults in prison, as well as a reduction in criminal behavior (Greer, 2002; Farrall & Maruna, 2004; Farley, Pike, 2016; Roger, Masters, 1997).

Prison has a negative effect on the self-esteem of inmates because it encourages the creation of negative beliefs about themselves (Bradbury-Jones et al. 2019; Echeburúa, Fernández-Montalvo, 2009). Low self-esteem is associated with negative coping strategies such as emotional avoidance, aggressive behavior, and denial (Larrota, L. Sánchez, & J. Sánchez, 2016). High self-esteem appears as a significant factor in inhibiting aggressive and developing prosocial behavior (Andrés-Pueyo, Echeburúa-Odriozola, 2010; McKenna, et al., 2018). The socio-emotional intervention program affects the increase of self-esteem inmates, and emotional competences affect the development of social competences, empathy, and self-regulation (Grandos et al., 2023). Therefore, the results of all the aforementioned studies support the fact that the focus on the development of socio-emotional competencies in inmates enables the adoption of attitudes and behaviors that can be a preventive measure in relation to anti-social and aggressive behavior, but also a factor that contributes to the improvement of the psycho-emotional and social quality of life in prison and outside of it (Grandos et al., 2023).

Social and Emotional Education Program in the Prisons of the Republic of Serbia: Implementation Framework

Prison education varies from state to state. While in Scandinavian countries this system is at a high level, in some western countries this is not the case. Regardless of the arrangement of the prison system, the question arises whether in such systems there is a person in charge of the educational process, how it is implemented, and to what extent the inmates are included in it. For example, in Sweden, education is provided through the Swedish Learning Centre, and educational activities correspond to those available to adult citizens at large. In the Croatian Prison System, some treatments are universally applied, including those related to the work, education, and recreation of inmates (Majdak, Jandrić Nišević, Duvnjak, 2023). Special programs relate to individual and group psychosocial treatment of inmates, and these programs enable changes in the attitudes, values , and behavior of inmates to be achieved through direct action on criminogenic factors, and to fulfill the purpose of punishment (Majdak, Jandrić Nišević, Duvnjak, 2023). In the Republic of Serbia, according to data from 2006, one officer was in charge of cultural and educational activities (Ilijić, Pavićević, & Glomazić, 2016). In 2011, a project called „Support to Pofessional Education and Training in Serbian Prisons“ was implemented in prisons in the Republic of Serbia. The project envisages the training of inmates in five professions, namely: baking (three types of training), welding (three types of training), screen printing, carpentry, and vegetable gardening (Ilijić, Pavićević, & Glomazić, 2016). In terms of the professional education of female inmates, progress has been observed only since 2014, when a tailoring course was organized in the Penitentiary Center for Women in Požarevac (Ilijić, Pavićević, & Glomazić, 2016). Jovanić (2017) points to the scarce offer of jobs in prisons in Serbia, and that the jobs offered to prisoners are often not in line with the labor market. The presented approach to education refers to the acquisition of professional skills that will enable resocialization through finding employment. In the end, such an approach, narrowly directed towards the acquisition of professional competences and the economic gain of inamtes as a means of resocialization and reintegration, cannot be considered as an adequate approach to education, which should ensure successful resocialization through complete personality development. Also, such an approach does not provide a basis for researching the importance of education in prisons and its effects, which, if we are talking about professional training, are assumed to be negligible. On the other hand, some authors point out that prison employment can (Mertl, 2021): establish practical and social skills among

inmates (Elisha et al., 2017; Sliva, Samimi, 2018; Pandeli, Marinetto, & Jenkins, 2019); be important for an inmate's self-esteem, identity, and social recognition (Feldman, 2020; Pandeli, Marinetto, & Jenkins, 2019); help inmates to cope with boredom, or, eventually, to escape the mundaneness of everyday prison life and its effects (Silva, Saraiva, 2016). This broader way of thinking about the advantages of professional training, which is also seen in the context of building personal competencies and easier adaptation to the prison environment, is in line with the view that education, even when it comes to professional training, should contribute to the overall development of the inmate's personality because in this way, successful reintegration can be achieved despite stigmatization and community resistance.

Educational programs aimed at the development of socio-emotional competences should be multidimensional and include various activities that will promote their development. The target competencies should relate to positive discipline, i.e. the ability to manage oneself and behavior; to basic cognitive skills, such as listening, thinking, and decision-making; to emotional skills, such as understanding and expressing emotions, self-control; and to social skills, such as prosocial behavior (sharing and helping), giving and receiving apologies and the like. Activities can be realized both through formal subjects, that is, teaching content, and through special activities that will be conducted through group debates, role-playing, cooperative learning, and the like. When implementing the program, one should take into account the educational level and age structure of the inmates, as well as the type and severity of the crime, that is, the length of the sentence. participation in the program. These factors can influence the decision on the possibilities of implementing the educational program and adapting it to individual needs. In relation to the older prison population, there may be a problem of motivation to participate in the program, which may also be the case with perpetrators of more serious crimes. Also, sometimes such inmates, due to the need for isolation, cannot be included in the program unless it is carried out individually. What can be highlighted as important is that educators who implement educational programs with inmates should have developed abilities to monitor, evaluate, and develop socio-emotional competencies in inmates, together with prison employees and administration, but also the wider social community. Because these actors can be role model for inmates and influence their further behavior, i.e. psychosocial well-being and adjustment in and out of prison.

The introduction of inmates education programs should be accompanied by a well-designed way of measuring their outcomes. If educational programs do not exist, they cannot produce results, that is, their importance and effect cannot be claimed or denied. Also, relevant and valid data cannot be obtained even if such programs are not organized in a scientifically adequate

and verifiable manner. Research on the outcomes or effects of educational programs can be conducted after a period of time while inmates are in prison, as well as after a period of time after release. In relation to the issue of socio-emotional education, initial research can be concerned with measuring the socio-emotional skills that inmates possess, and then, after focused programs, conduct research on program outcomes. Some of the instruments used in previous research on socio-emotional competences are: Questionnaire of Emotional Education (Cuestionario de Educación Emocional - CEE; Álvarez et al., 2001; Filella et al., 2008); Emotion Control Questionnaire (ECQ – Roger, Najarian, 1989) and the Coping Styles Questionnaire (CSQ - Roger, Jarvis, & Najarian, 1993; Roger, Masters, 1997); The Trait Meta-Mood Scale-24 constructed by Fernández-Berrocal, Extremera, & Ramos (2004) (Grandos et al., 2023); The Rosenberg Self-Esteem Scale (Rosenberg, 1965; Grandos et al., 2023).

The implementation of educational programs for inmates and research in this area is a complex issue. Criminal behavior, both in its origin and reduction, is mediated by personal factors, the influences of the social environment from which the person comes, but also the conditions and relationships that prevail in the prison environment. On the other hand, the personal and prison context will influence the outcome of the educational processes carried out in prison, and the social environment to which the inmates returns after their release will have an inevitable impact on the durability of acquired skills or forms of behavior. In other words, the social context is significant because it is where the complex dynamics of violence and victimization take place (Tadić, 2023). Personal factors (psychological, educational, etc.) will influence the tendency towards criminal behavior, the motivation to participate in educational programs, and the ability and willingness to change, that is, the adoption of desirable forms of behavior. The prison context is also significant in terms of the complex dynamics of violence and victimization, as well as social isolation that inhibits the individual's existing skills. Secondly, prison becomes an actor who plays a significant role in the resocialization and reintegration of inmates. It refers to the responsibility for the education and socialization of inmates, the ability to transform behavior (through positive personality development), and the way in which inmates see and understand their own behavior and the behavior of others, as well as the wider community. It is important to keep in mind that different actors function in the prison, from inmates to guards, prison administration, and other relevant staff. Each of these actors individually can exert a certain type of influence on the inmates, which is important to keep in mind during research. Because inmates can in a certain way evaluate the role that these actors play in relation to positive or negative behavior and the

outcome of certain interventions. Recognition of the interdependence of the phenomena shown so far in earlier research is poorly represented.

What is certainly noticeable in relation to the question of research is the scarce empirical body of knowledge in the field of inmates education, i.e. examining the importance and effects of educational programs in general, and those specifically aimed at the development of socio-emotional competences. It is first important for any research to have a starting point in empirically verifiable conceptual frameworks (Astor, Guerra, & Van Acker, 2010). One of the problems in this regard is the question of the foundation and adequacy of the established frameworks. From the previous text, it can be seen that there are three theories of the effects of imprisonment on the behavior of prisoners (Deterrance theory, Schools of Crime theory, and Behvavior Deep Freeze theory), as well as two models in the explanation of criminal behavior (RNR model and GLM). Each of the above theories, in different ways, provides a basis for understanding the impact that the specific environment in prison has on the behavior of inmates. The models, on the other hand, provide a basis for understanding the role that social and personal factors play in the emergence or modification of criminal behavior, but also the role played by the model of prison re-education implemented through education and teaching. On the basis of the above, one can see the importance of comprehensive consideration of factors in the prison context, as well as factors at the personal and social level when researching the issue of education in prisons.

Certainly, the observed limitations and shortcomings point to the need to organize educational programs, first of all with the aim of developing socio-emotional competences, adapting such programs according to their approach and form to the individual needs and characteristics of prisoners, the participation and cooperation of all relevant actors, and then a comprehensive overview of the interdependence of certain factors in the social, personal and prison context. In addition, the perceived shortcomings can provide guidelines for scientific and methodologically based research on the given issue, which stands out as another need.

Conclusion

Inmates are people regardless of the reason they are in prison. By implementing programs that are aimed exclusively at suppressing negative behaviors, nothing is achieved in terms of personality development and enrichment, and professional education has a narrow framework and is focused only on the development of the necessary skills and knowledge for a narrow field of work. Certain authors tend to see the issue and importance of education through the prism of reducing recidivism and successful resocialization through finding employment after leaving prison (Case, Fesenfest, 2004; Chappell, 2004; Petrović, Jovanić, 2019; Tyler, Kling, 2006). In other words, education is often viewed in the context of professional training, while its role in the development of an individual's personality, through the building of social and emotional competencies, is neglected. The main purpose of a prison sentence, and therefore successful resocialization, should be to change the attitudes, beliefs, behavior, and personality of the individual in a direction that will enable the development of a mature and (socially) responsible person. Therefore, while serving a prison sentence, it is necessary for inmates to have access to education aimed at the development of socio-emotional competencies, which would enrich their personalities, acquire widely applicable knowledge and skills, especially in the field of emotion control, reasoning, and decision-making skills, and the like. In this way, the negative effects of the prison environment would be mitigated and socialization in prison as well as resocialization after leaving prison would be improved. This type of education in prison would allow inmates to understand and change their own behavior, and thus better adapt to the social environment after leaving prison. By adopting certain competencies - control mechanisms, whether we are talking about those inmates who are prone to violent behavior or other undesirable forms of behavior, targeted behaviors would be reduced to a certain extent. Socio-emotional education would also contribute to changes in interpersonal relationships and life orientation. This would indirectly have a (positive) impact on the possibility of finding employment for those inmates who faced poor social conditions and status even before going to prison.

If we keep in mind that education would give inmates a chance for personality development and change, it could contribute to a certain extent to the reduction of the recidivism rate. Certainly, when we talk about the problem of resocialization in general, that is, about the rate of recidivism or the issue of employment of certain categories of inmates, it is undeniable that, apart from education, several factors play a role.

Some of them are connected with the inmates themselves, but also with the social system and the community. We can assume that the status of marginalized categories of inmates, regardless of behavior reduction, remains unchanged in the system and community. This makes it much more difficult to change their social status due to limited opportunities for employment and meeting other social needs. Stigmatization and community resistance towards convicted persons are deeply rooted. In this regard, apart from the necessity of change and progress in terms of penal policy, approaches to resocialization, and through education, in the penal system, changes in the wider community are also necessary regarding the status and attitude towards convicted persons. Only then can we talk about the relevant effects of socio-emotional education and the issue of resocialization, as well as the relevant and valid rate of recidivism.

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Obrazovanje zatvorenika u funkciji razvoja socio-emocionalnih kompetencija

Violeta Tadić [a]

Zatvorska kazna odnosi se na lišavanje slobode pojedinca zbog ponašanja koje je procenjeno kao društveno štetno i opasno. Zatvorska kazna ima za svrhu promenu ponašanja zatvorenika kako se u budućnosti ne bi ponašao na način koji ugrožava društvo. Međutim, sama zatvorska sredina negativno utiče na zatvorenike, a obrazovanje se predlaže kao način uticaja kojim bi se povećala verovatnoća pozitivnog ponašanja. Od različitih oblika obrazovanja, posebno je efikasno ono koje je usmereno na razvoj socio-emocionalnih kompetencija. Razmatranjem teorijskih modela i rezultata istraživanja obrazovanja zatovrenika, a posebno socio-emocionalnog obrazovanja u ovom radu, pružićemo okvir za implementaciju programa socio-emocionalnog obrazovanja u zatvorskim ustanovama.

KLJUČNE REČI: obrazovanje, zatvorenici, zatvor, socio-emocionalne kompetencije.

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Criminal offenses against honor and reputation in the light of the amendment of the Criminal code of the Republic of Srpska

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The issue of (de)criminalization of behavior that injures, that is, endangers honor and reputation is one of the most important in modern criminal law. The demand for decriminalization arises from the norms of international law and it rests on the postulate of the right to freedom of thought and expression. However, the right of a person to protect his honor and reputation, which is the basis of criminalization, is also inviolable. Because of that, it is not easy to find a balance in the exercise of these rights. Their being in contradiction creates the danger of undermining one right by excessive protection of another. It is a common understanding that modern criminal legislation is moving in the direction of decriminalization of such behaviors. Our legislator opted for the opposite solution. This is not a solution that has not been represented in the criminal legislation of the Republic of Srpska, because criminal offenses against honor and reputation existed until 2002 when they were decriminalized. In the article is apostrophized protection of honor and reputation in the light of the latest amendment to the Criminal Code of the Republic of Srpska.

KEYWORDS: honor and reputation, criminal offense, human rights.

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Introduction

An amendment of the Criminal Code of the Republic of Srpska entered into force in August 2023.[1] Thus, in less than five years, the legislator changed the Criminal Code four times. However, the adoption of the latest amendments was observed with special attention, not so much for the reason that they gave rise to an intervention in the special part of the Code, but because it was embodied (inter alia) in the form of criminal offenses against honor and reputation. Criminalizing these behaviors again, the legislator, as it is pointed out, made a radical turn compared to the last twenty years. However, it seems appropriate to ask the question of to what extent this solution abandons the "existing trend" of decriminalization of incriminations that protect honor and reputation (which can be found at the basis of criticism), due to the fact that the European states under German legal-civilizational influence, which also served as a model in the creation of criminal law in our region, in the composition of their criminal legislations include defamation, as well as insult, as criminal offenses (Ristivojević, 2012: 81).[2] It is important to point out that, although allocated from the criminal legislation, certain forms of legal protection of these values in the Republic of Srpska already exist. Thus, the protection against defamation, as a consequence of the previous decriminalization, was moved to the area of civil law.[3] An insult, i.e. insulting, on the other hand, remained in the domain of misdemeanor law and represents a violation in the area of Public peace and order.[4] Unlike the above, other incriminations from the chapter of criminal offenses against honor and reputation were decriminalized.

The basic question that arises when considering this issue relates to the balance of the postulate of the right to freedom of expression and opinion with the natural right of every human being to protect his dignity, honor, and reputation, as well as the protection of his family life and privacy. These colliding values represent a constitutional category. On the one hand, freedom of thought and determination, conscience and belief, as well as public expression of opinion (Art. 25) and freedom of the press and other means of public information

[1] Law on Amendments to the Criminal Code of the Republic of Srpska, Official Gazette of the RS, No.73/23.

[2] In addition to the above is also the understanding that civil law protection, as the only other way of providing protection of honor and reputation, cannot replace criminal law protection (Stojanović, Delić, 2015: 61).

[3] Law on protection from defamation, Official Gazette of the RS, No. 37/2001.

[4] Article 8 of the Law on Public Order and Peace prescribes Insulting: "Whoever, by rudely insulting another person on a political, religious or national basis or by other reckless behavior causes feelings of physical danger or anxiety among citizens, shall be fined from 200 to 800 KM", Law on public order and peace, Official Gazette of RS, No. 11/2015.

(Art. 26 paragraph 1) are guaranteed.[5] On the other hand, Art. 13 of the Constitution provides for human dignity, physical and spiritual integrity, human privacy, and personal and family life as protected values. As both values are inviolable, protected by the highest legal act in the country as well as by international acts, the so-called "forms" of acceptable restrictions on freedom of expression (with the aim of protecting honor and reputation), especially of a criminal law nature, represent a great challenge for every legislator.

About honor and reputation as protected values

As a physical and spiritual-moral being, a person has the right to enjoy his own sense of existence. This satisfaction exists only if it is not disturbed by external factors; among other things, by the behavior of another person. This interference, which is still frequent today, can lead to harm of one's honor and reputation,[6] whereby the injustice consists in a negative impact on the reputation or "good name" (McGonagle, 2016: 14). And these are the refined, discreet and "most subtle" legal goods at one's disposal (Herceg Pakšić, 2021: 802; Post, 1986: 699),[7] which follow a person from birth and not only until death, but the reputation of the deceased continues to exist even after (Mrvić-Petrović, 2013: 43-44). In connection with their conceptual definition, there are two understandings: factual and normative. The first understanding determines these categories in terms of a social-psychological phenomenon and exudes subjectivism (personal feeling and understanding of one's own value), which is its negative characteristic, so in connection with it, according to the second, more acceptable understanding, honor is defined as the subjective right of every person to a personal sense of value, and reputation as recognition of human dignity by others in society (Bojanić, 2010: 627–628).

The right to reputation and honor,[8] which is in the basis of legal (criminal law) protection (if applicable)[9] in the sense of one of the basic human rights, is protected by international legal acts.

[5] Constitution of the Republic of Srpska, Official Gazette of the RS, No. 21/92 - revised text, 28/94, 8/96, 13/96, 15/96, 16/96, 21/96, 21/02, 26/02, 30/02, 31/02, 69/02, 31/03, 98/03, 115/05 and 117/05.

[6] The protection of honor and reputation was also providedin the Law of the Twelve Tables. In the medieval period in England and Europe, these values were traditionally protected by secular and spiritual authority (Van Vechten, 1903: 547 et seq.).

[7] In connection with that, the Bible states that "it is better to choose a good name than great wealth" (Post, 1986:699).

[8] It is rightly pointed out that criminal law should not protect either internal or external honor per se, but a person's right to honor, i.e. the right to respect of personality which acts erga omnes (Stojanović, Delić, 2015: 62).

[9] In the literature of comparative law, provisions that protect the honor and reputation of others belong to the so-called defamation law. Defamation is most often used to describe true or false facts or opinions that harm the reputation of others or insult them (Herceg-Pakšić, 2021: 800; Borbotko, 2020: 60).

Regularly mentioned as the most important acts are the Universal Declaration of Human Rights (Art. 12),[10] the International Covenant on Civil and Political Rights (Art. 17),[11] the European Convention on Human Rights and Fundamental Freedoms (Art. 10),[12] and the Resolution of the Council of Europe on the decriminalization of defamation since 2007.[13] In the essence of the provisions of the first two acts, there is a general prohibition of arbitrary interference into private life, family, home, or correspondence of another, i.e. the right to legal protection against interference or attack on a person's honor and reputation is regulated. ECHR (Art. 10) as well as ICCPR (Art. 19) prescribe restrictions on the use of freedom of expression, among other things, for the sake of "*protecting the reputation and rights of others",* i.e. *"respecting the rights and reputation of other persons",* which is followed by the provision of the Resolution emphasizes that freedom of expression is not unlimited and that "*it may prove necessary for the state to intervene in a democratic society, provided that there is a solid legal basis and that it is done in the public interest in accordance with Art. 10 para. 2 ECHR*". These "anti-defamation laws", as indicated in the Resolution, should be applied with the greatest restraint because they can seriously impair freedom of expression (although it is appropriate to ask how freedom of expression is impaired in this way, for the reason that this right does not include telling falsehoods that insult someone's honor and reputation) (Stojanović, Delić, 2015: 61). It is evident that it is not stated that "laws against defamation" cannot also be of a criminal law nature, but that these provisions should be precisely the *ultima ratio* in the protection of social values.[14] This implies that the conditions for the application of criminal law provisions are set more strictly and that due to the manifestation of social and ethical reproach that is in the merits of the application of criminal law sanctions, more severe

[10] General Declaration on Human Rights, adopted and proclaimed by the General Assembly of the United Nations (December 10, 1948) (Resolution No. 217 /III/), https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2013041003050667cro.pdf, accessed on 12.05. 2023.

[11] International Covenant on Civil and Political Rights adopted and proclaimed by the General Assembly of the United Nations (December 16, 1966) (Resolution No. 2200 A / XXI/), http://www.mhrr.gov.ba/pdf/medunarodnipakt %20b.pdf, accessed on 05/12/2023.

[12] Law on the Ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Official Gazette of Serbia and Montenegro - International Treaties, No. 9/2003, 5/2005 and 7/2005, 12/2010 and 10/2015).

[13] Council of Europe, Towards decriminalisation of defamation (Resolution 1577/2007), https://pace.coe.int, accessed on 08.05. 2023.

[14] At this point, it is appropriate to single out the position of the United Nations Human Rights Committee, which states in its commentary that *"signatory states should consider decriminalization of defamation and, in any case, the application of the criminal law should be considered only in the most serious cases",* whereby full satisfaction of justice in such cases should include adequate compensation, appropriate measures of satisfaction, etc. (Human Rights Committee, General comment No. 34, United Nations: Geneva 11-29 July 2011, available at https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf, accessed on 21.08.2023), which represents a kind of answer to the question of whether the legal protection of honor and reputation can be provided by norms in the field of misdemeanor and civil law, or whether it requires criminal law intervention.

consequences may occur for the perpetrator of the criminal act.[15] Finally, in support of the above, there is a part of the Resolution that refers, inter alia, to the provision of guarantees that there is no abuse of criminal prosecution for defamation, as well as that the independence of the prosecutor should be protected in all cases. It is visible (and in accordance with the above mentioned attitude) that it indirectly refers to criminal law protection.

Criminal law protection of honor and reputation in the Republic of Srpska

As it was pointed out, a set of criminal offenses that protect honor and reputation, after decriminalization in 2001, found its place again in our criminal legislation. It is important to point out that the protection of honor and reputation existed even then, but in the context of (illegal) behavior that could be qualified as "general", the violation/endangerment of these values did not have the sign of criminal law. This means that there were violations/threats to honor and reputation in the sense of "special" criminal offenses (e.g. criminal offenses against the constitutional order, criminal offenses against the judiciary, or criminal offenses against public order and peace).[16] The displacement of defamation into the domain of civil law, accompanied by its non-definition, opened up space for a wide interpretation, while *Insult*, which remained in the criminal law area (misdemeanor law), was additionally specified, thus limiting the protection of these values. Finally, it came to criminal law protection. All this indicates that in the Republic of Srpska, there is currently a rather complex criminal law and civil law protection of honor and reputation.

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[15] In contrast to the above, civil law sanctions remain in the domain of the private relationship between the perpetrator and the victim, so the mentioned socio-ethical reproach is absent.

[16] The action of the basic form of the criminal offense of Injuring the reputation of the Republic of Srpska and its nations is designated as *"public exposure to mockery, contempt or gross disparagement"*, while in one of the more severe forms, the qualifying circumstance is the content of mockery or gross disparagement in the sense that *"... it was carried out in a way to label Republic of Srpska as an aggressor or genocidal creation or its nations as aggressor or genocidal..."*, see Art. 280a para.1 and 2 CC RS. We can also take as an example (now amended) criminal offense related to Injuring the reputation of the court (and the participants in the proceedings) from Art. 340 CC of the RS: *"who in the court proceedings exposes the court to contempt..."*. Also see *e.c.* and Art. 369 of the Criminal Code of the RS (Violation of a grave or a deceased person) where, among other things, the basic form of the criminal offense is sanctioned as *"...gross injury to a grave or other place... ...gross injury to the memorial of the deceased..."*, while a more serious form exists if it was *"done in a particularly offensive manner or out of hatred..."*, Criminal Code of the Republic of Srpska, Official Gazette of the RS, No. 64/2017, 104/2018, 15/2021, 89/2021 and 73/23.

Thus, Chapter XVIIa of the Criminal Code of the Republic of Srpska is related to crimes against honor and reputation.[17] In this group are regulated the incriminations of Defamation (Art. 208a), Disclosure of personal and family circumstances (Art. 208b), and Public exposure to humiliation due to belonging to a certain race, religion, or nationality (Art. 208v). In addition to the above, the legislator supplemented this chapter with norms related to the Exclusion of illegality in criminal offenses against honor and reputation (Art. 208g), Prosecution for criminal offenses against honor and reputation (Art. 208d), and finally, with a provision regulating sanctions and referring to Public announcement of verdicts for criminal offenses against honor and reputation (Art. 208đ). It is noted that, unlike the draft of the amendment, the criminal offense of Insult was omitted from the amendment of the Law.[18]

The essence of Criminal offenses against honor and reputation (Chapter XVIIa CC RS)

The criminal acts of Defamation and Disclosure of personal and family circumstances appear in their basic and qualified forms, in contrast to Public exposure to humiliation due to belonging to a certain race, religion, or nationality. The most attention was attracted by the criminalization of defamation (Art. 208a), which is the basic criminal offense under this chapter. The criminal offense consists of a basic and two more serious forms. The basic form is defined as stating or conveying something untrue about another person that can harm his honor and reputation, knowing that what is being stated or conveyed is untrue. The act of commission is set alternatively, as stating and conveying. Stating means communicating something to another person in the sense of personal knowledge or belief acquired based on personal perception or the basis of the statement of a third party. Conveying means saying something about another person in the

[17] With regard to these protected values, changes were also made (see fn 17) in the chapter on Criminal Offenses against the Judiciary, in Art. 340, which is now entitled as Injury to the reputation of the court and participants in the proceedings.

[18] The legislator decided that the offense of Insult should remain in the domain of misdemeanor law, and not to exist as a criminal offense, as regulated by the Draft Law on Amendments to the Criminal Code. Considering the fact that the nature of the criminal offense of insult in the Draft was formulated more extensively than the homonymous misdemeanor, i.e. that the grounds for establishing misdemeanor liability are more stringent, the legislator acted in the only possible way by deleting the provision! Thus it is disabled, for something what can be qualified as a more serious form of insult (which in this case would be a provision of misdemeanor law: "Whoever, by rudely insulting another person on a political, religious or national basis or by other reckless behavior, causes a feeling of physical danger or anxiety among citizens ..."), that the perpetrator could be punished more leniently (fine in the amount of 200 to 800 BAM), in contrast to the basic form of the criminal offense that was regulated in the Draft ("Whoever insults another..."), for which the punishment was prescribes in in the amount of 5000 to 20000 BAM.

sense of someone else's knowledge or belief, that is, just conveying the statement of a third person (Bojanić, 2003: 11). This crime can be committed verbally, i.e. on oral and written, gestural and symbolic way (Ristivojević, 2012: 181; McGonale, 2016: 14), with the fact that is necessary for its existence to state/convey the negative content to a third party (not to the injured party).[19] In contrast to the act of commission, which can be defined without much difficulty,[20] the essence of the criminal offense includes terms such as "something", "untrue", "which can harm" (the so-called defamatory factual judgment) and this is precisely where the vagueness can be read, i.e. broad conception of incrimination. This "something" represents a factual judgment that should be distinguished both from a fact and from a value judgment. Unlike a fact that is always true, a factual judgment is an assertion that is always untrue in the context of this incrimination (Badrov, 2007: 66; Bojanić, 2003: 11). Whether a certain factual claim is true or not is determined by comparing it with the fact and by finding a coincidence in at least essential features in order to be considered true (Badrov, 2007: 66; Bojanić, 2003: 11).[21] As well as for the fact, it is emphasized for the value judgment that it is not the subject of defamation (Lazarević, 1999: 233; Badrov, 2007: 66; Bojanić, 2003: 11). A negative value judgment can become a characteristic of this incrimination only if it is combined with a concrete fact, that is, a present or past event. Thus, if someone is said to be immoral, it is a value judgment, but if it is said in connection to certain content, in reality, the conclusion could be drawn that it is defamation.[22] Finally, the phrase "which can harm" leads to the conclusion that the occurrence of a consequence in the form of an injury is not necessary for the establishment of this form of a criminal offense, but, due to the "eligibility"[23] of what is stated/conveyed, only its possibility is sufficient. That is why it is a delict of abstract endangerment. Speaking of the subjective element, we are talking about intent.[24]

[19] If the negative content was not known by a third party, the act would not exist, and if it was communicated only to the person to whom it refers, under certain conditions it would be a misdemeanor (Defamation). It is emphasized that defamation is socially dangerous precisely because of the public speaking of the content of the statement (Algburi&Igaab, 2021: 31).

[20] It is important to note the difference between one form of act of commission (verbal expression) and "verbal delict" as a term that was used in criminal law during the time of the former Socialist Federal Republic of Yugoslavia, related to Article 133 of the Criminal Code of the SFRY (Ristivojević, 2012: 181 - 182).

[21] In this regard, there is no criminal offense of defamation if the content of the statement basically matches the factual situation, and deviations refer to some sporadic, in that particular case irrelevant circumstances (Lazarević, 1999: 234).

[22] It is rightly stated that the biggest problem is that factual assertions and value judgments can almost never be completely separated because every factual assertion has a value judgment within it and *vice versa* (Bojanić, 2003: 12).

[23] When assessing suitability, the most acceptable is objective-subjective criterion, where relevant norms and understandings are those that apply in a certain environment, but also the character of the passive subject (degree of his sensitivity, etc.) (Stojanović, 2009: 428).

[24] In contrast to the provisions of criminal law, the Law on Protection from Defamation also provides for liability for negligence (Art. 5, para. 2), which makes it stricter in that segment compared to the criminal legislation.

Awareness in the case of defamation should include knowledge that the factual assertions, that are made, are untrue and may harm the honor and reputation of the person for whom they are stated/conveyed. There are understandings that the perpetrator must be aware of all the characteristics of the criminal offense (even the qualifying ones) and that he wants to commit it, i.e. that defamation can only be committed with direct intent (Novoselec, 2016: 466), although (in this case) in the end, the understanding according to which "indirect intent" is sufficient in relation to certain characteristics of the criminal offense (e.g. the circumstance that the perpetrator is not unsure if anyone will find out about his statement, but he accepts this possibility). Since no specific intent to defame (so-called *dolus coloratus*) is required (Lazarević, 1999: 235; Stojanović, 20096: 429), it can be said that this criminal offense will also exist in cases of acting with possible intent (which cannot be excluded in, e.g., a case of indifference or uncertainty regarding certain circumstances related to the criminal offense).

By criminalizing disclosure of personal and family circumstances (Art. 208b), the legislator provided criminal protection to a special segment of an individual's honor and reputation, namely the honor and reputation related to the family. In the case of this criminal act, the act of commission is marked as stating/conveying, as it is also regulated in the criminal offense of defamation. However, in contrast to defamation, in this case is required only knowledge that the facts that are the subject of stating/conveying are from the domain of personal and family life, without mentioning their (un)truthfulness. Therefore, the intimate sphere of citizens is protected through this incrimination from the presentation of both true and false information from the sphere of their private life, which can harm that person, by which the legislator made the sphere of personal and family life practically inviolable. It can be seen that the object of protection is placed in two ways; in terms of data protection both from personal and family life. The first mentioned data is related to a specific person (lifestyle, habits, relationships with other people and towards oneself...), while family life refers to the relationships that an individual has in the family with parents, children, spouse/extramarital partner, and other family members (Badrov, 2007: 68). As previously mentioned, this incrimination differs from the act of defamation in the fact that presented information may be true, while in the case of false factual assertions, it would be a special form of defamation, provided that fraudulent behavior is established. It is important to point out that what is stated/conveyed must be of such a nature that it can be appropriate (Badrov, 2007: 68), i.e., in a specific situation, it can harm the honor and reputation of the person against whom the statement is given/conveyed. In the essence of this criminal offense, there is also the wording that what is being stated/conveyed from family life "does not and cannot represent facts that are of legitimate interest". Thus, if the content that is the subject of stating/conveying is a fact that is of legitimate interest or can represent such a fact, there will be an exculpatory ground that will

rule out the existence of a criminal offense.[25] In other words, it is about weighing the so-called "protection of legitimate interests" and protection of honor and reputation and refers to various cases in which, in the performance of certain activities, this segment of the right to honor and reputation is encroached upon.[26]

The more serious forms of these crimes are identical. The qualifying circumstance is the way, that is, the means of their commission. They will exist if the basic form of the criminal offense was committed through the press, radio, television, computer network or other forms of communication, at a public meeting or in another way, due to which it became available to a larger number of persons (Art. 208a para. 2 and Art. 208b para. 2). Therefore, the appropriateness of the way of stating or conveying content that can harm honor and reputation, and which is such that the content can be accessible to a large number of people, is of importance. The most serious form of these criminal acts is based on the fact that what is being stated/conveyed has led or could have led to severe consequences for the injured party (Art. 208a para. 3 and Art. 208b para. 3). The first condition that needs to be fulfilled relates to the content of what is being stated/conveyed, these are factual assertions that are objectively capable of causing serious consequences for the injured party. The vagueness of the phrase "serious consequences" for the injured party is immediately noticeable. As the statement/conveyance of negative content necessarily creates a negative image of the injured party, the conclusion is imposed that in the context of the most serious form of these criminal acts (caused by the nature of the content), these are consequences that, in terms of their quality and quantity, not only go beyond the usual negative image that is created and opinion that exists about the injured party, but also affects his other assets,[27] and as a consequence, severe consequences occur or may occur.

Finally, the criminal offense of Public exposure to humiliation due to belonging to a certain race, religion, or nationality (Art. 208c) is also a novelty. The criminal-political justification of incriminating such behaviors rests on opposing the "negative image" of the members of these groups as well as the groups themselves.[28]

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[25] For this criminal offense, the legislator also provided a provision that stipulates that the truth or falsity of what is stated or conveyed from personal or family life doesn`t have to be proven (paragraph 4), which is justified because the nature of the content (in that context) is irrelevant for the existence of incrimination.

[26] The provision called "protection of legitimate interests" is present in German criminal law (Art. 193 CC) and applies to offensive content and gossip.

[27] Some of the consequences include termination of employment, divorce or abandonment of a spouse, failure at a competition, dismissal from office (Lazarević, 1999: 236). In this regard, the severity of the consequences can be graded, e.g. the termination of the employment and the absence of the expected advancement where, in the last mentioned case, the opinion on whether it is a serious consequence depends on the assessment and evaluation of the court (Stojanović, 2009: 430).

[28] This type of incrimination is also called "indirect" defamation, which is based on the identification of an individual with a certain group, and is connected with the idea of protecting the inherent human dignity of groups, that is, persons (Van Noorloos, 2014: 352-353).

In this way, it contributes to their protection from violence and discrimination that may arise as a result of negative perceptions about the group, prevents a psychologically negative impact on group members (loss of self-esteem and sense of self-worth), and indirectly provides protection for public order and peace.[29] A criminal offense is committed by anyone who publicly exposes to humiliation or contempt a person or group because of belonging to a certain race, skin color, religion, nationality, or because of ethnic origin, sexual orientation, or gender identity. The act of commission is defined as exposure to humiliation or contempt, which implies a wide range of activities. The object of protection in this criminal offense is (as already stated) limited; it is a person or group who belong to a certain race, who have a certain skin color, who are of a certain nationality, religion or ethnic origin, or a certain sexual orientation or gender identity. It is obvious that the existence of this criminal offense requires "public exposure" to humiliation or contempt, which implies that the activities should be carried out in a public place, i.e. a place that is accessible to an (in)determinate number of persons. The perpetrator of the criminal act should, inter alia, be aware of this fact and that he has the intention to expose a certain category of persons to humiliation or contempt. It is not required that this resulted in a more severe consequence for the victim/s so that the criminal offense does not have its qualified forms.

Exclusion of illegality in criminal offenses against honor and reputation

Article 208g provides grounds for the exclusion of illegality in relation to the criminal offenses of Defamation and Disclosure of personal and family circumstances. It is stipulated that there are no such criminal offenses if it is an offensive expression or presentation of something untrue in a scientific, professional, literary, or artistic work, in the performance of a duty prescribed by law, a journalistic profession, political or other public or social activity or defense of the right if from the way of expression or from other circumstances, it follows that it was not done with the intention of disparagement or if the person proves the truth of his claim or that he had a well-founded reason to believe in the truth of what he stated or conveyed. It is a question of grounds which, interestingly, are identical for both criminal offenses, and from which certain ambiguities also arise.

It can be seen that there are two grounds for the exclusion of illegality. The first, a complex one, refers to the fact that the offensive expression or conveyance of something untrue was done in a scientific, professional,

[29] These were the reasons for criminalizing defamation of religion and beliefs in the criminal legislation of the Netherlands (Van Noorloos, 2014: 353 – 354).

literary, or artistic work, in the performance of a duty prescribed by law, a journalistic profession, political or other public or social activity or by the defense of some right (objective condition) if (subjective condition) from the way of expression or from other circumstances it follows that it was not done with the intention of disparagement. Therefore, the fulfillment of one objective and one subjective condition is required in order for the element of illegality to be excluded. What follows from the basis formulated in this way is that (among other things) something untrue can be stated/ conveyed if it is founded that there was no intention to disparage. There are views that in such cases i.e. in the area of freedom of expression in a scientific, literary, or artistic work, *"advantage is on the side of the general interest...",* because *"... it is in the general interest to enable creative freedom and freedom of journalistic expression"* (Bojanić, 2003: 21). The second ground for the exclusion of illegality is based on proving the truthfulness of the statement of the one who states/conveys something or the existence of a well-founded reason for the person to believe in the truth of what he/she stated/conveyed.[30] In theory, these formulations are also known as *"proof of truth"* and "*proof of good faith*". In this regard, if the accused would prove that what he was stating/conveying was true, the essence of the criminal offense in question would not have been realized, and if there was a well-founded reason to believe in the truth of the content, he would be acting in an "irreparable" mistake of fact, which would exclude premeditated action. It seems that these grounds are not applicable concerning the individual criminal offenses to which they relate. Thus, the (un)truthfulness of the content is not relevant to the existence of the criminal offense referred to in Article 208b. Objections can also be made regarding the criminal offense of defamation. Here, in view of the subjective element present in the criminal offense in question, which implies knowledge that what is being stated/conveyed is not true, we do not see how it could be proved, for example, truthfulness of content.[31]

[30] The Serbian legislator, in relation to the criminal offense Disclosure of personal and family circumstances (Art. 172), provided that the perpetrator will not be punished in cases where it was done in the performance of official duties, a journalist's profession, in defense of some right or in the protection of legitimate interests, if he proves the truth of his claim or if he proves that he had a well-founded reason to believe in the truth of what he stated or conveyed, see Criminal Code of the Republic of Serbia, Official Gazette of the RS, No. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019. In contrast to culpability, the Croatian legislator provides the exclusion of illegality. It is important to point out that the grounds for excluding illegality or criminality are not unified for all criminal offenses against honor and reputation in these criminal legislations.

[31] In the Croatian criminal legislation, at one time, as a basis for abolishing the provision on the exclusion of illegality with regard to the criminal offense of defamation, it was stated that the exclusion of illegality also represents the right to such behavior and, in connection with that, also consciously stating/conveyinguntrue content (Bojanić, 2003:10).

This ground for exclusion of illegality is suitable, for example, in the case of a lighter form of defamation, the so-called "gossip" where the perpetrator does not know whether what is being stated/conveyed is true or not (Novoselec, 2003: 304 - 305; Bojanić, 2003: 18 et seq.), which criminal offense does not exist in our criminal legislation.

Prosecution of crimes against honor and reputation

Prosecution of the criminal offenses of Defamation and Disclosure of personal and family circumstances is a provision that is procedural in nature. It is prescribed that the prosecution of these criminal offenses should be based on a motion (Art. 208d para. 1). Hence, it was not possible to prosecute without a prior motion from the injured party,[32] which is primarily a feature of criminal offenses that are considered lighter. In addition to the above, in the case of criminal offenses against honor and reputation, one reason is additionally expressed, namely that they primarily affect the injured party (e.g. the defamed person, and not the wider circle of people).[33] The injured party makes a proposal if he is alive, and if this was done against a deceased person, the prosecution will be undertaken at the proposal of a spouse or a person who lived with the deceased in a permanent extramarital union, relatives in the direct line, adoptive parents, adoptees, brothers or sisters of the deceased person (Art. 208d para. 2).

Criminal sanctions

There are two criminal sanctions for crimes against honor and reputation. In addition to a fine as the only penalty, a special measure of public judgment for criminal offenses against honor and reputation. By prescribing a fine, the legislator remained in the domain of compliance with international standards that govern this area, which do not recommend prescribing a prison sentence for

[32] The proposal is submitted to the competent prosecutor (within three months from the day when the injured party, i.e. one of the aforementioned persons became aware of the criminal offense and the perpetrator of the criminal offense, see Article 46g of the Law on Criminal Procedure of the Republic of Srpska, Official Gazette of the RS, No. 53/2012, 91/217, 66/2018, 15/2021 and 73/23.

[33] Rightfully also Milan Škulić, see Škulić, M. (2023, March 26) Freedom of speech should not be a license to tell lies, available at: https://www.politika.rs/sr/clanak/544795/sloboda-govora-lazi, accessed on 23.08. 2023.

these crimes.[34] Fine is determined according to the system of fines in a fixed amount which is primary in our criminal legislation (Art. 49 para. 1).35 It is interesting to note that the legislator has prescribed identical fines for the criminal offenses of Defamation and Exposure of personal and family circumstances (for the basic form from 1,000 BAM to 3,000 BAM, for more serious form from 2,000 BAM to 5,000 BAM and for the most serious form from 3,000 BAM to 6,000 BAM), while for criminal offense under art. 208v), a fine in the amount of 2,000 BAM to 6,000 BAM is provided for. It is a step forward in public thinking to notice that proposals made at public discussions related to the ranges of fines that can be imposed are validated (which were Draconian before that),36 so it can be pointed out that fines are now proportional to the severity of the criminal offense committed. Thus, the inconsistency reflected in the fact that prosecution of criminal offences that can be qualified as felonies, must be motioned first.

Prescribing a fine necessarily raises the question of its substitution for a prison sentence and, in connection with that, the indirect possibility of applying this penalty for criminal offenses against honor and reputation. According to the current legal solution, this is possible. Namely, it is provided that the court will first order the enforcement of a fine that has not been paid (in whole or in part) within a certain period (maximum 1 year), and if the fine is not collected even through enforcement within one year, the court will decide to replace a fine with a prison sentence in such way that every 100 BAM is replaced by one day of imprisonment, with the fact that the imprisonment in this case can last no longer than 2 years (Art. 50 para. 2).

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[34] The UN Human Rights Committee in its General Comment No. 34 in connection with Art. 19 of the International Covenant on Civil and Political Rights stated, among other things, that with regard to the criminal offense of defamation "...a prison sentence is never an appropriate punishment...", see Human Rights Committee, General comment No. 34, United Nations: Geneva 11-29 July 2011, https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf, accessed on 21.08.2023. In the German criminal legislation, a fine or a prison sentence of up to 2 years is provided for the basic form of defamation, and for qualified defamation a fine or a prison sentence of up to 5 years (Art. 187), https://dejure.org/gesetze/StGB/187. html, accessed on 24.08.2023.

[35] In addition to the above, the Criminal Code of the Republic of Srpska in the same provision provides for the possibility of imposing a fine according to the system of daily amounts.

[36] In the Draft Law on Amendments to the Criminal Code of the Republic of Srpska, the following fines were prescribed for the criminal offense of Defamation: for the basic form from 8,000 BAM to 30,000 BAM, for the more serious form from 15,000 BAM to 80,000 BAM, and for the most serious form from 20,000 BAM to 100,000 BAM, for the criminal offense Disclosure of personal and family circumstances for the basic form from 10,000 BAM to 40,000 BAM, for the more serious form from 20,000 BAM to 100,000 BAM, while for the most serious form of this criminal offense, a fine in the amount of 25,000 BAM to 120,000 BAM was prescribed. A fine in the amount of 20,000 BAM to 100,000 BAM was prescribed for the criminal offense of Public exposure to humiliation due to belonging to a certain race, religion or nationality. Criticism of fines in these amounts, based on the preservation of the existence of potential perpetrators of criminal offenses, seems justified. The prevention that would be achieved by adopting such solutions would probably lead to self-censorship as a materialization of the fear of threatened punishments.

Public judgment, in the context of criminal offenses against honor and reputation, is a traditional measure that is imposed in cases of a more serious kind, i.e. if the criminal offense was committed through the press, radio, television, computer system, or computer network or other means of public information or communication, and it is imposed cumulatively with a fine. It is noted that the legal provision stipulates that the verdict will be published at the expense of the perpetrator of the criminal offense (Art. 208đ, para. 1). The aporia that appears in connection with this measure is immediately visible. Namely, it is interesting that in the criminal legislation of the Republic of Srpska, the publication of the verdict is a security measure for legal entities (Art. 116),[37] so if it is a security measure aimed at this category of perpetrators of criminal offenses, for its imposing it is necessary to determine the connection of the individual perpetrator of a criminal offense with a legal entity in terms of the ground of liability of a legal entity (e.g. facilitating the execution of a criminal offence, failure to supervise the legality of work, etc.).[38] In that case, it is a security measure for this category of perpetrators of criminal acts. However, if it is about the responsibility of only an individual person (e.g. a legal person has been led into an irrevocable mistake), it turns out that, in the context of these incriminations, the emphasis is on a special measure aimed at the individual as the perpetrator of the criminal offense, which is not a security measure because it is not provided for as such in the Criminal Code. In this regard, it could be said that the Public announcement of the verdict has a dual nature depending on who appears as the perpetrator of the criminal act. The legislator prescribed that the manner of publishing the verdict was left to the court; and the court will always determine, whenever possible, that it will be in the same means of public information or communication in which the criminal offense was committed, in the same format and duration in relation to the act of execution (Art. 208đ, para. 2). The significance of the measure formulated in this way stems from the fact that its application achieves justice for the victim of a criminal offense against honor and reputation (it is not desirable the presented/conveyed content that injures the honor and reputation of the injured party to be published, for example, on the front page of a newspaper, and content of a rehabilitative nature, e.g., on the fifth page, regardless of whether it is a denial or a conviction).

[37] In Serbian criminal legislation, the public announcement of the verdict is also a security measure that can be imposed for any person upon conviction for (inter alia) a criminal offense committed through means of public information (Art. 89 para. 1 of the Criminal Code of Serbia).

[38] A legal person is responsible for a criminal offense committed by the perpetrator on behalf of, for the account of, or for the benefit of a legal person: when the features of the committed criminal offense result from the decision, order or approval of the management or supervisory bodies of the legal person, or when the management or supervisory bodies of the legal person influenced the perpetrator or enabled him to commit a criminal offense, when a legal entity disposes of illegally obtained property benefits or uses objects resulted from a criminal offense or when the management or supervisory bodies of the legal entity failed to supervise the legality of the work of the employee (Art. 105).

Conclusion

It is visible that the legislator in the Republic of Srpska, through the amendment of the Criminal Code, decided, inter alia, to intervene in the area of honor and reputation protection, which, in accordance with expectations (this is an area that is largely open to criticism), produced appropriate reactions, with plenty of pro and contra arguments. Consequently, in the Republic of Srpska, the legal protection of honor and reputation is partially parallel. These values are protected by the norms of both civil and criminal (including misdemeanor law) law. In this regard, the legislator decided that Insult remains in the domain of misdemeanor law (Insult) (which is perhaps the most appropriate solution considering the essence of incrimination from the Draft Law on Amendments to the Criminal Code), while at this moment Defamation is present as a criminal offense and as a civil tort. When it comes to civil law protection, which is considered adequate according to certain modern understandings, it is noted that in this area protection of honor and reputation is also provided regarding negligent behavior, which makes it more severe than in criminal law. In terms of criminal protection, the substance of criminal offenses is formulated in the usual way, while the sanctions of the criminal legislation of the Republic of Srpska are not set in the ranges that would qualify them as draconian. Nevertheless, it is important to point out that, although the only punishment for these criminal acts is fine and considering the prescribed possibility of replacing it with a prison sentence, the prison sentence can also be applied to the perpetrators of these criminal offences.

Finally, it should be pointed out that, in contrast to the undertaking of criminal prosecution (which is carried out according to the proposal), the grounds for the exclusion of illegality in these criminal offences could still be arranged in a slightly different way. Considering the fact that, when the incriminations are analyzed in more detail, they refer to two quite different criminal offences, it is not the most appropriate solution to make them uniform. This is due to the fact that some of them (as seen) can hardly be applied in terms of the incriminations to which they refer. Therefore, it would be more appropriate if the grounds for exclusion of illegality refer to a specific criminal offense, which would avoid difficulties in their application.

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Krivična djela protiv časti i ugleda u svjetlu novele Krivičnog zakonika Republike Srpske

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Pitanje (de)kriminalizacije ponašanja kojima se povređuju, odnosno ugrožavaju čast i ugled jedno je od značajnijih u savremenom krivičnom pravu. Zahtjev za dekriminalizacijom proizilazi iz normi međunarodnog prava, a počiva na postulatu prava na slobodu misli i izražavanja. Međutim, nepovredivo je i pravo čovjeka na zaštitu časti i ugleda, a koje predstavlja osnov kriminalizacije. Zbog toga i nije jednostavno pronaći balans u ostvarenju ovih prava. Ona su suprotstavljena iz čega proizilazi opasnost da pretjerano pružanje zaštite jednom od njih narušava ono drugo. Uobičajeno je shvatanje da se savremena krivična zakonodavstva kreću u pravcu dekriminalizacije ovakvih ponašanja. Naš zakonodavac se opredijelio za suprotno rješenje. Pri tome se ne radi o rješenju koje do sada nije bilo zastupljeno u krivičnom zakonodavstvu Republike Srpske, jer su krivična djela protiv časti i ugleda postojala do 2002. godine i njihove dekriminalizacije. U članku se apostrofira zaštita časti i ugleda u svjetlu posljednje novele Krivičnog zakonika Republike Srpske.

KLJUČNE RIJEČI: čast i ugled, krivično djelo, ljudska prava.

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New technologies and enforced disappearances: opportunities and challenges for the protection of human rights

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New technologies and enforced disappearances have been part of the thematic study included in the annual report of the Working Group on Enforced and Involuntary Disappearances (WGEID) published in August 2023. Enforced disappearances present flagrant human rights violations where the families of disappeared persons are not familiar with the fate and whereabouts of their disappeared relatives. The use of new technologies[1] in cases of enforced disappearances may enhance human rights protection, facilitate the search for disappeared persons, and obtain evidence. However, new technologies can be used to prevent further investigations and obtain evidence, especially in cases where torture is committed by state actors and cases of enforced disappearances in the transnational context. This paper will analyze the positive and negative effects of the use of new technologies in enforced disappearances and will emphasize the importance of conducting an effective investigation and acknowledging the right to truth in these cases.

KEYWORDS: enforced disappearances, new technologies, information, disappeared person, human rights.

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[1] For the purpose of this article, the term 'new technologies' will be used and analyzed in light of the definition provided by the WGEID in their Report A/HRC/54/22.

Introduction

The enforced disappearances of people represent gross human rights violations and are considered as a crime against humanity. The cases of disappeared persons may remain open for years and decades, thus they are not subject to the statute of limitations. Enforced disappearance is considered to be the arrest, detention, abduction, or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support, or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such person outside the protection of the law.1 The victim is removed from the protection of the law and in many cases is subjected to torture. If we analyze this definition, it is clear that enforced disappearances are punished if they are conducted by state actors, although perpetrators may be also non-state actors, such as organized crime and armed or paramilitary groups.

The phenomena of enforced disappearances first emerged as a state practice during the Nazi era, but became widespread under the military regimes in Latin America during the 1960s and 1970s (Webber and Sherani, 2022). Governments would routinely abduct people, hold them in clandestine prisons, subject them to torture, and often execute them without trial. The bodies were frequently hidden or destroyed to eliminate any material evidence of the crime and to ensure the impunity of those responsible for these heinous acts. The broad objective of practicing enforced disappearances during this period was to dispose of political opponents secretly while evading domestic and international legal obligations. (Anderson, 2006). In that period, the military regimes of Argentina, Chile, Uruguay, Paraguay, Bolivia, Brazil, Ecuador, and Peru cooperated by sharingintelligence concerning political opponents as well as by seizing, torturing, and executing these persons in one another's territory. This transnational cooperation was called 'Operation Condor' and it was a meticulously devised mechanism that utilized advanced telecommunications systems and computerized profiling databases, in order to identify potential regime opponents and exert pressure on citizens and society. Its unique characteristics allowed for targeted and swift operations mainly carried out through abductions, torture, and eventual executions of individuals with absolute disregard for informing relatives of their fate (Kyriakou, 2012:4).

After 9/11 and the beginning of the 'War on Terror', extraordinary renditions as a form of enforced disappearances were conducted by the

[2] United Nations. (2010). International Convention for the Protection of All Persons from Enforced Disappearance, Article 2, available at: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced

Central Intelligence Agency (CIA). The purpose of the operations was to collect information about suspected terrorists while using different modus operandi which usually included abduction, and transfer from one or more countries to unknown and unregistered places of detention known as 'black sites'. Undoubtedly, these extraordinary renditions (which mostly included torture techniques while conducting interrogation) were performed using new technologies regardless of the possibility that fundamental human rights may be violated such as the right to life, prohibition of torture, deprivation of liberty, right to a fair trial and due process of law and many others.

Nowadays, the search for missing and disappeared persons is conducted within the framework of the Guiding principles for the search for disappeared persons (2019). These principles are based on the International Convention for the Protection of All Persons from Enforced Disappearance (ICCPED) and other relevant international instruments. They identify mechanisms, procedures, and methods for carrying out the legal duty to search for disappeared persons. These guiding principles seek to consolidate good practices in searching effectively for disappeared persons, arising from States' obligation to search.

New cases of enforced and involuntary disappeared people emerging from the latest developments in Ukraine and Israel are a clear indicator that perpetrators must be found and made accountable for their acts. In the search for disappeared persons, new technologies are immensely important and needed. New technologies could allow to identification of missing and disappeared persons and can ease the search. Gathering physical, testimonial, and documentary evidence with the use of new technologies can elevate investigations. The use of satellite imagery, social media, drones, but also DNA testing, and other sorts of hardware and software innovations can resolve pending or new cases of disappeared persons. However, the use of new technologies can also 'hide the dark side' if these technologies are used to sabotage ongoing investigation or avoid revealing the truth in cases of disappeared persons when they are committed by state actors, part of extraordinary renditions, incommunicado detentions i.e., enforced disappearances in the transnational context.

The paper will try to explain both sides of the use of new technologies in cases of enforced disappearances. Additionally, the point will be to emphasize that new technologies should be used to trace disappeared persons in order for their families to get the right to the truth, to prosecute and punish those responsible, and to enhance the cooperation between states by using new technologies in sharing information and good practices in the search for the disappeared persons. Finally, the paper will analyze the given recommendations from international bodies, such as the WGEID, and what should be undertaken by states in successfully resolving the cases of enforced disappearances and developing effective mechanisms for prosecuting and punishing which have shown as the main weaknesses in the battle against enforced disappearances.

New technologies and enforced disappearances in the spotlight of the WGEID

The WGEID was created 43 years ago[2] to assist the families of disappeared persons to ascertain the fate and whereabouts of their disappeared relatives, to assist States and monitor their compliance with the obligations deriving from the Declaration on the Protection of All Persons from Enforced Disappearance and provide States with assistance in the prevention and eradication of enforced disappearances.

At its 125th session,[3] the WGEID announced the intention to conduct a thematic study on new technologies and enforced disappearances. It was planned that the study[4] points out how new technologies: (a) are being used against human rights defenders and civil society organizations, including relatives of disappeared persons and their representatives, and what kind of protective strategies are or can be put in place; (b) can be effectively applied to facilitate the search for disappeared persons, ensuring that their fate and whereabouts are established promptly and in a reliable and secure manner; and (c) can be used to obtain evidence about the commission of enforced disappearance, bearing in mind that under international law the crime is, by its very nature shrouded in secrecy and, as such, poses formidable evidentiary obstacles to identifying and bringing perpetrators to justice.

To conduct a study, the WGEID decided that new technologies will refer to technological innovations that have occurred mostly over the past 20 years, including hardware and software innovations and information and communications technologies, encompassing satellite imagery, digital social networks, and online datasets, the use of artificial intelligence and the development of deep learning, as well as digital forensics and biodata.

The study[5] analyses how new technologies are being used against relatives of disappeared persons, their representatives, human rights defenders, and civil society organizations and which protective strategies are or can be put in place; and can be effectively applied to facilitate the search for disappeared persons, ensuring that their fate and whereabouts are established promptly and in a reliable and secure manner; and can be used

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[3] Since its inception in 1980, the WGEID has transmitted a total of 60,703 cases to 112 States. The number of cases under active consideration that have not yet been clarified, closed or discounted stands at 47,774 in total of 97 States.

[4] Communications transmitted, cases examined, observations made and other activities conducted by the Working Group on Enforced or Involuntary Disappearances, 125th session, 20-29 September 2021, available at: https://digitallibrary.un.org/record/3970483

[5] Working Group on Enforced or Involuntary Disappearances, Report A/HRC/51/31, 12 August 2022, available at: https://www.ohchr.org/en/documents/thematic-reports/ahrc5131-report-working-group-enforced-or-involuntary-disappearances

to obtain evidence of the commission of enforced disappearance, bearing in mind that this international crime is by its own nature shrouded in secrecy and, as such, poses formidable evidentiary obstacles to identify and bring to justice perpetrators.

As a result of this conducted study, in its Annual report published in August 2023,[6] the WGEID concludes that new technologies, in particular information and communication technologies, are frequently used to facilitate or conceal the communication of enforced disappearance, hinder the work of human rights defenders, but on the other side, new technologies can offer cost-effective solutions that have already proved useful. To achieve the positive impact of the use of new technologies, it is important to enhance the mutual cooperation between states, corporations, civil society organizations, and other relevant stakeholders.

The use of new technologies can be related to the right to the truth which belongs to the relatives of the disappeared persons, but also to those found alive, to find out why they have disappeared, subject to incommunicado detention, extraordinary rendition, or victim of smugglers, paramilitary groups and other perpetrators. In this connotation, it is important to emphasize that the right to truth includes two elements: on the one hand, the victims' families' right to know the fate or whereabouts of the disappeared person, and on the other, in the event of death, their right to the restitution and identification of their remains. Moreover, the right to the truth is both a collective and an individual right. Each victim has the right to know the truth about violations that affected him or her, but the truth also has to be told at the level of society as a vital safeguard against the recurrence of violations stated in Principle 2 of the Set of Principles for The Protection and Promotion of Human Rights through Action to Combat Impunity (Orentlicher, 2005). Regarding the right to know the fate or whereabouts of the disappeared person, the state has the obligation to quickly and effectively investigate cases of disappearances without a prior need for the families to file a complaint (Calvet Martinez 2020). The concept of the right to truth contains a new paradigm, which is the right for the victim and the public to know about the abuses if they are committed by the governments in cases of enforced disappearances in the transnational context. The lack of effective investigation is an important segment that allows the states to hinder the truth. In so far many reports, the WGEID concludes that states failed to learn lessons on how to prevent

[6] Working Group on Enforced or Involuntary Disappearances. (2023). Report A/HRC/54/22/Add.5, available at: https://www.ohchr.org/en/documents/thematic-reports/ahrc5422add5-new-technologies-and-enforced-disappearances-report-working

[7] Working Group on Enforced or Involuntary Disappearances, Report. (2023). A/HRC/54/22, available at:https://www.ohchr.org/en/documents/thematic-reports/ahrc5422-enforced-or-involuntary-disappearance-report-working-group

enforced disappearances as a result of transnational renditions. Distinct and sophisticated patterns of enforced disappearances are emerging due to a lack of accountability, effective investigation, judicial independence, and impartiality in states with fragile democracies or high rates of corruption. Impunity represents a major problem and gives states *carte blanche* for gross human rights violations (Stefanovska, 2021:68). States and other actors involved in cases of enforced disappearance should be found accountable for violation of numerous international conventions as well as bilateral cooperation agreements.

Impact from the use of new technologies in cases of enforced disappearances

Technologies can be used to facilitate or hinder and sabotage the investigations about disappeared persons. For States, it is important which path they will take: the one which protects human rights such as the right to life, prohibition of torture, right to liberty and security, right to privacy and data protection, and many more, or the other one to misuse new technologies in searches for disappeared people. States are those that need to choose the 'right path', because they can ensure that new technologies are used to enhance the protection of human rights rather than to use them for overreaching surveillance methods and to sabotage ongoing searches for missing and disappeared people. In this complex process, it is inevitable for states to respect human rights, establish and reinforce mutual cooperation, provide strict legal frameworks and regulations for the use of new technologies, and work towards the proper use of new technologies.

The existing court jurisprudence of the European Court of Human Rights (ECtHR) and the Inter-American Court of Human Rights (IACtHR) has shown that courts found that an act of enforced disappearance can amount to a violation of a person's right to liberty and security, the right to life, the right to humane conditions of detention, and/or the right to freedoms from torture, cruel inhuman or degrading treatment or punishment (Anderson, 2006). They established that states have failed to protect victims of enforced disappearances and their families and failed to undertake adequate measures to punish those responsible for these acts. But, when it comes to the right to privacy and data protection, the situation is more complex, and more evidence is needed to establish such violations.

On the Internet, there is a growing volume of data that has been made public without the consent of the owners, such as information that has been hacked, leaked, exposed by security vulnerabilities, or posted by a third

party without proper permissions (Berkeley Protocol, 2022:14). These kinds of data can be misused in ongoing investigations for disappeared persons

The right to privacy is a fundamental human right. An important element of the right to privacy is the right to the protection of personal data, which has been articulated in various data protection laws. In particular, data protection and privacy laws are increasingly relevant in investigations that utilize digital information and communications technology. In the digital environment, informational privacy, covering information that exists or can be derived about a person, is of particular importance (ibid, para.61). However, even in these circumstances human rights should be respected. For example, a violation of the right to privacy is one of the few grounds on which judges may exclude evidence at the International Criminal Court. Privacy underpins and protects human dignity and other key values, such as freedom of association and freedom of expression. The ECtHR provides some of the strongest interpretations of privacy laws, with a quickly growing body of case law addressing digital rights issues. Numerous data protection laws and regulations help ensure the security of personal data such as Regulation 2016/679 of the European Parliament and of the Council of 27 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

Use of new technologies in the search for disappeared people

New technologies can be applied to facilitate the search for disappeared persons and at the same time to identify the perpetrators i.e., those who committed enforced disappearances. The use of technologies should be focused on reaching alive disappeared persons rather than mortal remains. Due to this, it is of utmost importance that the search must start at early stages of their disappearances including early tracking of digital traces and using of satellite imagery. The first hours and days after the persons' disappearances are crucial to obtain data. According to WGEID, there are cases where new technologies have been used to document the establishment of official or secret places of detention, locate torture sites, and identify mass graves or burial sites.

Proper use of new technologies in the testimony collection framework is of immense importance, due to the possibility of verification of evidence taken in the form of photographs, videos, or geolocation data. With the new technologies, state officials would be able to trace disappeared people, or to gain information which are crucial for tracing them. Once verified, this visual

data provides accompanying evidence, and the use of satellite imagery or digital mapping can narrow the search for missing and disappeared persons. Implementing the Berkeley Protocol is one step which can help with evidence produced via new technology.[7] The Berkeley Protocol on Digital Open-Source Investigations (2022) identifies international standards for conducting online research of alleged violations of international criminal, human rights, and humanitarian law. The Protocol provides guidance on methodologies and procedures for gathering, analyzing, and preserving digital information in a professional, legal, and ethical manner. Lastly, the Berkeley Protocol sets out measures that online investigators can take to protect the digital, physical, and psychosocial safety of themselves and others, including witnesses, victims, and first responders (e.g. citizens, activists, and journalists), who risk their well-being to document human rights violations and serious breaches of international law.

Additionally, the digitalization of archival records can overcome barriers to accessing evidence. Moreover, facial and voice recognition also enable researchers to review audio-visual information produced in the past. The proper use of new technologies is crucial when it comes to archival documents. According to the Section on Archives and Human Rights – International Council of Archives, as digital preservation matures and digital records can now be retained for a long period of time, archivists are developing and uncovering metadata in digital content through forensic tools that can enable the validation, identification, analysis, interpretation, documentation, and presentation of digital information. These methods not only help with the long-term preservation of these documents but also with the discoverability of information held within them (SAHR, 2023).

The Border Violence Monitoring Network (BBVMN) notes the growing importance of surveillance and artificial intelligence technologies including drones and biometric identification systems, which are being used to automate the process of identifying and tracking the movement of migrants, including in pushback operations amounting to enforced disappearances at external EU borders (BVMN 2023). In this regard, it is important to note that the current formulation of the EU's Artificial Intelligence Act fails to establish minimum standards and meaningful safeguards against the detrimental use of new technologies.[8]

The use of facial recognition programmes, DNA tests, forensic science, and digitalization of records and evidence can foster the search for disappeared persons. The Office of the High Commissioner for Human

[8] The Berkeley Protocol follows is continuation of two earlier United Nations protocols: the Minnesota Protocol on the Investigation of Potentially Unlawful Death (1991, updated in 2016), and the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1999, updated in 2004).

Rights has noted that "[f]orensic science is concerned with establishing facts, obtained through scientific means, which will be introduced as part of a criminal investigation as evidence in court, most commonly for the purpose of prosecuting crimes. It is also used, inter alia, to identify missing persons as a result of human rights violations or from multiple fatalities resulting from natural disasters. Forensic science is, therefore, one of the enabling tools to ensure the full implementation of the rule of law, and as such it needs to conform to the rule of law itself. (Andreu-Guzmán, 2015:236). Moreover, the use of artificial intelligence (AI) can help investigations by detecting biomarkers and preparing geospatial analysis and predictive analysis.

The potential of AI to resolve missing person cases is immense; however, it must be conducted with consideration for fundamental rights. For example, AI-based biometric recognition algorithms offer greater accuracy and efficiency in identifying individuals beyond facial recognition technology. As AI becomes more prevalent in law enforcement, balancing privacy concerns and public safety is a critical issue. While AI has the potential to enhance public safety, it can also lead to privacy violations and abuse of power. When it comes to the use of AI, it is important for the states to have developed a solid legal framework that will prevent possible misuse of AI and human rights violations.[9]

From practice, it can be noted that mutual cooperation or interoperability is what it lacks in cases where technologies can be effectively used in search of disappeared persons. Sharing data and information that allows clarifying the fate and whereabouts of the disappeared persons should be a top priority for states on bilateral and multilateral levels.

The misuse of new technologies to facilitate enforced and involuntary disappearances

The new technologies can allow states to expand their surveillance capabilities to an unprecedented degree. The misuse of new technologies can be conducted in different forms such as: restrictions of the internet, social media, use of different spyware, satellites, drones, etc. Restrictions on internet access have an impact on the enjoyment of various human rights. Social media have also been used to conduct smearing campaigns and threaten human rights defenders including relatives of disappeared persons.

[9] European Commission. (2021). Proposal for a Regulation of the European Parliament and of the Council - Laying Down Harmonized Rules on Artificial Intelligence (Artificial Intelligence Act) and Amending Certain Union Legislative Acts. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52021PC0206

[10] AI and missing persons: innovative solutions to an age-old problem, https://www.veritone.com/blog/ai-public-safety-missing-persons/

The WGEID learned about cases where technologies were used to spy on relatives of disappeared persons, their representatives or associations, and human rights defenders. An especially worrisome development is that of the domestic or transnational use of spyware programmes such as Pegasus and Predator.[10] Spyware is a form of malware that allows an operator to gain access to or hack a device and extract, modify, or share its contents. The use of spyware can lead to violations of the right to privacy, freedom of speech, life, liberty, and security. Evidence obtained through spyware can also be used against a target in torture and interrogations. Mercenary spyware facilitates enforced disappearances. It allows states to surveil and locate targets, find incriminating evidence, and spy on the associates of the forcibly disappeared person, making it more difficult to conduct investigations and prepare for legal proceedings in relation to the enforced disappearance (Munk School of Global Affairs & Public Policy, 2022:18). Using illegal surveillance spyware against civil society organizations and human rights defenders. This includes the illegal spyware Pegasus and Predator employed by European governments to monitor the communications and activities of these organizations involved in documenting enforced disappearances (BVMN 2023). The software Pegasus, currently used by at least 12 EU Member States is a highly invasive tool used to infiltrate an individual's mobile device without their knowledge. Once installed, it allows the invader to conduct real-time surveillance.[11]

Spyware programmes can be acquired by Governments, mostly in a context that, in general, lacks independent oversight and sufficient regulation, especially with regard to the import, export, and use of such a technology. The Working Group noted in this study the applicable legislation of certain States and existing regional regulations and international arrangements that are aimed at subjecting the sale and transfer of technologies to stricter control.[12] While these are good practices, the applicable legal framework remains weak and fragmented and a thorough and independent scrutiny of the impact of these technologies on human rights should be put in first place.

The use of the above-mentioned surveillance technologies, as well as artificial intelligence solutions, drones, thermal imaging sensors, night-vision googles, biometric identification systems, aerial surveillance towers, and specialized sensors for detecting mobile phone emissions and tracking devices should be carefully used and must of the subject of thorough and strict regulations.

[11] Working Group on Enforced or Involuntary Disappearances. (2023). Report A/HRC/54/22/Add.5 para.10-18.

[12] NDTV. 2022. 'Pegasus Spyware Maker NSO Group Has Contracts In 12 EU Countries: Report.' Available at: https://www.ndtv.com/world-news/pegasus-spyware-maker-nso-group-has-contracts-in-12-eu-countries-report-3244072

[13] See the 1995 Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-use Goods and Technologies, as amended in 2013; and the Regulation (EU) No. 2021/821 of 20 May 2021 setting up a regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items.

The reports from international and civil society organizations show that some authorities have used a wide range of surveillance technologies including cellular network interception, satellite imagery, and data analysis to monitor the communication and movement of individuals (Privacy International 2023). States need to ensure that the use of new technologies complies with international human rights standards. Additionally, these allegations are a serious concern that must be recognized and addressed by states and the international community.

Obligation to investigate in cases of enforced disappearances

Investigations are an important mechanism to prevent impunity in cases of enforced disappearances. Impunity encourages the committing of and repetition of crimes, inflicts additional suffering on victims, and has adverse effects on the rule of law and public trust in the justice system. The Committee on Enforced Disappearances has upheld the rules enshrined in Article 12 of the ICPPED as elements of the duty to investigate: the right of any individual to report the facts to the competent authorities; the duty to conduct without delay a thorough, impartial, complete, diligent and effective investigation, even if there has been no formal complaint, where there are reasonable grounds for believing that a person has been the victim of an enforced disappearance; the appropriate and effective protection of the complainant, witnesses, relatives of the disappeared person, and their defense counsel, as well as of those who participate in the investigation, against all ill-treatment or intimidation as a consequence of the complaint or of any evidence given; and the effective and timely access by the authorities involved in the investigation to documentation and other relevant information, as well as to any place where there are reasonable grounds for the authorities to believe that the disappeared person may be, with prior judicial authorization if necessary (Galvis Patino, 2021:37). According to Article 9 from ICPPED, States parties are under an obligation to investigate thoroughly allegations of enforced disappearance until the fate of the disappeared person has been clarified taking into account the continuous nature of the offence. States parties must also establish their competence to exercise jurisdiction over the offence of enforced disappearance, including when persons accused of having committed the crime abroad are present in any territory under their jurisdiction.

The obligation to investigate can consist of three elements: (1) to find the disappeared person alive, (2) to provide the right to truth and whereabouts of

the disappeared person and (3) to identify the perpetrators and punish them in accordance to the law. In this connotation, effective investigation implies several components such as: the investigation must lead to the identification and punishment of those responsible; reasonable steps must be undertaken in order to secure evidence, the investigation must be prompt; the investigators must be independent; the investigation must be able to determine of whether the force was used and if that force was/was not justified and many more (*Bazorkina v. Russia*, app.no.69481/01, §117-119). The Court reiterates that an "effective investigation" should be "capable of leading to" the identification and – if appropriate- punishment of those responsible (see *Labita v. Italy*, no. 26772/95, § 131, ECHR 2000-IV, and *Jeronovičs v. Latvia*, app.no. 44898/10, § 103). However, the effective investigation may imply also the application of new technologies in contemporary circumnutates. This means that if some new technology was not available several years or decades ago and now is available, it can be used to accelerate the investigation and to locate the enforced person alive or his/her remains. Using new technologies in cases of enforced disappearances may result in a positive manner and may lead to some traces and evidence that would not be possible to find without their use.

In order to conduct a prompt and effective investigation, several preconditions should be fulfilled on which the effectiveness of the investigation depends such as: the criminalization of enforced disappearances in national laws, access to relevant information, autonomy and independence of the authorities in charge of the investigation, coordination of authorities in charge of the search – on a national and international level in cases with transnational context, technical expertise of forensic investigators, use of sophisticated technology for search of disappeared persons and many more. Effective investigation ensures that perpetrators of enforced disappearance, including those who order, solicit, induce the commission of, attempt to commit, are accomplices to, or participate in an enforced disappearance are prosecuted and sanctioned (Council of Europe, 2016). This means that no statutory limitation shall apply to crimes against humanity, irrespective of the date of their commission.

If we analyze the right to conduct an effective investigation *de jure,* it is inevitable to conclude that there can be many obstacles to the effective investigation such as the statute of limitation, principle of ne bis in idem, prohibition of amnesties, pardons, and other similar measures. The obligation to investigate is obligatory for the States, but while conducting the investigation, investigators should bear in mind the obligation not to violate other human rights such as the right to a fair trial, right to respect for private and family life, right to personal integrity, right to the truth and many others.

Jurisprudence of the ECtHR and IACtHR in cases of enforced disappearances

It took years before the first case of enforced disappearance reached an international tribunal i.e., the IACtHR. The case of *Velásquez Rodríguez v Honduras* is the first judgment and first thorough analysis of the case of enforced disappearance. The case concerned Manfredo Velásquez, a student at the National Autonomous University of Honduras, who was violently detained without a warrant for his arrest by members of the National Office of Investigations and G-2 of the Armed Forces of Honduras. According to the petitioners, several eyewitnesses reported that Manfredo Velásquez and others were detained and taken to the cells of the Public Security Forces Station where he was "accused of alleged political crimes and subjected to harsh interrogation and cruel torture (IACHR Series C No 4.1988, §3). The Court established that the phenomenon of disappearances is a complex form of human rights violation that must be understood and confronted integrally. Moreover, the forced disappearance of human beings is a multiple and continuous violation of many rights under the Convention that the States Parties are obligated to respect and guarantee. According to the Court, the duty to investigate facts of this type continues as long as there is uncertainty about the fate of the person who has disappeared. Even in the hypothetical case that those individually responsible for crimes of this type cannot be legally punished under certain circumstances, the State is obligated to use the means at its disposal to inform the relatives of the fate of the victims and, if they have been killed, the location of their remains (ibid, §150,155 and 158). Due to these reasons, the Court found Honduras responsible for the involuntary disappearance of Angel Manfredo Velásquez Rodríguez and the violation of the right to personal liberty, right to human treatment, and right to life, all guaranteed with the Inter-American Convention on Human Rights. Years later, in the case of *Goiburu et al. v. Paraguay,* the IACtHR stated that prohibiting acts of enforced disappearance and the related duty to investigate them and punish perpetrators should be considered a jus cogens norm.

A more nuanced approach was adopted later *in Durand and Ugarte* where the Court founded the duty to investigate the concomitant application of Articles 8(1) and 25 (1) ACHR. From *Durand and Ugarte* onwards the Court remained faithful to this interpretation with just one exception in the case of *Blake v. Guatemala* in which the Court considered that Article 8 ACHR had been indeed violated and that the relatives of the disappeared had a right to have his disappearance and death effectively investigated and those responsible prosecuted (Kyriakou, 2012:162). If we analyze the jurisprudence of the IACtHR, it can be observed that the Court in many cases upholds the positive measures enshrined in Article 1 ACHR. This means that states within the jurisdiction of the Inter-American system are obliged to respect

human rights and freedoms, but also to ensure all persons subject to their jurisdiction the free and full exercise of those rights and freedoms without any discrimination.

A similar notion to the obligation to undertake positive measures by the States is defined in the European Convention on Human Rights (ECHR) in Article 1 which enshrines the obligation for the Contracting Parties to secure to everyone within their jurisdiction the rights and freedoms defined in the ECHR. The Court has consistently held that where the State is required to take positive measures, the choice of means is in principle a matter that falls within the Contracting State's margin of appreciation. However, this margin of appreciation is not unlimited and the Court reserves the power to review whether or not the State has complied with its obligations under the Convention.

Kurt v. Turkey is the Court's first judgment concerning a case of enforced disappearance. Mrs Koçeri Kurt submitted an application before the Court on her behalf and on behalf of her son, who, she alleged has disappeared in circumstances engaging a responsibility of Turkey (ECtHR, 1998: Kurt v. Turkey, 15/1997/799/1002). In the judgment, the Court found violation of Article 3 (prohibition of torture), Article 5 (deprivation of liberty), and Article 13 (right to an effective remedy). The Court established that Turkey failed to comply with the obligations arising from the ECHR and that under Article 5 it was obliged to take effective measures to safeguard against the risk of disappearance and to conduct a prompt effective investigation into an arguable claim that a person has been taken into custody and has not been seen since. Having regard to these considerations, the Court concluded that the authorities have failed to offer any credible and substantial explanation for the whereabouts and fate of the applicant's son after he was detained and that no meaningful investigation was conducted. (ibid, § 124, 128). In the landmark 2012 judgment of *Aslakhanova and Others v. Russia*, the ECtHR stated that it felt compelled to provide some guidance on certain measures that must be taken by the Russian authorities due to their systemic failure to investigate disappearances. Moreover, the Court mentioned the large-scale forensic and scientific work on the ground, including the location and exhumation of presumed burial sites, and the collection, storage, and identification of remains and, where necessary, systematic matching through up-to-date genetic databanks (ECtHR 2012, app.no 2944/06, 8300/07, 332/08, 42509/10, §221).

These findings were later reiterated in the case of *Cyprus v. Turkey* where the duty to investigate was related to Article 5 ECHR and was considered as a duty for the respondent states. There were cases where the Court established that a certain method of investigation was not employed, resulting in a violation of human rights. For example, in the case of *Nachova and Others v. Bulgaria*, the Court states that „the authorities must do what is reasonable in the circumstances to collect and secure the evidence, explore all practical means of discovering the truth and deliver fully reasoned, impartial and objective decisions, without omitting suspicious facts that may

be indicative of a racially induced violence" (ECtHR, app.no.43577/98 and 43579/98, §156-159). In other cases, the Court considered that the use of new technologies is sufficient to point out to illegal treatment in case of enforced disappearance. In the case of *S.T and Y.B v. Russia,* the Court considered that a video posted on YouTube is a valid proof of the ill-treatment to which a disappeared person has been subjected after being deprived of liberty (ECthR app.no.4125/20, § 22).

If we analyze the Strasbourg jurisprudence, it is inevitable to observe that the Court delivered judgments in several cases of secret detention and extraordinary rendition that amounted to enforced disappearances. For example, in the case of *El-Masri v. Macedonia*, the Court established that there was a lack of effective investigation by the Macedonia authorities when the CIA agents using sophisticated technologies abducted El-Masri without a warrant for extradition and with the knowledge of Macedonian authorities (ECtHR, 2012: El-Masri v. Macedonia). El-Masri was kept against his will for 23 days in a hotel in Skopje due to a suspicion of being a member of al-Qaeda. He was filmed by a video camera and instructed to say that he had been treated well and had not been harmed. He was beaten severely, blindfolded, and hooded. He was put in a civilian aircraft by the CIA used for extraordinary renditions. El-Masri was mostly unconscious during the flight to Afghanistan. He was subjected to capture shock treatment by the CIA in their facility in Afghanistan called "Salt Pit".[13] After being constantly interrogated during his four month captivity and when it was not established that he was a terrorist or had a connection to al-Qaeda, he was transferred and left in Albania.

The latest Strasbourg jurisprudence shows that cases of enforced disappearance with extraterritorial transfers were still present in Europe (*Nasr and Ghali v. Italy, Al Nashiri v. Romania, and Aby Zubaydah v. Lithuania*). This practice should be eradicated and effective investigations should be performed in order to learn the truth about the victims of enforced disappearance and to punish those responsible.

The possibility to assess, verify, and ultimately admit evidence collected through technologies depends on the capability of each court and the skills and knowledge of the personnel.[15] For example, the International Criminal Court in the case *Prosecutor v. Al-Werfalli*, issued an arrest warrant based primarily on evidence collected from social media posts.

[14] Salt Pit is a CIA run facility, a brick factory north of the Kabul business district that was used by the CIA for detention and interrogation of some high-level terror suspect. For more see ECtHR, 2012: El-Masri v. Macedonia, app.no 39630/09, § 24).

[15] Supra note 10, § 52

Concluding remarks

The rapid development of technologies is a concerning trend with which states need to deal in order to prevent possible abuses of human rights such as: internet shutdowns, spyware programmes, targeted and mass surveillance, and other technologies that undermine the search for disappeared persons. New technologies if properly used, mu contribute towards: (1) locating disappeared persons, (2) easing the investigations, (3) providing accountability and fights against the impunity of perpetrators, (4) enhancing the cooperation and interoperability between states and finally and most importantly (5) protect human rights from infringements and provide the right to truth to the relatives of disappeared persons or to the victims.

States are obliged to take all necessary measures to prevent cyberattacks, disinformation, using malwares, and espionage for purposes contrary to international human rights standards. These obligations for States derive from international human rights law and international criminal law. States need to take adequate measures to investigate, prosecute, and hold accountable individuals, companies, and states for human rights violations related to the use of new technologies. This means that states also need to adopt a proper legal framework that will provide for the use of new technologies in the search for missing and disappeared persons at the early stages of an enforced disappearance. Any kind of misuse of these technologies should be sanctioned by national laws and international conventions. The relationship between new technologies and human rights in the context of enforced disappearances is often ambivalent. The use of new technologies should be supported by an adequate legal framework that will determine the use of such technologies and also prescribe sanctions for possible human rights violations. A strict legal framework should be adopted for the use of artificial technology but also for surveillance technologies and followed by proper oversight mechanisms. An obligation for sanctioning human rights violations should arise before any violation. Different kinds of new technologies should be encompassed in the national legislation, despite the existing international mechanisms.

The use of the Berkeley Protocol will help investigators, legal professionals, human rights defenders, and states as a general to develop and implement effective procedures for documenting and verifying violations of international human rights law and international humanitarian and criminal law, making the best use of digital open-source information, so that those who are responsible for such violations can be fairly brought to

justice. Additionally, the Guiding principles for the search for disappeared persons will 'guide' States on which standards they need to abide and apply while searching for the disappeared persons.

It is highly important to stress that new technologies can offer cost-effective solutions that are likely to have a relevant point. As the WGEID has pointed out in their study – the subject of analysis in this paper, alone, new technologies are incapable of solving all the existing problems, and therefore traditional approaches and techniques to documenting, monitoring, and reporting should not be abandoned and cannot be entirely replaced by digital material and new technologies. Instead, complementarity between the two strategies should be pursued and promoted. For this to happen in practice, it is important for the states to show true willingness to criminalize enforced disappearances in their national laws, conduct effective criminal investigations, and apply sufficient financial, human, and technical resources in the search for disappeared persons. Additionally, what can be of immense importance is the cooperation between states which is lacking at the moment and that must be changed immediately. This cooperation should be conducted on two levels: (1) domestically i.e., nationally among the borders of a state and includes collaboration between state institutions, corporations, civil society organizations, journalists, etc., and (2) internationally, collaboration between states within the established and ratified human rights instruments.

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Journal of Criminology and Criminal Law, 62(1), 129-133
Book Review

Kolaković-Bojović, M. & Đukanović, A. (2023) *Hate Crimes in the Republic of Serbia*. Belgrade: Institute for Criminological and Sociological Research

Maša Marković [a]

In order to react as adequately as possible to the phenomenon of hate crime, it is first necessary to understand its concept, not forgetting that it is a special form of criminal behavior from which a high degree of social danger arises. When an overview of theoretical and normative postulates is also carried out, along with a qualitative and quantitative analysis of legal practice, the existence of a systemic approach to the fight against hate crimes can be expected. Therefore, the monograph "Hate Crimes in the Republic of Serbia" by Milica Kolaković-Bojović, PhD, and Anđela Đukanović, PhD, published at the end of 2023 by the Institute for Criminological and Sociological Research in Belgrade, can make a significant contribution to its construction, given that it is about scientific work, which in the first part provides readers with a comprehensive presentation of the concept of hate crimes, then international standards for handling the matter, as well as relevant international and national normative, strategic and institutional solutions in relation to hate crimes, while in the second part it offers a detailed analysis of public prosecutors and court practices in the aforementioned area in the Republic of Serbia.

At the very beginning of the monograph, in its first part, a register of abbreviations is given, and after the preface, in the first chapter, the authors thoroughly present and critically discuss the concept of hate crime, i.e. its emergence in the mid-80s of the last century in the United States, as well as further development. Like many other authors, they note the impossibility of having a generally accepted definition of hate crime, taking into account the diversity of social and legal norms, but emphasizing that it certainly contributes

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to the unhindered expression of ethnic, religious and other aspects of identity in every society. Therefore, in order to create all necessary conditions for the application of positive legislation that will provide effective protection to every individual, regardless of whether he\she possesses a property that is the basis of hatred and whether or not he\she belongs to a certain group and shares that property with it, the necessity of distinguishing this term from other related concepts such as hate speech, prejudice, bias, stereotypes and discrimination was pointed at.

Then, although there is no norm that directly refers to hate crimes, in the next chapter the authors provide an insight into the international framework, which is based on the principles of equality and non-discrimination, and forms the basis for affirming the importance of criminal law regulation of this phenomenon at the national level. They do this by presenting relevant universal and regional international standards, with the aim of emphasizing the contribution of various charters, declarations, pacts and conventions, as well as documents adopted within the framework of the Council of Europe, the European Union, and the Organization for Security and Co-operation in Europe. The central part of this chapter is part of the relevant practice of the European Court of Human Rights, which refers to racially motivated criminal acts, which are the most common, with the decisions that refer to other personal characteristics as motives for committing hate crimes, such as religion, gender, disability, sexual orientation and others. The above-mentioned practice is of particular importance, considering that over time principles have been developed in it which are of direct importance to the obligations of national authorities regarding the investigation and prosecution of perpetrators of hate crimes.

In the sequel of the monograph, the authors look at hate crime through the prism of the normative, strategic and institutional framework in the Republic of Serbia. They do this by analyzing relevant constitutional provisions, action plans for specific chapters, various preventive strategies, anti-discrimination laws, with a focus on studying the new approach to hate crimes provided by criminal legislation. The authors state that in 2013, a new regulation contained in Article 54a was introduced into the Criminal Code, the aim of which is to provide additional criminal protection to individuals, i.e. groups to which they belong in relation to those criminal acts where hatred is not an element of the criminal act, but which are in this particular case, it was carried out of hatred. Then, an analysis was made of those personal characteristics that can be the basis for the application of this regulation, with the conclusion that there is a limited number of personal characteristics that can be the basis for the application of mandatory aggravating circumstances, and that there is a need to introduce new personal

characteristics within the aforementioned incrimination, taking into account the results of monitoring the practice of the European Court for Human Rights, as well as the existence of new legislative tendencies within the law of the European Union. Also, in the monograph, in relation to the application of this article, the answers were given to numerous legal questions, such as the question of the need to recognize hatred as a motive for the commission of a criminal offense already in the indictment and specifying whether it is necessary only as part of the factual description of the criminal offense which the defendant is charged for or need to be covered by a legal basis, as well as the question of (non)existence of overcharge. In the rest of the chapter, while emphasizing the prohibition of double evaluation of hatred as a motive for a committed criminal offense, the authors pay equal attention to the analysis of criminal offenses in which hatred is included in the essence of the criminal offense, especially in relation to the criminal offense of inciting national, racial and religious hatred and intolerance from Article 317 of the Criminal Code, as well as its delimitation in relation to the criminal offense of racial and other discrimination from Article 387 of the Criminal Code. At the end of the chapter, the institutional framework for reacting to hate crimes is given, with an emphasis on the need to establish effective mechanisms for monitoring and recording public prosecution and court practice in action, and the necessity of strengthening the professional capacities of state authorities for exposing and sanctioning perpetrators, with the obligation to find new systemic solutions for improvement proceedings in this type of case, while constantly providing assistance and support to victims of hate crimes.

The second part of the monograph consists of a presentation of the views of the relevant universal and regional monitoring bodies and a quantitative and qualitative analysis of the practice of public prosecutions and courts in cases of hate crimes in the Republic of Serbia. This means that the authors, based on the separate opinions of international bodies and collected empirical data on committed hate crimes, performed a comprehensive assessment of the success of the application of the existing mechanisms of struggle in the matter in question, and presented adequate recommendations regarding the improvement of the systemic approach to hate crimes. In a smaller part of the analysis of the application of Article 54a of the Criminal Code, in the observed period from 2017 to 2021, quantitative methods were applied, whereby, among other things, it was determined that in the available sample there is a significant difference in terms of the representation of grounds of hatred in indictments in which the public prosecutor refers to the application of this article and legally binding court decisions. Also, what is significant is that in the majority of cases, a guilty verdict was passed with the application of Article 54a of the Criminal Code, but also that there is a significant

percentage of those decisions in which the existence of hatred as a motive for committing a criminal offense was not proven. Consequently, the authors decided to conduct a quantitative analysis based on case studies, with the aim of facilitating the mastery of key issues in the application of Article 54a of the Criminal Code, primarily in terms of the manifestation and recognition of hatred as a motive for the commission of a criminal offense, along with identifying the essential elements of hate crimes, as well as pointing out the unevenness of the public prosecutor's and court practice. On the other hand, in the case of the analysis of actions with regard to criminal acts where hatred is an element of the being of the criminal act, qualitative methods were predominantly used, due to the availability of several groups of data from several relevant sources, with the author's note that more detailed data on judicial practice are to the greatest extent based on the actions of the courts in cases for the criminal offense of inciting national, racial and religious hatred and intolerance from Article 317 of the Criminal Code. Therefore, based on the collected statistical data, the authors present to us the profile of the perpetrators of criminal acts in which hatred is an element of the being of the criminal act, and we learn that most often it is a male person between the ages of 25 and 40, who has not been convicted before, with a residence in an urban area without previous connection with the victim, and with the most frequent convictions for criminal offenses in which the national or ethnic affiliation of the injured party is the basis of hatred, for which in most cases a suspended sentence is imposed, and there are also short-term prison sentences, as well as the imposition measures prohibiting approach and communication with the injured party. Then, with regard to the analyzed data on the injured party, the authors come to the conclusion that the representation of men is not as drastically higher as in the case of the perpetrators of criminal acts that were the subject of the analysis, that their age is unknown due to the anonymization of the available data in that part, and that they also most often live in an urban environment.

Finally, based on everything presented in the monograph, the authors give recommendations for improvement and effective implementation of the mechanisms of the fight against hate crimes, proposing continuous monitoring and regular review of quantitative and qualitative data on committed hate crimes, with the aim of improving the legislative framework in the aforementioned area and standardization of legal practice, along with finding new adequate ways of providing protection and support to victims of hate crimes. In addition, as the authors themselves point out, there is no doubt that the most far-reaching consequences are achieved through the application of preventive mecha nisms and actions based on the generally accepted principles of tolerance, non-discrimination and fostering a culture of diversity.

This monograph is an original and useful scientific work that presents the issue of hate crimes in a comprehensive way, considering critically viewed theoretical and normative solutions, numerous examples from international and national legal practice, as well as a detailed examination of the research subject from several different aspects. It was written in understandable and accessible language and is recommended for formal social control authorities whose daily task is to suppress, i.e. detect, prosecute and punish perpetrators of hate crimes, as well as to the professional and scientific public, but also to a wider readership that wants to get better acquainted with the current state of affairs in the subject matter, with the aim of constantly questioning science, society and the state.

Journal of Criminology and Criminal Law, 62(1), 135-138
Book Review

Završnik, A. & Simončič, K. (Eds.) (2021). *Law and Artificial Intelligence: Issues of Ethics, Human Rights and Social Harm*. Translated from English by H. Sijerčić-Čolić. Sarajevo: Dobra knjiga.

Vildana Pleh [a]

The monograph entitled Law and Artificial Intelligence: Issues of Ethics, Human Rights and Social Harm was published in the fall of 2021 by the Institute of Criminology at the Faculty of Law of the University of Ljubljana. Its editors and contributors sought to answer complex questions of the development of artificial intelligence and the legal and ethical framework under which that development takes place, the protection of human rights, the rule of law and democratic processes, and the continuous activities of international organisations in this extremely dynamic field.

The book was translated into the Bosnian language by Hajrija Sijerčić-Čolić, Professor Emerita of the University of Sarajevo. It was published in the spring of 2023 by *Dobra knjiga*.

The monograph includes thirteen chapters organised into five thematic sections under the following headings: Artificial Intelligence Governance; Artificial Intelligence and Law; Artificial Intelligence and Democracy; Artificial Intelligence in Criminal Proceedings; and Artificial Intelligence and Ethics. Sixteen contributors present their discussions based on thorough literature review (which is why this monograph represents a treasure trove of relevant scholarly, professional and research sources and regulations, both international and national), systematically addressing select topics from legal, ethical, philosophical, political, and sociological perspectives.

The first part entitled Artificial Intelligence Governance focuses on artificial intelligence, law and ethics through the following chapters:

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Approaches of the International Community to Regulating Artificial Intelligence (Gregor Strojin) and Artificial Intelligence Governance Systems: An Overview of Regulatory Motives in the Light of Establishing an Efficient Global Governance System (Ana Babnik, Katja Simončič, Aleš Završnik). These articles address international activities on the establishment of a global artificial intelligence governance system. They cover the establishment of the *ad hoc* Committee on Artificial Intelligence (CAHAI; 11 September 2019), whose task is to examine the feasibility and elements of a legal framework for the development, design and application of artificial intelligence, based on standards in the field of human rights, democracy and the rule of law. The development of legal instruments is also discussed at the level of the European Union. In 2020, the European Commission presented a White Paper on Artificial Intelligence, as well as a document entitled "Access to justice – seizing the opportunities of digitalisation". A trustworthy global artificial intelligence governance is also tackled through the draft EU Regulation laying down harmonised rules on artificial intelligence.

The second part entitled Artificial Intelligence and Law includes the following chapters: Face Recognition Technology through the Lens of Human Rights (Lara Dular Javornik, Pika Šraf); Access to Data and Artificial Intelligence: An Example of Computer Vision (Aleš Završnik); and Can Artificial Intelligence be an Author of a Work (Maja Bogataj Jančič). The use of artificial intelligence is crucial in biometric data matching, person identification and facial recognition, and in privacy and personal data protection. Today, facial recognition technologies are being developed not only by technological giants, but also by individual states, for the purpose of, *inter alia*, effective monitoring of individuals. In this regard, the relationship between the right to collect and process image data for the purposes of computer science development and the individual's right to such processed material confirms the view that data has become more important than other social and individual values. This part interestingly addresses the question of how the development of artificial intelligence affects the traditional concept of copyright, given that in midst of rapid technological development, we are not far from the time when artificial intelligence will be generating works of art by itself.

The title of the third part is Artificial Intelligence and Democracy, and it includes the following articles: The Impact of Political Microtargeting on Human Rights and Democratic Processes (Tim Horvat); Informing and Addressing the Electorate through the Lens of Clicktivism and Information Bubbles (Marko Drobnjak, Renata Salecl); and The Impact of Artificial Intelligence on Human Rights and on the Emergence of Social Consequences in Different Areas (Katja Simončič). Therefore, this part is about the impact of technological development on human rights and democratic political

processes, the role of fake news and disinformation, the post-truth when facts cease to have importance for the views of others, and about disinformation and propaganda, especially during elections. The authors also address clicktivism in the formulation and presentation of political views, as well as the impact of artificial intelligence on human rights in various areas of social life.

The fourth part, Artificial Intelligence in Criminal Proceedings, discusses legal guarantees and the use of artificial intelligence in criminal proceedings and criminal justice through the following articles: Legal Guarantees in the Use of Artificial Intelligence in Criminal Proceedings (Jan Čejvanovič); Addressing Petty Crime through Artificial Intelligence Algorithms (Ana Babnik); and Using Machine Learning to Assess the Risk of Recidivism when Deciding on Detention (Katja Piršič, Primož Križnar, Tim Marinšek). Regardless of the development of artificial intelligence in some legal proceedings, its use is questioned when deciding on criminal liability. That is why these articles indicate some forms of its application in criminal justice, for example, using artificial intelligence tools in determining the likelihood of repeating criminal offenses as a reason for detaining the accused or when handling petty crime. Due to the complexity of the topic, the authors turn to European Union standards for trustworthy artificial intelligence, starting from the principles of transparency and protection of procedural guarantees in criminal proceedings.

The fifth part, Artificial Intelligence and Ethics, analyses the ethical dilemmas of programming autonomous vehicles and their actions in accidents, as well as the issues of sacrifice and principled ethical guidelines for autonomous vehicles (Who to Sacrifice? Ethical Dilemmas of Programming Autonomous Vehicles in Accidents where Avoiding Human Loss is Impossible, Matjaž Jager). Research also speaks of the exploitation of human work, natural resources and data in the intensive development of new technologies (Human, Pre-Human: A Discriminatory Machine, Kristina Čufar).

In conclusion of this review, we would like to emphasise that the contributors present sociological and psychological, as well as philosophical and historical assessments of various legal, ethical and social issues, and they study new technologies on an institutional, collective and individual level. By doing so, they approach the selected topics in scientific, multidisciplinary and empirical manner, making this monograph a rich source of knowledge about modern technologies and their development, artificial intelligence in many segments of human and social life, national and international legal order, ethics and morality. At the same time, as emphasised in the editors' introduction, research chapters and reviews, this topic is one of the most current topics from the perspective of information technologies, the

intertwining of law and artificial intelligence systems, and social sciences in general.

The Bosnia and Herzegovina edition follows the above, filling the gap of this topic not yet being comprehensively analysed. Therefore, this review reiterates that the translation of the monograph required very dedicated and studious work, continuous learning about artificial intelligence, algorithms, machine learning, computer science, data mining, ethics, law, procedural guarantees in criminal justice, social harm, etc. In terms of language, the translation is adapted to the languages of our region, as is confirmed by the numerous terms and notions the readers will find on its pages. In other words, the Slovenian language with its specific forms and rules was not the only challenge for the translator – an additional challenge were the new terms introduced into the original edition of the monograph, which is why the translation of this book required an extensive study and additional efforts to translate the terms originally created and shaped in the English language into the languages of this region. Looking at this translation in that light, several people rightly argued in relation to the Bosnia and Herzegovina edition that the translation of the monograph will serve many who will in their future activities deal with artificial intelligence and law, issues of social harm and ethics, and human rights and complex relationships brought about by the unstoppable development of new technologies.

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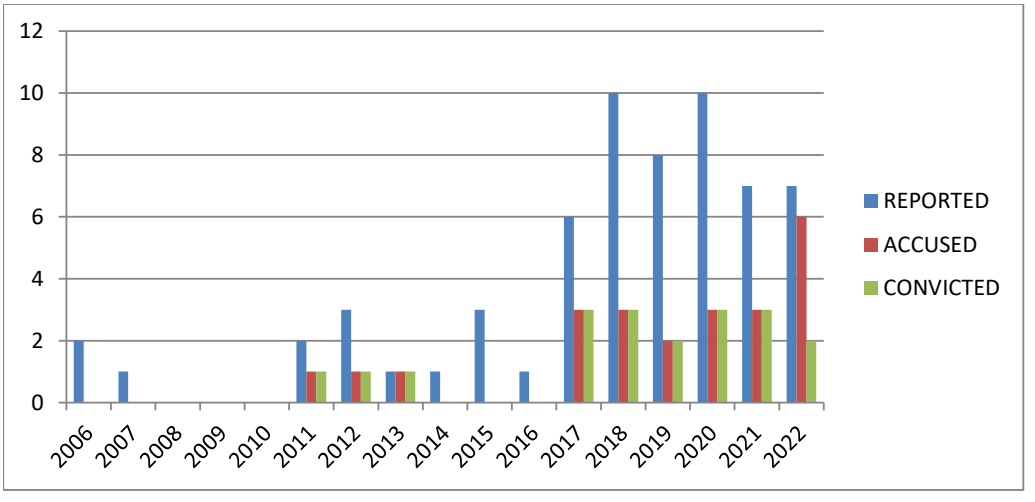
Table 3

Differences in tattooing status

	Odds Ratio for a tattoo (Yes/No)	**95% Confidence Interval**		***p***
		Lower	**Upper**	
Country of birth (Greece vs abroad)	2.243	0.813	6.192	0.11
Having children (Yes vs No)	0.773	0.328	1.821	0.555
Having a child <18 years (Yes vs No)	2.429	1.104	5.343	***0.025***
Conviction for a violent crime (Yes vs No)	2.748	0.624	12.112	0.166
History of drug-addiction (Yes vs No)	4.505	1.507	13.464	***0.004***
Alcoholism (Yes vs No)	1.050	1.013	1.089	0.194
Smoking (Yes vs No)	7.533	2.509	22.611	***<0.001***
Psychiatric medication (Yes vs No)	2.036	0.720	5.757	0.173
History of attempted suicide (Yes vs No)	1.455	0.147	14.429	0.748

Figure 1

The ratio of the number of reported, accused, and convicted for a criminal offense under Article 266 of the Criminal Code in the period 2006-2022.



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Some authors have the same surname and works published in the same year, if this is the case use their initial to distinguish between them, e.g. When looking at the average income it was found that...(Stevanović, I. 2009). However, it was also discovered that...(Stevanović, Z., 2009).

In some instances you may need to cite more than one piece of work for an idea. If this occurs, you should separate the references with a semicolon and cite them in chronological order, e.g. This point has been shown by numerous authors...(Jones, 2014; Smith, 2017).

When citing in-text, include the name of up to three authors. If there are four or more authors for the work you are citing then use the name of the first author followed by "*et al*.", e.g. This was shown to be the case when Taylor et al. (2015)...Or, the study shows...(Taylor et al., 2015).

For items where the author is a corporation/organization, cite the name of the organization in full, e.g. World Health Organization...(2016), unless their abbreviation is well–known, e.g. The governance of the network...(BBC, 2017).

If a work is designated as Anonymous or there is no author, use the title in italics in place of the Author, e.g. (*Law on Criminal Proceedings*, 2008).

If no date can be found, then you would state that there is no date.

If you are directly quoting from a source, then you should include the page number in your citation. A short quotation (under two lines) should be within the body of the text and in quotation marks. If the quote is more than two lines, then it should be presented as a new paragraph which is preceded by a colon and indented from the rest of the text. You do not need to use quotation mark.

If you are omitting materials from an original source, use three dots [...] to indicate this.

When citing a secondary source state the reference you used first followed by 'cited in' and the original author:

Smith 2000 (cited in Mitchell, 2017, p. 189) or (Smith, 2000, cited in Mitchell, 2017, p. 189)

Example: (Nikolić-Ristanović, 2011, cited in Ćopić, 2020, p. 120).

Rules for citing references in the reference list

All references cited in the paper should be written in Latin alphabet, following Harvard Citation Style, at the end of the paper, in the Literature section. Use the following setting: *Paragraph – Indentation – Hanging*.

Bibliographic entries are listed in alphabetical order according to the last name of the first author. In the case of multiple works with the same last name of the first author, references are listed alphabetically by the first name or initials. If there are multiple bibliographic entries by the same author, the criterion is the publication year, listed in chronological order, from earlier publications to more recent ones, following the rule: (a) bibliographic entries with no date/"n.d.", (b) dated bibliographic entries, and (c) bibliographic entries "in press". In the case of co-authored works with the same first author, the co-authored works should be listed after the single author works, according to the last name of the next author. If there are two or three authors use "and" between the names rather than "&". If a bibliographic entry has no author, the name of the institution or the title of the work takes the first position. Prefixes such as certain or indefinite articles (e.g., a, the) are not considered when determining the order.
For references with four or more authors, include only the first author followed by *et al.* written in italics.
If a DOI number is available for reference, it should be provided in link format. Example: https://doi.org/10.47152/rkkp.58.3.1
The list of references must not contain units which are not quoted in the paper and must contain all the units which are quotes including laws, reports and web pages (web pages should be under the section Online Sources within bibliography).

Books

Books with a single author
Author Surname, INITIAL(S). (Year) Title. Edition (if not first edition). Place of publication: Publisher.
Example: Milutinović, M. (1977) *Penology*. Belgrade: Savremena administracija.

Books with two or three authors
Author Surname, INITIAL(S)., Author Surname, INITIAL(S). and Author Surname, INITIAL(S). (Year) *Title*. Edition (if not first edition). Place of publication: Publisher.
Example: Pavićević, O., Bulatović, A., and Ilijić, Lj. (2019) *Otpornost – asimetrija makro diskursa i mikro procesa*. Beograd: Institut za kriminološka i sociološka istraživanja.
Books with four and more authors
First Author Surname, INITIAL(S). *et al.* (Year) *Title*. Edition (if not first edition). Place of publication: Publisher.
Example: Carrington, K. *et al.* (2018) *Southern Criminology.* London: Routledge.

Chapter in edited publications

Chapter Author Surname, INITIAL(S). (Year) 'Title of chapter', in Editor(s) Surname, Editor(s) Initial. (ed. or eds.) *Title of book*. Edition (if not first). Place of publication: Publisher, Page numbers.
Example: Blagojević, M. (2013) `Transnationalization and its Absence: The Balkan Semiperipheral Perspective on Masculinities`, in: Hearn, J., Blagojević, M. and Harrison, K. (eds.) *Transnational Men: Beyond, Between and Within the Nations.* New York: Routledge, 261-295.

Journal articles

Author of article Surname, INITIAL(S). (Year) 'Title of article', *Title of Journal*, Volume(Issue), Page range (if available). doi:
Example: Wright, R. F. (2017) `Reinventing American prosecution systems`. *Crime and Justice, 46*(1), 395-439. https://doi.org/10.1086/688463

Conference papers

Author(s) of paper Surname, INITIAL(S). (Year) 'Paper title', *Conference title.* Place of conference, Date of conference. Place of publication: Publisher, Page numbers.
Example: Batrićević, A. Paraušić, A., Kubiček A (2020) `Prison Based Educational Programs as a Means to Promote Ex-Prisoners` Right to Labour`,

International Scientific Conference "Towards a Better Future: Human rights, Organized crime and Digital society", Conference Proceedings, Volume II, International scientific conference, Bitola, 03 October, 2020. Bitola: "St. Kliment Ohridski" University, Faculty of Law Kicevo, 140 – 154.

Dissertation

Author Surname, INITIAL(S). (Year) *Title*. Award and Type of qualification. Awarding body.

Example: Durr, M. (2023) *Urbanising the Security-Development Nexus: A Revisited Perspective on Segregation Governance in Miskolc, Hungary.* Doctoral dissertation. Durham University.

Laws and other legal documents

Title of the act (Year) Source of publication.

Example: Law on Criminal Proceedings, Official Gazette RS, No.58/04.

Web page

Web page with individual author

Author Surname, INITIAL(S) (Year site was published/last updated) *Title of web page*. Available at: URL (Accessed: date).

Example: Rosen, M. (2021) *Michael Rosen Biography*. Available at: https://www.michaelrosen.co.uk/for-adults-biography/ (Accessed: 26 April 2021).

Web page with a group or organisation as author

Group or Corporate author (Year site was published/last updated) *Title of web page*. Available at: URL (Accessed: date).

Example: UNICEF. (2020) *COVID-19: Considerations for Children and Adults with Disabilities*. Available at: https://www.unicef.org/media/125956/file/COVID-19-response-considerations-for-people-with-disabilities-190320.pdf (Accessed: 24 May 24, 2024)

Web page with no author

Title of web page (Year site was published/last updated). Available at: URL (Accessed: date).

Example: Law on Execution of Criminal Sanctions, RS Official Gazette, No. 55/2014 & 35/2019 (2020). Available at: https://www.mpravde.gov.rs/files/LAW_ON_EXECUTION_OF_CRIMINAL_SANCTIONS.pdf (Accessed: 13 July 2023).

UPUTSTVA ZA AUTORE

O časopisu

Revija za kriminologiju i krivično pravo je naučni časopis sa tradicijom dugom 60 godina, čiji su suizdavači Institut za kriminološka i sociološka istraživanja i Srpsko udruženje za krivičnopravnu teoriju i praksu. Prema kategorizaciji časopisa Ministarstva nauke, tehnološkog razvoja i inovacija Revija je kategorisana kao M51 (Vrhunski časopis nacionalnog značaja) i objavljuje članke iz oblasti krivičnog prava, kriminologije, penologije, viktimologije, maloletničke delinkvencije i drugih nauka koje proučavaju etiologiju, fenomenologiju, prevenciju i suzbijanje kriminaliteta. Osim toga časopis je indeksiran u sledećim indeksnim bazama: ERIHPLUS, Dimensions, HeinOnline, kao i Cross Ref.

Revija za kriminologiju i krivično pravo objavljuje originalne naučne radove, pregledne radove i prikaze knjiga.

Radovi ne smeju biti ranije objavljivani ili da se ne razmatra njihovo objavljivanje na drugom mestu.

Radovi koji su prihvaćeni za objavljivanje se objavljuju po redosledu koje odrede urednici.

Revija za kriminologiju i krivično pravo je časopis koji se izdaje u režimu otvorenog pristupa. Sav sadržaj časopisa je dostupan besplatno. Korisnici mogu da čitaju, preuzimaju, kopiraju, distribuiraju, štampaju i pretražuju tekst članaka u celosti, kao i da uspostavljaju HTML linkove ka njima, bez obaveze da za to traže saglasnost autora ili izdavača. Postupak prijavljivanja rukopisa, recenzije, obrada i objavljivanje rada su besplatni.

Podnošenje radova

Svi radovi se podnose preko onlajn platforme na adresi: https://rkkp.org.rs/ . Ukoliko se prvi put prilaže rad u časopisu Revija za kriminologiju i krivično pravo, neophodno je da autor prethodno otvori korisnički nalog, izborom opcije “registracija”. Tom prilikom popunjava dati obrazac sa osnovnim podacima o sebi i svojoj stručnosti. Svaki sledeći put kada autor pristupi ovoj opciji, prijavljuje se koristeći korisničko ime i kreiranu lozinku. Nakon toga, autor može da započne procedure prijave rada izborom opcije “novi rukopis”.

Na njegovom profilu, u rubrici "moji rukopisi", autor može da prati status rukopisa koje je predao za časopis, od dana prijema, recenzije, ispravki i konačne odluke o prihvatanju/odbijanju rada.

Recenziranje

Svaki prijavljeni rad podleže postupku provere usklađenosti sa tehničkim uputstvima za autore i dvostrukoj anonimnoj recenziji. Pre nego rad bude upućen recenzentima, uredništvo procenjuje da li je rad podoban za objavljivanje u časopisu imajući u vidu njegovu formu i tematsku oblast.

Cilj recenziranja jeste da uredništvu olakša donošenje odluke o tome da li pristigli rad treba prihvatiti za objavljivanje ili odbiti, ili da se kvalitet rada, kroz eventualne korekcije koje predlože recenzenti, unapredi. Recenzenti se biraju isključivo prema oblasti svoje ekspertize, odnosno da li raspolažu relevantnim znanjem za ocenu rada. Kako bi se prevenirao sukob interesa, recenzent i autor/i ne smeju dolaziti iz iste institucije.

Recenzente određuju urednici, bilo individualno ili na osnovu preporuka od strane članova redakcije. Recenzenti dobijaju obrazac za recenziju zajedno sa rukopisom za evaluaciju. Kompletna procedura, od prijave do prihvatanja/odbijanja rukopisa, može se pratiti na sajtu časopisa Revija za kriminologiju i krivično pravo.

Priprema rukopisa

Dužina rada

Originalni naučni radovi i pregledni radovi treba da budu obima do 36.000 karaktera (sa razmacima), bez naslova apstrakta, ključnih reči, liste referenci, tabela, grafikona i zahvalnicu. Uredništvo može odobriti objavljivanje dužih članaka kada naučni sadržaj to zahteva.

Prepiska, naučne kritike, debate ili prikazi treba da budu obima do 10.000 karaktera (sa razmacima), isključujući listu referenci, tabela, grafikona i priznanja.

Format rada

Autori treba da koriste latinično pismo u *Microsoft Word*-u, stranice veličine A4, sa marginama 2,54, fontom *Times New Roman*, proredom 1,5 i veličinom slova 12.

Naslov rada se piše početnim velikim slovom, podebljanim i centriranim, veličinom fonta 14. Naslovi prvog nivoa (naslovi odeljaka) pišu se početnim velikim

slovom, podebljano, centrirano i veličinom fonta 12. Naslovi drugog nivoa pišu se početnim velikim slovom, kurzivom, centrirano i fontom 12. Naslovi trećeg nivoa se pišu početnim velikim slovom, centrirano i fontom 12. Naslovi treba da budu numerisani

Naslov rada (Times New Roman, 14, Bold)

Naslov poglavlja (Times New Roman, 12, Bold)

Podnaslov 1 (Times New Roman, 12, Italic)

Podnaslov 2 (Times New Roman, 12, Regular)

Jezik

Rukopis mora biti pisan jasno i u skladu sa gramatičkim pravilima. Rukopisi sa brojnim pravopisnim i gramatičkim greškama neće biti prihvaćeni. Uredništvo zadržava pravo lektorisanja i korekcije radova pre objavljivanja.

Naslovna strana

Prva stranica treba da sadrži: naslov rada, podatke o autoru/ima, apstrakt i 4-5 ključnih reči.

Naslov

Naslov rada treba da bude sažet i informativan, relevantan za temu rada i da sadrži reči pogodne za pretraživanje i indeksiranje. Ukoliko je rad napisan na srpskom jeziku, potrebno je obezbediti prevod na engleski.

Zahvalnica/Finansiranje

Za finansijsku podršku, tehničku pomoć, savete i druge forme priznanja i finansiranja, otvoriti zvezdicu na kraju naslova.

Apstrakt

Potrebno je dostaviti sažetak do 250 reči. Ako je rad napisan na srpskom jeziku, treba priložiti prevod na engleski na kraju rada. Apstrakt ne treba da sadrži reference. Apstrakt za originalne istraživačke radove treba da sadrži jasno navedenu temu, ciljeve istraživanja, istraživačka pitanja/hipotezu, rezultate i diskusiju. Za ostale vrste radova preporučuje se nestrukturirani apstrakt, osim za prikaze knjiga za koje nije potreban sažetak.

Ključne reči

Sa apstraktom su potrebne tri do osam ključnih reči. Ako je rad napisan na srpskom jeziku, treba priložiti prevod na engleski na kraju rada. Ključne reči treba da budu relevantne za temu rada, pogodne za pretraživanje i indeksiranje. Ključne reči su navedene ispod sažetka i odvojene su zarezom.

KLjUČNE REČI: jedna, dve, tri

Skraćenice

Za svaku skraćenicu koja se koristi u rukopisu, puno ime treba navesti pri prvom pomenu. Opšta uredba o zaštiti podataka (GDPR), Zakonik o krivičnom postupku (ZKP), Evropska unija (EU), Evropski sud za ljudska prava (ECtHR), Organizacija za evropsku bezbednost i saradnju (OEBS).

Standardne skraćenice ne treba definisati (npr. i sl.)

Tabele, grafikoni i slike

Tabele i grafikoni treba da budu kreirani u *Word* formatu ili formatu kompatibilnom sa *Word* formatom i označeni arapskim brojevima redosledom kojim se pojavljuju u tekstu, zajedno sa jasnim naslovom koji ih opisuje. Tabele, slike i grafikoni treba da budu razumljivi bez pozivanja na tekst. U tekstu ih pozovite na sledeći način: „u tabeli 1“ i „na slici 1“. Objašnjenje, uključujući skraćenice i zvezdice koje označavaju značaj, treba staviti ispod tabele, grafikona ili slike.

Broj i oznaka tabele, grafikona ili slike treba da budu napisani iznad njih podebljanim slovima, poravnati sa leve strane. Naslov tabele, grafikona ili slike treba da bude napisan ispod broja i oznake, sa početnim velikim slovom, kurzivom i poravnati sa leve strane.

Tabele ne bi trebalo da sadrže vertikalne linije. Horizontalne linije treba koristiti na vrhu i dnu tabele i da odvoje zaglavlje od ostalih redova. Svi tekstualni unosi treba da počinju velikim slovom. Naslovi u zaglavlju i svi unosi treba da budu centrirani, osim unosa u krajnjoj levoj koloni, koja treba da bude poravnata levo bez tačke na kraju.

Grafikoni i slike treba da budu čitljive u smislu veličine i rezolucije. Simboli koji objašnjavaju legendu treba da budu postavljeni unutar granica grafikona ili slike.

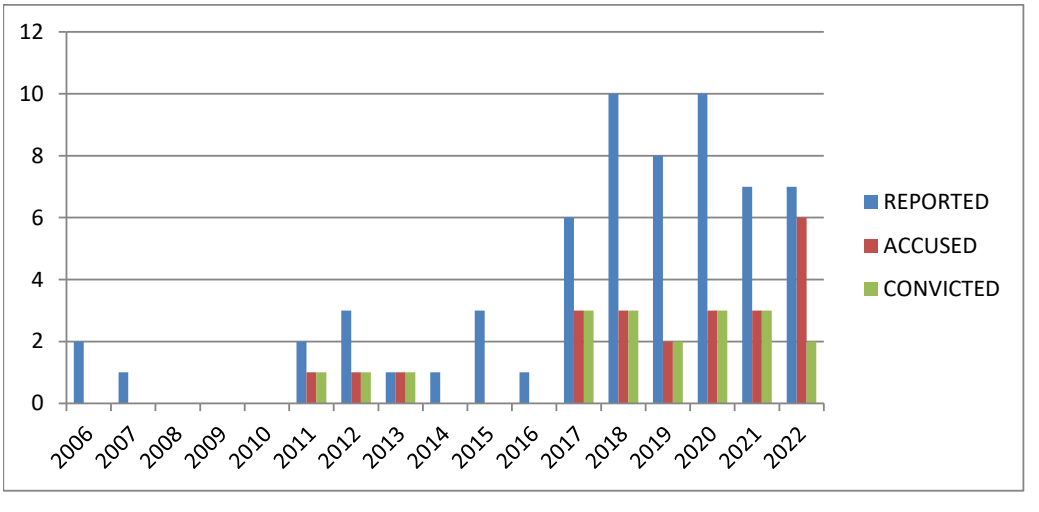
Tabela 3

Razlike u statusu tetoviranja

	Odnos šanse za tetovažu (Da/Ne)	95% Interval poverenja		*p*
		Donji	Gornji	
Zemlja rođenja (Grčka ili inostranstvo)	2.243	0.813	6.192	0.11
Ima decu (Da/Ne)	0.773	0.328	1.821	0.555
Ima dete<18 godina (Da/Ne)	2.429	1.104	5.343	***0.025***
Osuda za nasilni zločin (Da/Ne)	2.748	0.624	12.112	0.166
Istorija zavisnosti od droga (Da/Ne)	4.505	1.507	13.464	***0.004***
Alkoholizam (Da/Ne)	1.050	1.013	1.089	0.194
Pušenje (Da/Ne)	7.533	2.509	22.611	***<0.001***
Psihijatrijski lekovi (Da/Ne)	2.036	0.720	5.757	0.173
Istorija pokušaja samoubistva (Da/Ne)	1.455	0.147	14.429	0.748

Slika 1

Odnos broja prijavljenih, optuženih i osuđenih za krivično delo iz člana 266. Krivičnog zakonika u periodu 2006-2022.



Fusnote

Fusnote se mogu koristiti izuzetno, radi pružanja dodatnih informacija.

Pravila citiranja u tekstu

Prilikom citiranja izvora korišćenih u tekstu članka i navođenja referenci koristiti aktuelnu verziju harvardskog sistema citiranja.

Harvardski sistem citiranja je metoda autora/datuma. Izvori se citiraju u tekstu navođenjem imena autora i datuma objavljivanja. Svi ostali detalji o publikaciji se daju u spisku referenci ili bibliografiji na kraju.

Citati koji se koriste uz direktne citate ili se odnose na određeni deo izvora, treba da sadrži broj stranice u vašem citatu.

Primer: (Stevanović, 2009, str. 152) ili Stevanović (2009, str. 152).

Ukoliko se u tekstu navodi ime autora, godina sledi u okruglim zagradama, npr. Prema Stevanović (2009). Ako se ime autora(a) ne pojavljuje u telu teksta, onda ime i datum treba da slede u okruglim zagradama, npr.: Terminologija je dovedena u pitanje kada je otkrivena...(Stevanović, 2009)

Skraćenice *ibid.* i *idem.* se ne koriste.

Ukoliko se citira više radova jednog autora objavljenih iste godine, radovima se dodeljuje slovo (a, b, c, itd. .) posle godine. Ova alokacija se vrši u spisku referenci tako da se vrši abecednim redom prema prezimenu autora i naslovu izvora:
Primer: (Batrićević, 2023a, str. 189) ili Batrićević (2023b, str. 189)

Ukoliko pojedini autori imaju isto prezime i radove objavljene iste godine, potrebno je navesti i prvo slovo njihovih imena, npr. Gledajući prosečna primanja, pokazalo se da... (Stevanović, I. 2009). Međutim, takođe je otkriveno da...(Stevanović, Z., 2009).
Kada je potrebno citirati više od jednog izvora, potrebno ih je odvojiti tačkom i zarezom, i citirati ih hronološkim redom, npr. Ovu tačku su pokazali brojni autori...(Jones, 2014; Smith, 2017).

Kada se citira u tekstu, navodi se ime do tri autora. Ukoliko postoje četiri ili više autora za izvor koje se citira, onda se navodi ime prvog autora praćeno sa „et al“, npr. Pokazalo se da je to slučaj kada Tailor et al. (2015)...Ili, studija pokazuje...(Tailor et al., 2015).

Za izvore u kojima je autor organizacija, navedite naziv organizacije u potpunosti, npr. Svetska zdravstvena organizacija...(2016), osim ako je

njihova skraćenica dobro poznata.
Ukoliko je autor anoniman, odnosno nema autora, koristite naslov u kurzivu umesto autora, npr. (*Zakon o krivičnom postupku*, 2008)
Ukoliko godina odnosno datum ne može utvrditi, onda se navodi "bez datuma", ili "b.d".

Ukoliko je reč o doslovnom citiranju iz izvora, neophodno je navesti broj stranice. Kratak citat (ispod dva reda) treba da bude unutar teksta i pod navodnicima. Kratak citat (koji ima ispod dva reda), navesti u okviru teksta sa znacima navoda. Ukoliko citat ima više od dva reda, predstaviti ga u novom pasusu kojem prethodi dvotačka i koji je uvučen od ostatka teksta. U ovom slučaju nisu potrebni navodnici.

Ukoliko se izostavljaju delove iz izvora koji se doslovno citira, na tom mestu koristite tri tačke [...].

Kada citirate sekundarni izvor, navedite prvo originalni izvor koji se koristio, a zatim 'prema' i autor gde je nađen citat: Smith 2000 (prema Mitchell, 2017, p. 189) ili (Smith, 2000, prema Mitchell, 2017, p. 189)
Primer: (Nikolić-Ristanović, 2011, prema Ćopić, 2020, str. 120).

Citiranje u listi referenci

Svi izvori citirani u radu treba da budu napisani latiničnim pismom, u skladu sa harvardskim sistemom citiranja, na kraju rada, u odeljku Literatura. Koristite sledeće podešavanje: *Paragraph – Indentation – Hanging*.
Reference se unose abecednim redom prema prezimenu prvog autora. U slučaju više radova sa istim prezimenom prvog autora, reference se navode abecednim redom po imenu ili inicijalima. Ukoliko postoji više izvora istog autora, kriterijum je godina izdanja, hronološkim redosledom, od ranijih publikacija do novijih, po pravilu: (a) izvori bez datuma „b. d.", (b) izvori sa datumom i (c) bibliografski unosi „u štampi". U slučaju koautorskih radova sa istim prvim autorom, koautorski izvori se navode iza izvora sa jednim autorom, prema prezimenu sledećeg autora. Ako postoje dva ili tri autora, koristite „i" između imena umesto „&;". Ukoliko izvor nema autora, prvo mesto zauzima naziv ustanove ili naziv dela. Prefiksi kao što su određeni ili neodređeni članovi (npr. a, the) se ne uzimaju u obzir pri određivanju redosleda.
Za reference sa četiri ili više autora, navodi se ime prvog autora praćenog *et al*., napisano kurzivom.

Ako je DOI broj dostupan za referencu, treba ga navesti u formi linka.
Primer : https://doi.org/10.47152/rkkp.58.3.1
&#10
Lista referenci ne sme da sadrži izvore koje nisu citirani u radu i mora da sadrži sve izvore koji su citirani, uključujući zakone, izveštaje i veb stranice (veb stranice treba da budu u odeljku Internet izvori u okviru Literature).

Knjige

Knjige sa jednim autorom

Prezime autora, INICIJAL. (godina) *Naslov.* Izdanje (ukoliko nije reč o prvom izdanju). Mesto: Izdavač.
Primer: Milutinović, M. (1977) *Penologija.* Beograd: Savremena administracija.

Knjige sa dva ili tri autora

Prezime autora, INICIJAL., Prezime autora, INICIJAL. i Prezime autora, INICIJAL. (godina) *Naslov*. Izdanje (ukoliko nije reč o prvom izdanju). Mesto: Izdavač.

Primer: Pavićević, O., Bulatović, A., i Ilijić, Lj. (2019) Otpornost –asimetrija makro diskursa i mikro procesa. Beograd: Institut za kriminološka i sociološka istraživanja.

Knjige sa četiri i više autora

Prezime prvog autora, INICIJAL. *et al.* (godina) *Naslov.* Izdanje (ukoliko nije reč o prvom izdanju). Mesto: Izdavač.

Primer: Carrington, K. *et al.* (2018) *Southern Criminology.* London: Routledge.

Poglavlje u knjizi

Prezime autora poglavlja, INICIJAL. (godina) 'Naslov poglavlja', u: Prezime urednika, INICIJAL urednika (ur. ili urs.) *Naslov knjige*. Izdanje (ukoliko nije reč o prvom izdanju). Mesto: Izdavač, brojevi stranica.

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